

KINGSLEY SZAMET & LY
ERIC B. KINGSLEY, Esq. (SBN 185123)
eric@kingsleylawyers.com
KELSEY M. SZAMET, Esq. (SBN 260264)
kelsey@kingsleylawyers.com
LIANE KATZENSTEIN LY, Esq., (SBN 259230)
liane@kingsleylawyers.com
16133 Ventura Blvd., Suite 1200
Encino, CA 91436
Tel: (818) 990-8300, Fax (818) 990-2903

ABRAMSON LABOR GROUP
WILLIAM ZEV ABRAMSON, Esq. (SBN 289387)
wza@abramsonlabor.com
11846 Ventura Blvd., Suite 100
Studio City, CA 91604
Tel: (213) 493-6300

Attorneys for Plaintiff and all aggrieved employees

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

ENMANUEL DE JESUS LOPEZ TORRES,
an individual, on behalf of the State of
California, as a private attorney general,

PLAINTIFF,

v.

MOUNTAIN VIEW COUNTRY CLUB,
INC.; and DOES 1 thru 50, inclusive,

DEFENDANTS.

Case No. CVRI2105882

[Case Assigned for All Purposes to Hon. Harold
W. Hopp in Dept. 10]

**DECLARATION OF ENMANUEL DE
JESUS LOPEZ TORRES IN SUPPORT OF
MOTION FOR APPROVAL OF
REPRESENTATIVE ACTION
SETTLEMENT**

*[Filed concurrently with Plaintiff's Motion for
Approval of Representative Action Settlement;
Declarations of Liane Katzenstein Ly; Jodey
Lawrence of Phoenix Class Action Settlement
Administration Solutions in Support of
Plaintiff's Motion for Approval of
Representative Action Settlement; and
[Proposed] Order]*

Date: May 9, 2024

Time: 8:30 A.M.

Dept.: 10

Complaint Filed: October 21, 2021

FAC Filed: March 3, 2022

Trial Date: None Set

1 **DECLARATION OF ENMANUEL DE JESUS LOPEZ TORRES**

2 I, Enmanuel De Jesus Lopez Torres, state and declare as follows:

3 1. I am a competent adult, over the age of eighteen and the Representative Plaintiff in
4 the matter of ENMANUEL DE JESUS LOPEZ TORRES, an individual, on behalf of the State of
5 California, as a private attorney general, v. Mountain View Country Club, Inc.; and DOES 1 thru
6 50, inclusive, Riverside County Superior Court, Case No. CVRI2105882. The foregoing is based
7 upon my personal knowledge and, if called as a witness, I could and would competently testify
8 thereto. I am making this sworn declaration in support of my claims and the claim of my co-
9 workers, and in support of my qualifications as Representative. If called as a witness, I could and
10 would competently testify as to the truth of the matters set forth herein.

11 2. I worked as a maintenance worker for Mountain View Country Club, Inc.
12 (“Defendant” or “Mountain View”).

13 3. In my role as a maintenance worker, I regularly did not receive thirty (30) minute
14 uninterrupted meal periods within the first five (5) hours of my shift when working five hours or
15 more. I also regularly was not provided with ten-minute paid rest periods for every major fraction
16 of four hours that I worked. I regularly did not receive reimbursement for the cost of using my
17 personal cell phone for business related purposes. I regularly did not receive accurate itemized
18 wage statements. Lastly, I was not paid all wages owed at the time of termination.

19 4. I have spent significant time throughout this PAGA action working with Counsel.
20 Before filing this action, in October 21, 2021, I researched and identified Counsel that I believed
21 could best represent the interests of the PAGA Members. I signed a written fee sharing agreement
22 with Kingsley & Kingsley, APC and Co-Counsel Abramson Labor Group, and I consented to the
23 fee split between the firms.

24 5. I also assisted the attorneys with investigation and gathering of information
25 including discussing my work experience and the experience of others that I had observed while
26 working for Defendant and provided all relevant employment documents in my possession. In
27 addition, I attended a full-day mediation on January 29, 2024. While at the Mediation, I actively
28 participated in the discussions with the Plaintiff’s Counsel and shared my knowledge and insights

1 in order to help the PAGA Members obtain a favorable settlement.

2 6. Throughout the entirety of this litigation, I have maintained regular contact with
3 Plaintiff's Counsel and assisted in any way possible by providing information and making myself
4 available as needed.

5 7. I was aware that by helping to initiate this lawsuit, my name would become known
6 and it was possible that my involvement in this matter could make it more difficult for me to obtain
7 employment in this field. Regardless, I believed it was important to proceed with this matter on
8 my behalf and on behalf of all others who were subject to the same problems during their
9 employment with Defendant.

10 8. Based upon my participation in this case, I understand the merits of this settlement
11 and I strongly support the settlement and believe it is fair and reasonable, and in the best interest
12 of the PAGA Members. I believe this Settlement will benefit the PAGA Members.

13 9. It is my opinion that a fair and adequate enhancement for me as a Representative is
14 \$7,500.00. I believe that it is fair and reasonable in view of all of the work I have performed in my
15 role as a Representative. As Representative, I actively participated in all stages of the litigation as
16 detailed above and have always maintained the best interest of the PAGA Members while
17 performing my Representative duties.

18
19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed this 03 day of Marzo, 2024
21 at California, California.

22 DocuSigned by:



23 Emmanuel De Jesus Lopez Torres
24 Declarant

(PROOF OF SERVICE)
[CCP 1013(a)(3)]
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On April 17, 2024, I served all interested parties in this action the following documents described as: **DECLARATION OF ENMANUEL DE JESUS LOPEZ TORRES IN SUPPORT OF MOTION FOR APPROVAL OF REPRESENTATIVE ACTION SETTLEMENT** placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SLOVAK BARON EMPEY MURPHY & PINKNEY LLP

Quynhvi (Vee) B. Sotelo
sotelo@sbemp.com
Ryan A. Quadrel
quadrel@sbemp.com
Katelyn K. Empey
kempey@sbemp.com
1800 East Tahquitz Canyon Way
Palm Springs, CA 92262
Attorneys for Defendant

ABRAMSON LABOR GROUP

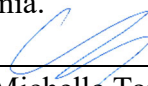
William Zev Abramson
Wza@abramsonlabor.com
11846 Ventura Blvd., Suite 100
Studio City, CA 91604
Attorneys for Plaintiff

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] BY ELECTRONIC MAIL TRANSMISSION: I caused the document to be sent to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 17, 2024, at Woodland Hills, California.



Michelle Tanzer