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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MARK CERVANTEZ, MICHELLE
WILLIAMS AND JERMELL JACKSON,
individually and on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

GENUINE PARTS COMPANY, a Georgia
Corporation, doing business as NAPA AUTO
PARTS; and DOES 1-50, inclusive,

Defendants.

CASE NO.: 22STCV00981

Assigned to the Hon. Gregory Keosian

**DECLARATION OF MARK
CERVANTEZ IN SUPPORT OF MOTION
FOR APPROVAL OF PAGA
SETTLEMENT**

Hearing Information:

Date: September 14, 2023
Time: 10:00 a.m.
Dept.: 61

Reservation ID: 924102938000

DECLARATION OF MARK CERVANTEZ

I, Mark Cervantez, declare as follows:

1. I am the named Plaintiff in this action and commenced this action against my former employer. I have personal knowledge of all the facts in this declaration and, if asked, I would testify to these facts under oath in court.

2. I worked as a non-exempt employee for Defendant Genuine Parts Company doing business as NAPA Auto Parts ("Defendant" or "NAPA") from approximately June 2019 through December 2020.

3. I decided to file this lawsuit because I had a number of grievances against Defendant stemming from their labor policies. These grievances are set forth in detail in the operative Complaint and my letter to California Labor and Workforce Development Agency ("LWDA"). I understand that my case was ultimately joined with two other cases against the Defendant.

4. Prior to filing the action, my attorneys and their staff and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. Without waiving any privilege, during those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff. After meeting with my attorneys about these issues, I decided to proceed with a lawsuit against my former employer.

5. I understand that I filed this lawsuit against my former employer on behalf of the state of California to obtain penalties for Defendant's violations.

6. My attorneys provided me with a draft of the Complaint for my review and approval. I closely reviewed the Complaint to ensure accuracy and completeness, and discussed the contents with my attorneys. I believe my claims are typical of those asserted by the other members of the Aggrieved Group during the relevant time period as I am informed and believe that we were all subject to the same policies, procedures and practices.

7. Following the filing of the Complaint initially, I collaborated with my attorneys on the prosecution of my claims, and I regularly contacted my attorneys to stay current on the status of the litigation, and to discuss my attorneys' progress in prosecuting the claims.

1 8. I have worked to the best of my ability to prosecute this action on behalf of the LWDA and
2 the aggrieved employees, always considering the interests of the LWDA and the other employees
3 just as I would consider my own interests. I understand that this was an action for penalties and no
4 employee's individual claims, except mine and the other representatives, will be released as part of
5 this settlement. I believe these types of actions are an important tool to ensure that employers
6 comply with the Labor Code.

7 9. When I agreed to represent the State (LWDA), I understood it was my duty to be readily
8 available and to participate actively in the case. I knew that I needed to keep aware of the status
9 and progress of the lawsuit and assist my attorneys in litigating the case on behalf of the State and
10 the Aggrieved Group. I knew that I would be required to review documents, search for documents
11 and produce them to my attorneys, answer written questions, potentially answer oral questions and
12 testify truthfully under oath, and be available to appear in court, if necessary. At all times, I worked
13 to fulfill these duties.

14 10. I also understood the risks I could face due to my involvement as a named plaintiff. I
15 understood that I could be held responsible for the payment of Defendant's court-awarded litigation
16 costs and potentially attorneys' fees if I did not prevail in litigation. Therefore, I realized that I was
17 taking a significant amount of risk in filing the representative action.

18 11. I also knew my name could easily be located on a search of court records and that any
19 prospective employer may find out that I had sued my former employer. I understand that my
20 participating in this lawsuit could inhibit my ability to seek gainful employment in the future.

21 12. Even though I knew I was taking risks, I knew I had to do what I believed was right and
22 pursue claims on behalf of other employees to vindicate their rights and attempt to recover penalties
23 for Defendant's violations.

24 13. I spent a substantial amount of time and effort pursuing my claims and the claims of the
25 other similarly situated employees from the time I retained my attorneys to this date. I have kept
26 aware of the status of the lawsuit and provided my attorneys with documents and information used
27 by them in the litigation.

28 14. During the litigation I spent considerable time on telephone calls discussing the facts of my

1 case with the attorneys and staff of James Hawkins APLC. I spent hours discussing the facts
2 related to my employment with Defendants, including discussing my job duties and responsibilities
3 as a non-exempt employee, my experiences, my observations, Defendant's policies and practices,
4 the hours and days I worked, and how I and the other employees were compensated and the
5 conditions of employment. I have also worked to assist my attorneys in moving the case forward. I
6 have also reviewed certain documents produced during the information exchange process in this
7 case to assist my attorneys in prosecuting this case. I constantly remained available in order to
8 assist with any questions that arose throughout the litigation process.

9 15. I also spent hours looking at all documents related to my employment with Defendant and
10 sending them to my attorneys, which included wage statements, personnel documents, emails, text
11 messages, and separation paperwork. I further spent several hours on telephone calls discussing
12 documents I provided to my attorneys.

13 16. I also assisted my attorneys in preparing for mediation and in ultimately achieving the
14 Settlement Agreement which we ask the Court to approve now.

15 17. My attorneys provided me with a copy of the proposed Settlement Agreement which I
16 reviewed carefully before signing it. I have discussed the terms and any questions I had with my
17 counsel. As a term of the settlement, I have agreed to give a broad release of all claims that I had or
18 might have against Defendant arising from my employment except those that were pending in
19 arbitration. No other Aggrieved Employee, except the other two representatives, is required to give
20 such a release. I understand this is sometimes asked of a Representative, however.

21 18. I accepted the settlement only after I had spent time evaluating the proposed outcome to
22 assure that it was fair. Based on my attorneys' evaluation and recommendation, and my own
23 review, I believe the settlement is fair and reasonable in light of PAGA's policies and purposes.

24 19. In summary, over the course of this litigation I have spent a significant amount of time
25 conferring and working with my attorneys on the prosecution of my claims and evaluating the
26 settlement and related documents. I estimate that I have spent approximately 65 hours assisting my
27 attorneys in the prosecution of this lawsuit.

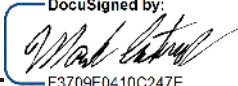
28 20. I believe that I have fulfilled my responsibilities and I will continue to fulfill those

responsibilities to the best of my ability until the conclusion of the case.

21. I am requesting the Court approve a \$10,000 Release/Service Payment. I believe this amount is reasonable for my services on behalf of the LWDA, the risks I assumed, and for the general release which I am required to provide Defendant as a condition of the settlement. The general release has independent value and I believe it makes up a major fraction of the value of the Payment requested. The general release requires me to waive all claims that I may have arising out of my employment, which is considerably broader than the claims released by the Aggrieved Employees and the State under the settlement. The time and service I provided to the State and the Group resulted in the parties agreeing to settle the case and a positive outcome.

22. As I have been since beginning this case, I am committed to this case and intend to continue to participate as needed until the conclusion of this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 23, 2023 in Glendora California.

DocuSigned by:

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Mark Cervantez



Make a Reservation

MARK CERVANTEZ vs GENUINE PARTS COMPANY, et al.

Case Number: 22STCV00981 Case Type: Civil Unlimited Category: Other Employment Complaint Case
Date Filed: 2022-01-10 Location: Stanley Mosk Courthouse - Department 61

Reservation

Case Name: MARK CERVANTEZ vs GENUINE PARTS COMPANY, et al.	Case Number: 22STCV00981
Type: Motion re: (Motion for PAGA Approval)	Status: RESERVED
Filing Party: MARK CERVANTEZ (Plaintiff)	Location: Stanley Mosk Courthouse - Department 61
Date/Time: 09/14/2023 10:00 AM	Number of Motions: 1
Reservation ID: 924102938000	Confirmation Code: CR-EALZTULUCVRHUDQJ4

Fees

Description	Fee	Qty	Amount
Motion re: (name extension)	60.00	1	60.00
Credit Card Percentage Fee (2.75%)	1.65	1	1.65
TOTAL			\$61.65

Payment

Amount: \$61.65	Type: Visa
Account Number: XXXX6358	Authorization: 04547D
Payment Date: 1969-12-31	

Print Receipt

Reserve Another Hearing

