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Attorney for Plaintiff David Gonzalez,
Individually and on behalf of all others
similarly situated and aggrieved.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

DAVID GONZALEZ, an individual,

Plaintiff,

v.

SYSCO LOS ANGELES, INC., a Delaware
corporation; and DOES 1 through 20,
inclusive,

Defendants.

Case No.: 22STCV03775

*Assigned to Honorable Judge, Carolyn B. Kuhl;
Department 12*

**DECLARATION OF DAVID GONZALEZ IN
SUPPORT OF PLAINTIFF'S UNOPPOSED
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT;
APPROVAL OF NOTICE TO CLASS
MEMBERS AND RELATED MATERIALS;
APPROVAL OF SETTLEMENT
ADMINISTRATOR; AND SETTING
HEARING FOR FINAL
APPROVAL OF SETTLEMENT**

Date: June 18, 2024
Time: 10:30 a.m.
Dept.: 12

I, David Gonzalez, declare as follows:

1 1. I am the named Plaintiff in this action. The facts set forth herein are true of my own
2 personal knowledge, and if called upon to testify thereto, I could and would competently do so under
3 oath.

4 2. On November 24, 2021, a PAGA notice was submitted on my behalf with the Labor
5 Workforce Development Agency.

6 3. On or around January 31, 2022, my original complaint for damages entitled Gonzalez v.
7 Sysco Los Angeles, Inc., Case No. 22STCV03775, was filed in the Superior Court of California, Los
8 Angeles County.

9 4. On or around April 15, 2024, the second amended complaint for damages, which included
10 Class Action, was filed in the Superior Court of California, Los Angeles County, on behalf of myself,
11 and all other similarly situated employees. I have the willingness and the competency to serve as the
12 Class Representative in this Action. I have no conflicts of interest with the Class Members and/or the
13 Settlement Administrator.

14 5. I have worked for Sysco Los Angeles, Inc. (“Defendant”) as a driver helper, to ride
15 alongside and assist truck drivers with their responsibilities necessary to carry out their daily task, from
16 August 22, 2021, to October 14, 2021, within the Class Period. I regularly worked off-the-clock, an excess
17 of eight hours a day, without the minimum wage, my hourly rate, or where applicable without being
18 compensated for overtime premium. I was also not provided meal periods or my meal periods were
19 missed, provided late (i.e., beginning after 5 hours of work), or were short. I allege that Defendant failed
20 to provide off-duty, uninterrupted meal periods during my employment as well as uninterrupted rest
21 period for every period worked of four hours.

22 6. I was not paid these accrued wages owed or other compensation immediately upon
23 termination or within 72 hours of resignation. As a result of Defendant’s violations of the above
24 mentioned wage and hour claims, Defendant failed to provide me legally-compliant, accurate itemized
25 wage statements throughout my employment.

26 7. I understand that, as a Class Representative, I have a duty to look out for and protect the
27 interest of the Class as a whole. I do not believe, nor do I have any reason to believe, that my interests in
28 this lawsuit are in conflict or in any way antagonistic to the interests of those of my fellow Class Members.

1 8. As the named Plaintiff in this action, I provided significant assistance to my counsel in
2 this case. I provided factual background for the Class Complaint and mediation brief; provided
3 documents about Defendant's policies and procedures; records of my time sheet, schedule, and pay stubs
4 to support the labor code violations alleged in the Complaint; participated in phone calls to discuss
5 litigation and settlement strategy; attended and participated in the mediation via Zoom; and reviewed the
6 settlement documents. I assumed risk in bringing this litigation — namely, had I lost, I could have been
7 ordered to pay some of Defendant's costs. In total, I have spent in excess of approximately 40 hours on
8 this case, in prelitigation document gathering and review, pre-litigation interviews and meetings with my
9 attorneys, substantive input on the filing of my complaint, reviewing documents produced in litigation, a
10 full-day mediation and more.

11 9. It is my understanding that based upon my industrious efforts as the named Plaintiff in
12 this action there is something called a Class Representative Service Payment (also known as an
13 Enhancement Award). I respectfully request that the Court grant this award to me in the amount of
14 \$5,000.00 in addition to my share of the gross settlement fund for my individual claims under FEHA.

15 10. I am aware of the major deal points of the Settlement Agreement including the non-
16 reversionary Gross Settlement Amount of \$2,100,000.00 to be distributed (net of fees, costs, service
17 award, administration costs, my individual claim) pro rata to the estimated 581 Class Members. In my
18 opinion, the Settlement is fair, adequate, and reasonable and is in the best interest of the Class, based on
19 the amount per month to be received by the Class Members.

20 11. I am not related to anyone associated with Downtown LA Law Group, LLP, nor do I have
21 an interest or involvement in the governance of the work of the California Restaurant
22 Foundation/Restaurant Care or an interest or involvement with ILYM Group, Inc. as the proposed
23 administrator on this matter.

24 12. I respectfully request that this court grant as Downtown LA Law Group, LLP as Class
25 Counsel, the California Restaurant Foundation/Restaurant Care as the *cy pres* beneficiary, and ILYM
26 Group, Inc., as the administrator.

27 13. I also respectfully request that this court grant preliminary approval of the class action
28

1 settlement, approve the notice to class members, and set a hearing for final approval of the settlement. I
2 declare under penalty of perjury under the laws of the United States and the State of California that the
3 foregoing is true and correct.

4 Executed on May 23, 2024, at Los Angeles, CA.

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8 David Gonzalez
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