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JORGE L. LEON, and all others similarly situated

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF FRESNO**
12 **(UNLIMITED JURISDICTION)**

13 JORGE L. LEON, on behalf of himself, all others
14 similarly situated, the general public, and as an
“aggrieved employee” on behalf of other
15 “aggrieved employees” under the Labor Code
Private Attorneys General Act of 2004,

16 *Plaintiff(s),*

17 vs.

18
19 DAVIS & ROBERTS CONSTRUCTION, INC.,
a California corporation; and DOES 1–50,
20 inclusive,

21 *Defendant(s).*
22

Case No. 22CECG00407

**DECLARATION OF JORGE L. LEON
IN SUPPORT OF PLAINTIFF JORGE
L. LEON’S MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: June 5, 2024
Hearing Time: 3:30 p.m.
Hearing Dept.: 501, The Honorable D.
Tyler Tharpe

Action filed: February 08, 2022



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1 **DECLARATION OF JORGE L. LEON IN SUPPORT OF PLAINTIFF JORGE L.**
2 **LEON'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION**
3 **SETTLEMENT**

4 I, JORGE L. LEON, and state as follows:

5 1. I am a resident of the City of Orange Cove, in the State of CA and am over 18
6 years of age. I am the plaintiff in this action and am represented by David Spivak of The Spivak
7 Law Firm and Walter L. Haines of United Employees Law Group in this action. Except as
8 otherwise stated, I have personal knowledge of all matters set forth in this declaration and could
9 and would competently testify thereto if called upon to do so as a witness.

10 2. I understand that, as Class Representative, I have certain duties and responsibilities
11 to the Class Members and believe that I have fairly represented the interests of all Class Members
12 during the entire course of this case.

13 3. My counsel provided me with information regarding class actions, how they work,
14 and what my duties would be as the Class Representative. I agreed to serve as a Class
15 Representative so that I could seek to recover wages and penalties on behalf of myself and other
16 employees like me.

17 4. I understand that the Settlement in this case is subject to this Court's approval to
18 ensure that it is in the best interest of the Class as a whole. I have no conflicts with the Class.

19 5. I understand that my attorneys are submitting an application to this Court for a
20 Class Representative Service Payment to compensate me for my unique contributions to the
21 success of this action as the Class Representative in the amount of \$15,000.00. I believe this
22 amount is fair and reasonable compensation for my efforts in this case and the risks I have taken
23 in pursuing a fair recovery for the Class Members.

24 6. I have provided Defendant with a general release of any and all claims, known or
25 unknown, I may have against Defendant. By agreeing to settle the case in the best interest of the
26 Class Members, I have given up the right to pursue my individual claims for unpaid wages and
27 penalties and to recover substantially more for unpaid wages, interest, waiting time penalties, and
28 pay stub penalties. I did not seek an individual settlement for my claims at all, instead choosing
 to prosecute this matter on behalf of my coworkers. By pursuing the claims of all Class Members,



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1 I have also rendered my own individual payment uncertain and delayed its payment by several
2 months (at the least).

3 7. As Class Representative, I assumed a fiduciary role to the Class. I agreed to (1)
4 consider the interests of the Class just as I would consider my own interests and, in some cases,
5 to put the interests of the Class before my own interests; (2) actively participate in the lawsuit, as
6 necessary, by among other things, producing documents to Defendant and giving depositions and
7 trial testimony if requested; (3) travel to give such testimony if requested; (4) recognize and accept
8 that any resolution of the lawsuit by dismissal or settlement, is subject to court approval, and must
9 be designed in the best interest of the Class as a whole; (5) follow the progress of the lawsuit and
10 provide all relevant facts to my attorneys; (6) champion many other people with similar claims
11 and injuries because of the importance of the case and the necessity that all Class Members benefit
12 from the lawsuit; and (7) fight for a resolution in which the individual recoveries to each Class
13 Member, including me, maybe relatively small. I agreed to shoulder all of these responsibilities
14 in exchange for a proportionate share of funds made available for distribution to the Class
15 Members. I had no guarantee of a Class Representative Service Payment. The activities I have
16 performed have included, but have not been limited to: obtaining legal counsel, speaking with my
17 legal counsel on numerous occasions, over the phone, informing them of the terms and conditions
18 of my coworkers' employment, assisting them in gathering information, identifying the claims
19 brought in this case, gathering documents from my employment with Defendant, and being
20 actively involved in the settlement process to ensure a fair result for the Class as a whole. I also
21 participated in the mediation and spent time carefully reviewing the Settlement, and other case
22 related documents on my own and with my counsel to make sure that the Settlement and other
23 work my attorneys performed are in the best interest of the Class Members.

24 8. Further, my counsel have advised me of the possibility that, if the case was lost, I
25 could have been ordered to pay Defendant's costs and even attorneys' fees in this case, which
26 could have been thousands of dollars by the end.

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1 9. Because I filed this lawsuit, there is a public record at the Court showing that I
2 brought a class action for unpaid wages against my former employer. The Class Representative
3 Service Payment to me of \$15,000.00 is not equal to the harm to my future career prospects that
4 this case may cause me.

5 10. Based on the time, risk, stigma, loss of benefits and income and great outcome of
6 this case, I believe that the requested Class Representative Service Payment for me is fair and
7 reasonable. As such, I respectfully request that the Court award the requested Class
8 Representative Service Payment of \$15,000.00.

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

11 Executed on 04 / 26 / 2024 in Orange Cove, CA.

12 

13 JORGE L. LEON,
14 Declarant



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