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Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 FOR THE COUNTY OF FRESNO**

LUCIANO HERNANDEZ and MIGUEL  
 ANGEL RAMIREZ-MAYA, individually, on  
 behalf of all others similarly situated, and on  
 behalf of the State of California and other  
 aggrieved persons; and SILVIANO  
 RODRIGUEZ, individually, and on behalf of  
 all other similarly situated,

*Plaintiffs,*

v.

BURFORD FARMING COMPANY, INC., a  
 California corporation, and DOES 1 through 10,  
 inclusive,

*Defendants.*

Case No. 21CECG03817

**CLASS & REPRESENTATIVE ACTION**

*[Assigned to: Hon. D. Tyler Tharpe, Dept.  
 501]*

**DECLARATION OF LUCIANO  
 HERNANDEZ IN SUPPORT OF  
 PLAINTIFF'S MOTION FOR FINAL  
 APPROVAL OF CLASS ACTION  
 SETTLEMENT**

**FINAL APPROVAL HEARING**

Date: August 10, 2023

Time: 3:30 p.m.

Dept: 501

**DECLARATION OF LUCIANO HERNANDEZ**

I, Luciano Hernandez, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I am one of three named Plaintiffs in this action and submit this declaration in support of Plaintiff's Motion for Final Approval of Class Action Settlement. Because I believe I have provided invaluable assistance during the course of this case, I am hopeful that the Court will approve my request of a \$10,000 service payment for my role as the Class Representative.

3. I am a former employee of Defendant Burford Farming Company, Inc. ("Burford Farming"). I worked at Burford Farming from approximately January 1973 to approximately December 2020 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject Burford Farming's policies and practices that have been alleged as unlawful in the Class Action Complaint and Private Attorneys General Act ("PAGA") Notice sent to Burford Farming and the Labor & Workforce Development Agency ("LWDA").

4. I filed this lawsuit in because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all of my meal and rest breaks. While working at Burford Farming, my coworkers and I were asked to work long hours because of the amount of work, sometimes without taking meal and rest breaks and without receiving compensation for all hours worked. I also observed my co-workers working long hours without taking breaks.

5. By originating this lawsuit, I hoped that I might be able to change Burford Farming's policies to better protect the working conditions of my co-workers. I also understood it was my duty as the Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

6. Prior to commencing this case, I provided Wilshire Law Firm with a detailed account of the facts related to my employment with Burford Farming. Additionally, I provided my counsel with documentation in the form of pay statements and other policy documents that applied to my employment with Burford Farming. Based on my conversations, my attorneys and I were able to identify instances when I was not paid correctly.

1           7.       I have invested a lot of personal time and energy while this lawsuit has been  
2 pending. I made it a priority to be actively involved because I wanted to do everything I can to  
3 assist my attorneys in prosecuting this case. I regularly communicated with my attorneys and  
4 their staff to discuss updates on the case and to provide my attorneys with additional information.

5           8.       I spent multiple hours looking for documents that my attorneys asked me to  
6 provide to help this case.

7           9.       I also made myself available during the mediation for this case and I kept in  
8 regular contact my attorneys before and after the mediation to ensure that any questions the  
9 attorneys had could be answered.

10          10.      I also reviewed documents filed in this case, including the settlement-related  
11 documents.

12          11.      I believe the settlement is a good settlement and I would recommend that the  
13 Court approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad  
14 that I had the opportunity to represent the class in this lawsuit and that I was able to recover  
15 money through a settlement for the class. I have also observed my attorneys' work throughout  
16 this case and I believe they have been thorough, diligent, prompt, courteous, and professional.

17          12.      I estimate that I spent **at least 55 hours on this case** since I first contacted  
18 Wilshire Law Firm.

19          13.      I did not make the decision to file this case lightly. I was concerned by the  
20 attention a lawsuit, and especially a class action, would attract. My name would be associated  
21 with a lawsuit that I filed against my former employer and I am mindful that future employers  
22 might find out that I sued a former employer, which could hurt my employability. In a  
23 competitive job market, this factor may weigh heavily against me.

24          14.      Standing up for myself and the rights of others was not an easy decision, and I am  
25 relieved that this case is coming to an end.

26          15.      I respectfully request that the Court award me a \$10,000 service payment. I am  
27 receiving no additional compensation other than the compensation provided for in the settlement.  
28 Based on my involvement in this case and the benefits provided to my former co-workers, I can

1 say I helped represent the other workers who may have been too afraid to say anything to  
2 management because they did not want to risk losing their jobs or risk the stigma of suing an  
3 employer. I was not afraid to take that risk because I strongly care about helping my fellow co-  
4 workers.

5 16. Although I continue to fear that employers may find out that I participated in this  
6 lawsuit and hold it against me, I felt that important rights were at stake that hurt myself and other  
7 employees.

8 I declare under penalty of perjury, under the laws of the State of California and the United  
9 States of America, that the foregoing is true and correct.

10 Executed on 7/19/2023 at Bakersfield, California.

11 DocuSigned by:

12 Luciano Hernandez

13 1BFEF780689A474...

14 Luciano Hernandez

**PROOF OF SERVICE**

*Hernandez, et al. v. Burford Farming Company, Inc., et al.*  
21CECG03817

STATE OF CALIFORNIA            )  
                                                  ) ss  
COUNTY OF LOS ANGELES    )

I, Ashley Narinyans, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12<sup>th</sup> Floor, Los Angeles, California 90010. My electronic service address is anarinyans@wilshirelawfirm.com.

On **July 19, 2023**, I served the foregoing **DECLARATION OF LUCIANO HERNANDEZ IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Ronald H. Barsamian (SBN 81531)  
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Attorneys for Defendant

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

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

Executed on **July 19, 2023**, at Los Angeles, California.

Ashley Narinyans  
\_\_\_\_\_  
Type or Print Name

  
\_\_\_\_\_  
Signature