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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

MARIA COCA OSPINA, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

PRECISE INDUSTRIES, INC., a corporation,
and DOES 1 through 10, inclusive,

Defendants.

Case No.: 30-2021-01228457-CU-OE-CXC

**CLASS AND REPRESENTATIVE
ACTION COMPLAINT**

*[[Assigned for all purposes to Judge William
Claster, Dept. CX-101]]*

**DECLARATION OF MARIA COCA
OSPINA IN SUPPORT OF PLAINTIFF'S
MOTION TO APPROVE PAGA
SETTLEMENT**

*[Filed concurrently with: Plaintiff's Notice of
Motion and Motion to Approve PAGA
Settlement; Memorandum of Points and
Authorities; Declaration of Justin F. Marquez;
Request for Judicial Notice; and [Proposed]
Order]*

Date: February 9, 2024
Time: 9:00 a.m.
Dept: CX-101

Complaint filed: October 26, 2021
FAC filed: February 9, 2022
Trial date: Not Set

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1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. All the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

3. I am a former employee of Precise Industries, Inc. (“Precise Industries”). I worked at Precise Industries from approximately May 2021 to approximately July 2021 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of Precise Industries’ policies and practices that have been alleged as unlawful in the Class Action Complaint (“Complaint”) and Private Attorneys General Act (“PAGA”) Notice sent to Precise Industries and the Labor & Workforce Development Agency (“LWDA”).

5. My attorneys explained to me the risks and benefits of bringing forward a class action matter. I understood the risks, both professionally and financially, associated with pursuing

1 a class action case and acting as the Class Representative. I further understood that pursuing the
2 case as a class action, rather than individually, meant that it would take substantially longer as a
3 result of the multi-step approval process as mandated by the California Courts. Although I was
4 made aware that there was a possibility that I could receive nothing at the end, I believed that it
5 was important to ensure that Precise Industries followed the law with respect to all its hourly-paid,
6 non-exempt employees. Additionally, I understood that it was my responsibility to act in the best
7 interests of the Class and not just myself. In that respect, I understood my duties and
8 responsibilities to the proposed Class and carried out and will continue to carry out those duties as
9 necessary.

10 6. Throughout the course of the litigation, I maintained constant communication with
11 my attorneys and discussed pertinent matters relevant to the lawsuit. I asked questions when I
12 wanted to know what was being done to advance the interests of the Class or simply wanted an
13 update regarding the case. I understood that a recovery would not only benefit me but would
14 benefit my fellow coworkers as well. At all times, I made myself available to answer any questions
15 that my attorneys had about my employment.

16 7. This was especially true leading up to and during the mediation that took place on
17 February 3, 2023. In preparation for the mediation, I had extensive conversations with my
18 attorneys regarding the nuanced issues that we were going to advance during the negotiation
19 process with the mediator. During the mediation session, I was available to speak with my
20 attorneys, answer any questions that arose, and provide any additional documentation that was
21 necessary to assist the settlement discussions.

22 8. On or about November 30, 2023, I signed the PAGA Settlement Agreement
23 (“Settlement Agreement”) after discussing it with my attorneys. My attorneys answered all the
24 questions I had regarding the Settlement Agreement. I believe the settlement terms and allocations
25 are fair, adequate, and reasonable given the strength of the class claims and Precise Industries’
26 defenses.

27 9. I estimate that I spent approximately 30 hours searching for and collecting
28 documents related to my employment, speaking with my attorneys throughout the litigation,

1 helping my attorneys prepare for mediation, discussing the particulars and reasonableness of the
2 settlement, and reviewing/signing documents related to the settlement.

3 10. I believe the settlement is a good settlement and I would recommend that the
4 Court approve it because I believe that this settlement is fair, adequate, and reasonable. I am
5 glad that I had the opportunity to represent the representative in this lawsuit and that I was able to
6 recover money through a settlement for the representative.

7 11. I have observed my attorneys' work throughout this case. They have been
8 thorough, diligent, prompt, courteous, and professional, and I believe they are fully entitled to the
9 award of fees that they have requested for their hard work.

10 12. I did not make the decision to file a representative action lightly. I was concerned
11 by the attention a publicly filed lawsuit, and especially a representative action, would attract. My
12 name would be associated with a lawsuit that I filed against my former employer. I am currently
13 employed, but I am mindful that my current and prospective employers might find out that I sued
14 Precise Industries, and this could hurt my employability. Nevertheless, I felt that important
15 rights were at stake that hurt everyone, and something ought to be done about it.

16 13. I understand that the settlement agreement provides a \$5,000.00 service payment
17 to me. I believe this amount is fair compensation for my time and effort on this case, for helping
18 to prosecute this case, and for the risks concerning my future employment. In addition, the
19 settlement requires that I enter a general release, which I understand is broader than the release
20 that will bind other representative members.

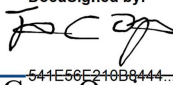
21 14. I respectfully request that the Court award me a \$5,000.00 service payment.
22 Based on my involvement in this case and the benefits provided to my former co-workers, I can
23 say I helped stand up for the other workers who were too afraid to say anything to management
24 because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was
25 not afraid to take that risk because I strongly care about helping out my former co-workers.

26 15. I do not have any interest, financial or otherwise, in the third-party administrator,
27 Apex Class Action.

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1 I declare under penalty of perjury, under the laws of the State of California and the United
2 States of America, that the foregoing is true and correct.

3 Executed on 1/4/2024 at Anaheim, California.

4 DocuSigned by:

5 541E56E246B8444...

6 Maria Coca Ospina

PROOF OF SERVICE

Maria Coca Ospina v. Precise Industries, Inc., et al.
30-2021-01228457-CU-OE-CXC

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Min Jee Kim, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is minjee@wilshirelawfirm.com.

On **January 4, 2024**, I served the foregoing **DECLARATION OF MARIA COCA OSPINA IN SUPPORT OF PLAINTIFF'S MOTION TO APPROVE PAGA SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Kevin J. Abbott (SBN 281312)
kabbott@fennermorelaw.com
FENNEMORE LLP
550 E. Hospitality Lane, Suite 350
San Bernardino, CA 92408-4205
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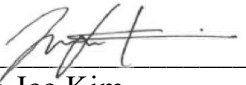
Attorneys for Defendant Precise Industries, Inc.

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on January 4, 2024, at Los Angeles, California.



Min Jee Kim