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10 Attorneys for Plaintiff,

11 DAVID XIQUI VASQUEZ, and all others similarly situated

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **FOR THE COUNTY OF SANTA CLARA**

14 **(UNLIMITED JURISDICTION)**

15 DAVID XIQUI VASQUEZ,

16 *Plaintiff,*

17 vs.

18 THE PROVINCE LLC, PAUL REDDICK;
19 and DOES 1 to 25, inclusive,

20 *Defendants.*

Case No.: 22CV397541

21 **DECLARATION OF DAVID XIQUI**
22 **VASQUEZ IN SUPPORT OF PLAINTIFF'S**
23 **MOTION FOR APPROVAL OF PAGA**
24 **SETTLEMENT AND RELEASE**

Action filed: May 2, 2022

Hearing Date: October 19, 2022

Hearing Time: 1:30 p.m.

Hearing Dept: 3, Hon. Patricia M. Lucas

DECLARATION OF DAVID XIQUI VASQUEZ IN SUPPORT OF
PAGA SETTLEMENT AND RELEASE

I, DAVID XIQUI VASQUEZ, declare and state as follows:

1. I am a resident of the State of California and am over 18 years of age. I am the named Plaintiff in this action and am represented by Harout Messrelian of Messrelian Law, Inc. in this action. Except as otherwise stated, I have personal knowledge of all matters set forth in this declaration and could and would competently testify thereto if called upon to do so as a witness.

2. My employment with The Province LLC and Paul Reddick ("Province" or "Defendants") began on or about May 15, 2021 and ended on or about August 6, 2021. I worked for Province as a kitchen cook.

3. I understand that this lawsuit is a Private Attorney General action, otherwise known as a PAGA lawsuit. I understand that I am the Plaintiff and that Province is the Defendant. I understand that my name is on the cover of the lawsuit. I understand that I am the representative of other Province employees. As the representative in this lawsuit, I have duties to the State of California and other employees like me who were not paid for all hours worked at the correct rates of pay, provided all required meal and rest periods, and reimbursed for necessary business expenses, such as uniforms. I also understand that my lawsuit is on behalf of the State of California. I have fairly represented the other employees and the State throughout this lawsuit. I participated in the mediation that ended with a Settlement Agreement between me, on behalf of the State of California and the other hourly employees of Defendants, and the Defendants. I don't have any disagreements with the other Province employees I represent. I am not aware of any reason why I can't make the best decisions for them in this lawsuit.

4. When I agreed to hire my attorneys to file this lawsuit, I also agreed that I would be the representative of the other employees and the State of California. I agreed that the interests of the other employees and the State in the lawsuit are as important as my personal interests in suing Province. I agreed that I would do what is in the best interest of the other employees and the State when deciding whether or not to settle this lawsuit. I also agreed to actively participate in the lawsuit. I also understand that there will only be a settlement of the lawsuit if the Court allows it.

5. The PAGA statute does not forbid service awards. Courts frequently award them

1 in PAGA-only cases as well. The work I have done on this case includes hiring my attorneys,
2 speaking with my attorneys on many occasions by phone, explaining what my employment at
3 Province was like, explaining what my employment at Province had in common with other
4 employees who worked for Province, explaining my claims to my attorneys, attending a full day
5 of mediation, and communicating with my attorneys about the settlement agreement and related
6 documents. Despite this, I am **not** asking for a service award for my involvement and the time I
spent assisting my counsel with the PAGA action.

7 6. I negotiated an individual settlement of my individual wage and hour claims and
8 wrongful termination claims after the Parties had agreed to the Settlement of the PAGA action.
9 During my employment, I was not always able to take a timely, duty-free, uninterrupted meal
10 break or my two rest breaks. Also, during my employment, Bronson, the head chef (a white
11 male) would make comments about my broken English (I am a Latino male) that I found to be
12 racially offensive. I complained to Bronson, the two other sous chefs, and others about the way
13 Bronson was treating me. I also complained to Bronson about my concerns about his food prep
14 as I did not think that he was following the food prep rules and was not doing his job properly.
15 I feel the company retaliated against me and wrongfully terminated my employment for my
complaints.

16 7. As part of my individual settlement, I signed a general release of all claims,
17 whether known or unknown, that I may have against Defendants, not only PAGA claims.

18 8. I don't believe that my individual settlement has any bearing on whether I have
19 served the Aggrieved Employees' best interests and will continue to do so. Nevertheless, I am
20 willing to provide it to the Court *in camera* if the Court so requests.

21 I declare under the penalty of perjury of the laws of the State of California that the
22 foregoing is true and correct to the best of my knowledge.

23 Executed on September 21, 2022 at San Jose, California.

24 David Xiqui
David Xiqui (Sep 21, 2022 17:01 PDT)

25 DAVID XIQUI VASQUEZ,
26 Declarant
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