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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF SANTA CLARA**

10
11 JOSEPH DAGUIL, an individual, on behalf
of himself and on behalf of all persons
12 similarly situated,

13 Plaintiff,

14 vs.

15 ROCHE SEQUENCING SOLUTIONS,
16 INC., a Corporation; and DOES 1 through 50,
17 inclusive,

18 Defendants.

Case No. **22CV393408**

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**DECLARATION OF JOSEPH
DAGUIL IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: June 8, 2023

Hearing Time: 1:30 p.m.

Judge: Hon. Sunil R. Kulkarni

Dept: 1

Date Filed: January 18, 2022

Trial Date: Not set

1 I, Joseph Daguil, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary
4 Approval of Class Settlement and in support of my application for a Class Representative
5 Service Payment.
6

7 2. I have personal knowledge of all the facts stated herein. I could and would competently
8 testify under oath to these facts in court if requested to do so.

9 3. I have worked for Defendant Roche Sequencing Solutions, Inc. ("Roche Sequencing") in
10 California since 2013 and have been classified by Roche Sequencing as a non-exempt employee.

11 4. I retained my attorneys who are experienced in both class action and PAGA
12 representative action litigation and claims against employers for violations of the California
13 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
14 Court. I am not aware of having any actual or potential conflicts of interest with another class
15 member in this case nor am I aware of having any actual or potential conflicts of interest with
16 ILYM, the settlement administrator. I am not aware of any other pending matter or action
17 asserting claims that will be extinguished or adversely affected by this settlement.
18

19 5. I decided to file this class action lawsuit and be a plaintiff/class representative because
20 I felt that my legal rights as an employee and others like me were violated. For example, I was
21 paid various forms of non-discretionary incentive pay but Roche Sequencing failed to include
22 this pay into my regular rate for purposes of calculating my overtime rate in certain pay periods
23 and I was underpaid overtime as a result. Also, I was required to clock out and continue to work
24 numerous times throughout my employment during what should have been my off-duty meal
25 period. I was not paid any wages for this off the clock work. I was also not paid the meal break
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1 penalty payments I was owed for these meal break violations. Also, I was not paid the rest break
2 premium payments I was entitled to for rest break violations that occurred such as not receiving
3 rest breaks or being required to stay on the premises during my rest breaks.

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5 6. This class action case was filed on January 18, 2022. Before the complaint was filed I
6 spoke to my attorneys several times and discussed how Roche Sequencing implemented its
7 company policies and procedures. I also assisted my attorneys in their investigation into my
8 claims by providing them documents and answering their questions. I reviewed the complaint
9 before it was filed and after it was filed I was given access to an electronic file sharing program
10 that alerted me via email when important documents were filed so that I could review them and
11 keep up with the developments in the case which I understood was one of my duties as a class
12 representative. I would also contact my attorneys from time to time if I had any questions about
13 the case.
14

15 7. Even though this action is in the process of settling, I was and remain prepared to
16 perform all the duties of a class representative. I understand that as a class representative I have
17 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
18 members. I understand that as a fiduciary, I have a duty to prosecute this action for the benefit of
19 the class members and surrender any right to compromise the group action for an individual gain.
20

21 8. I understood that being a plaintiff/class representative in this case meant that I
22 was seeking damages not only for myself but also other current and/or former non-exempt
23 employees working for Roche Sequencing in California. I felt that these individuals were not
24 aware of their labor law rights and even if they were they would probably be apprehensive about
25 speaking up or even simply because of the time, effort and risk involved in filing a class action
26 lawsuit.

1 9. I understood that being a part of this lawsuit involved risks. For example, my
2 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
3 pay for all or part of the attorney fees and costs paid by Roche Sequencing to defend this lawsuit.
4 Also, I knew there was a risk that future employers, if they were ever find out about this lawsuit,
5 might hold it against me or downgrade me as a potential hire. As the only named Plaintiff in this
6 case it would not be difficult for a future employer to become aware that I sued my current
7 employer for labor law violations. Ultimately I decided these risks were worth it and decided to
8 fight for my rights and the rights of others regardless of the risks, time and effort I spent on this
9 case.
10

11 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
12 kept up to date on important developments by reviewing court filings that were made available to
13 me electronically as I described above.
14

15 11. A mediation took place on October 24, 2022 with Louis Marlin, a well-respected
16 and experienced mediator of wage and hour class actions. Following the all-day mediation
17 session, the parties agreed to settle the action based upon a mediator's proposal. I communicated
18 with my attorneys regarding the terms of the settlement which was reached between the parties
19 and understood that I was representing absent class members and therefore wanted the best
20 possible result to be obtained for the class members and I believe a very positive result was in
21 fact achieved via settlement. I reviewed and signed the Memorandum of Understanding on
22 November 28, 2022 and when the final settlement papers were ready, I closely reviewed the
23 Settlement Agreement which I signed on April 3, 2023.
24

25 12. I have been actively involved with this class action lawsuit performing the duties
26 described above. Although I did not keep time records, I was in regular contact with my
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1 attorneys, reviewed court filings, and spent a significant amount of time on the issues presented
2 during the lawsuit and in the settlement process. I estimate that I spent approximately 30-40
3 hours working on this case up until this point. I believe I have been diligent and have done what
4 is expected of a named plaintiff and a proposed class representative to date, and will continue to
5 do so. I have and always will maintain the best interest of the class members.
6

7 13. My attorneys explained to me that the settlement process involves a two-step
8 review by the Court to determine whether the settlement is fair before approving the settlement.
9 I know this process also involves notifying all class members of the settlement terms and of their
10 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
11 settlement.
12

13 14. I believe I did the right thing by filing this case on behalf of the class members who,
14 subject to court approval, are in line to receive monetary payments as a result of this case and
15 settlement. This is money they may never have ever gotten if I did not pursue this action on their
16 behalf. I feel significant personal satisfaction to know that I played a role in the class members
17 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
18 the requested Class Representative Service Payment of \$7,500 from the settlement is fair
19 compensation for the work I performed and the risks I undertook.
20

21 15. As part of the settlement it was necessary for me to sign a general release of
22 claims I may have against Roche Sequencing. I believe the Class Representative Service
23 Payment I have requested provides me with some compensation for this agreed release.
24

25 16. In light of all the time and effort I have spent on this case, the risk I undertook by
26 suing my employer, the exposure to being responsible for paying Roche Sequencing's costs in
27 the event we did not win the case, the reputational risk that future employers may hold this
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lawsuit against me, the general release, and in light of the size of the settlement, I believe the request for \$7,500 as a Class Representative service payment is fair and reasonable.

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

Executed on May 9, 2023, at Sunnyvale, California.
(city, state)



Joseph Daguil (May 9, 2023 09:27 PDT)

Joseph Daguil