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Attorneys for Plaintiffs PRISCILLA AGUILAR, JULIAN HARO, JUAN MADERA, and
RICHARD NUNEZ on behalf of themselves and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

PRISCILLA AGUILAR, JULIAN HARO,
JUAN MADERA, and RICHARD NUNEZ,
on behalf of themselves and all others
similarly situated,

Plaintiff,

v.

OWENS-BROCKWAY GLASS
CONTAINER, INC., a Delaware Corporation;
and DOES 1-50, inclusive,

Defendants.

Case No. 21STCV33017

Assigned for All Purposes to:
Hon. Yvette M. Palazuelos

**DECLARATION OF RICHARD NUNEZ
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
CLASS AND PAGA ACTION
SETTLEMENT AND AWARD OF
ATTORNEYS' FEES, COSTS, AND
CLASS REPRESENTATIVE SERVICE
AWARD**

Hearing Information

Date: September 12, 2024
Time: 10:00 a.m.
Dept.: 9

Complaint Filed: September 8, 2021
Trial Date: None Set

1 I, Richard Nunez, declare:

2 1. I am over 18 years of age and a resident of California. I am one of the plaintiffs in the
3 case of *Priscilla Aguilar, et al. v. Owens-Brockway Glass Container, Inc.*, Los Angeles Superior Court
4 Case No. 21STCV33017. If called upon to testify, I could and would competently testify thereto.

5 2. I am currently employed as a Maintenance Mechanic by Defendant Owens-Brockway
6 Glass Container, Inc. ("Defendant" or "O-I Glass"). I have been employed with O-I Glass since January
7 2014.

8 3. I decided to seek legal advice about my work experience at O-I Glass and about filing a
9 lawsuit to redress my grievances. I was referred to James Hawkins APLC and spoke with attorneys
10 there. Along with seeking advice about my individual claims, I wanted to take steps to make sure that
11 other employees who worked for O-I Glass could receive compensation who were subjected to the same
12 Labor Code violations that I was while also working for O-I Glass.

13 4. My complaints included that O-I Glass failed to provide meal and rest periods by
14 prioritizing production quotas over breaks and not recording meal period times until approximately
15 January 2021, failed to pay me wages for all hours worked including donning and doffing my personal
16 protective equipment and rounding my time to my scheduled start time as opposing to my actual start
17 time, and failed to reimburse me for tools I purchased to perform my job duties.

18 5. Prior to filing the action, my attorneys and their staff and I had multiple conferences
19 about the factual bases for the claims that I wanted to pursue against Defendant. During those
20 conferences, my attorneys provided me with an overview of how those claims would be litigated and
21 generally educated me about the nature of complex/representative litigation and my role as the
22 representative Plaintiff. After meeting with my attorneys about these issues, I decided to proceed with a
23 class and representative action against Defendant. When I agreed to represent the class, I understood it
24 was my duty to be readily available and to participate actively in the case. I knew that I needed to keep
25 aware of the status and progress of the lawsuit.

26 6. I understood the risks I could face due to my involvement as *the* named plaintiff. I was
27 advised I could be responsible for the payment of Defendant's court-awarded litigation costs and
28 potentially attorneys' fees if I did not prevail in the litigation. Therefore, I realized that I was taking a

1 significant amount of risk in filing the class action lawsuit.

2 7. Moreover, as a current employee, I understood that I could face retaliation by Defendant
3 for reporting the Labor Code violations and filing a class action lawsuit.

4 8. Even though I knew I was taking risks, I knew I had to do what I believed was right and
5 pursue claims on behalf of other employees to vindicate our rights and attempt to recover the wages
6 owed to us.

7 9. Since becoming involved in this case, I have spent approximately 90 hours
8 communicating and meeting with my attorneys concerning the case and fulfilling my responsibilities
9 as the Class Representative, which included searching for documents and answering questions from
10 my attorneys, explaining O-I Glass's policies and procedures, providing information about potential
11 witnesses, and reviewing the complaint, participating in mediation and settlement discussions,
12 reviewing and discussing the settlement agreement with my attorneys, and providing declarations in
13 support of the settlement. Throughout the case, I was available to speak with my attorneys whenever
14 they needed me, and I responded right away with the information they requested. I also routinely
15 checked in with my attorneys and their staff, making sure to keep up to date on the status of the case.

16 10. I am informed that, if approved, 1,104 current and former employees of O-I Glass will
17 participate in the Settlement and receive payments they may not otherwise have recovered but for this
18 case. I am further informed that, in response to the Class Notice, only two Class Members requested to
19 be excluded from the Settlement and no Class Member submitted a written objection to the Settlement.

20 11. I am informed that the average gross payment to Class Members is estimated to be
21 \$1,813.68 and the highest gross payment is estimated to be \$3,807.68. In addition, Participating Class
22 Members who are also PAGA Members will receive an additional \$67.81 on average for their share of
23 the PAGA Payment.

24 12. To date, I have not received any benefits from the action. I understand that, if the Court
25 grants final approval of the settlement, my estimated individual settlement payment is \$3,363.25, in
26 addition at any Incentive Payment approved by the Court.

27 13. I understand the Settlement also includes a proposed Incentive Payment to me in the
28 amount of \$15,000, and the same amount to the other Plaintiffs. I understand that the Court has discretion

1 about the proposed Incentive Payment, meaning the Court gets to decide either way on whether to award
2 the proposed Incentive Payment. I personally think a \$15,000 Incentive Payment is fair compensation
3 for the time and risks I have taken to help the Class Members and State of California.

4 14. I believe this amount is reasonable considering the amount of work and time I spent with
5 my attorneys to achieve this excellent settlement for more than two years. The time and service I
6 provided to the Class resulted in the parties agreeing to settle the case and in a positive outcome to the
7 entire Class, who will receive a share of the settlement funds in this case.

8 15. I also think the Incentive Payment is fair to help compensate for the reputational
9 risk I have taken in being a class and state representative. Any future employer performing a
10 background or social media check will easily find *my name* as a plaintiff in this case and they may be
11 wary of hiring someone they think is litigious. I understood the risks involved in being a plaintiff in
12 this case, including the stigma attached to being associated with an employment class and
13 representative action, the potential of losing the case and being responsible for expenses, and that such
14 complex cases can drag out for years.

15 16. Moreover, as a term of the settlement, I have agreed to give a broad release of all claims
16 that I had or might have against Defendant arising from my employment relationship. No other Class
17 Member, except for the other Class Representatives, is required to give such a release.

18 17. Except for this action, I have not been named as a class representative in any other case,
19 pending or closed.

20 18. As the appointed Class Representative, I remain committed to this case and will continue to
21 participate as needed in final approval and the settlement administration process.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
23 and correct. Executed on June 18, 2024 in Realto, California.

24
25 
Richard Nunez