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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
23
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25
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Case No. 22CECG00407

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

Hearing Date: February 4, 2025
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 RENEWED MOTION FOR PRELIMINARY APPROVAL OF CLASS**
3 **ACTION 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 California and am over
6 18 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. Defendant Davis & Roberts Construction, Inc. employed me in California as a
11 finisher from about December 30, 2020, until March 21, 2021. Based on my observations,
12 Defendant used the same time-keeping methods to record all the hourly employees' hours worked
13 and required all employees to follow the same rules and policies and to work under the same
14 condition regardless of their job positions.

15 3. I understand that, as Class Representative, I have certain duties and responsibilities
16 to the Class Members and believe that I have fairly represented the interests of all Class Members
17 during the entire course of this case.

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

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

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

 7. I have provided Defendant with a general release of any and all claims, known or



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1 unknown, I may have against Defendant. By agreeing to settle the case in the best interest of the
2 Class Members, I have given up the right to pursue my individual claims for unpaid wages and
3 penalties and to recover substantially more for unpaid wages, interest, waiting time penalties, and
4 pay stub penalties. I did not seek an individual settlement for my claims at all, instead choosing
5 to prosecute this matter on behalf of my coworkers. By pursuing the claims of all Class Members,
6 I have also rendered my own individual payment uncertain and delayed its payment by several
7 months (at the least).

8 8. As Class Representative, I assumed a fiduciary role to the Class. I agreed to (1)
9 consider the interests of the Class just as I would consider my own interests and, in some cases,
10 to put the interests of the Class before my own interests; (2) actively participate in the lawsuit, as
11 necessary, by among other things, producing documents to Defendant and giving depositions and
12 trial testimony if requested; (3) travel to give such testimony if requested; (4) recognize and accept
13 that any resolution of the lawsuit by dismissal or settlement, is subject to court approval, and must
14 be designed in the best interest of the Class as a whole; (5) follow the progress of the lawsuit and
15 provide all relevant facts to my attorneys; (6) champion many other people with similar claims
16 and injuries because of the importance of the case and the necessity that all Class Members benefit
17 from the lawsuit; and (7) fight for a resolution in which the individual recoveries to each Class
18 Member, including me, maybe relatively small. I agreed to shoulder all of these responsibilities
19 in exchange for a proportionate share of funds made available for distribution to the Class
20 Members. I had no guarantee of a Class Representative Service Payment. I have spent over 58.78
21 hours of my time in connection with this case to date. Attached as **Exhibit A** to this declaration
22 is a true and correct copy of an activity log I have prepared showing the estimates of time I spent
23 on various work performed in this case. The activities I have performed have included, but have
24 not been limited to: obtaining legal counsel, speaking with my legal counsel on numerous
25 occasions, over the phone, informing them of the terms and conditions of my coworkers'
26 employment, assisting them in gathering information, identifying the claims brought in this case,
27 gathering documents from my employment with Defendant, and being actively involved in the
28 settlement process to ensure a fair result for the Class as a whole. I also participated in the



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1 mediation and spent time carefully reviewing the Settlement, and other case related documents
2 on my own and with my counsel to make sure that the Settlement and other work my attorneys
3 performed are in the best interest of the Class Members.

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

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

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

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

17 Executed on 01 / 03 / 2025 in Orange Cove, CA.

18
19 

20 JORGE L. LEON,
21 Declarant



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EXHIBIT A

LEON TIME LOG

Approximate Date	Description	Hours
4/28/2021	Emails to/from law firm	0.17
5/11/2021	Calls and/or texts with law firm	0.33
5/12/2021	Calls and/or texts with law firm	1.00
5/12/2021	Emails to/from law firm	0.17
5/17/2021	Reviewing documents: Retainer/FAQ	0.50
8/27/2021	Calls and/or texts with law firm	0.17
8/27/2021	Reviewing documents: Other docs from law firm	1.00
8/27/2021	Emails to/from law firm	0.33
8/30/2021	Emails to/from law firm	0.08
8/30/2021	Calls and/or texts with law firm	0.08
9/2/2021	Emails to/from law firm	0.08
9/2/2021	Calls and/or texts with law firm	0.08
9/7/2021	Calls and/or texts with law firm	0.08
9/7/2021	Emails to/from law firm	0.08
9/9/2021	Calls and/or texts with law firm	0.08
9/13/2021	Calls and/or texts with law firm	0.08
9/20/2021	Calls and/or texts with law firm	0.08
9/20/2021	Emails to/from law firm	0.25
9/22/2021	Calls and/or texts with law firm	0.33
9/23/2021	Calls and/or texts with law firm	0.42
10/7/2021	Calls and/or texts with law firm	0.08
10/10/2021	Calls and/or texts with law firm	0.33
11/2/2021	Emails to/from law firm	0.08
11/2/2021	Calls and/or texts with law firm	0.17
11/5/2021	Calls and/or texts with law firm	0.08
11/8/2021	Calls and/or texts with law firm	0.08
11/12/2021	Emails to/from law firm	0.08
11/15/2021	Reviewing documents: Other docs from law firm	1.00
11/15/2021	Calls and/or texts with law firm	0.17
12/3/2021	Reviewing documents: Other docs from law firm	1.00
12/7/2021	Calls and/or texts with law firm	0.17
12/13/2021	Reviewing documents: Other docs from law firm	0.08
12/14/2021	Calls and/or texts with law firm	0.17
12/20/2021	Calls and/or texts with law firm	0.17
12/22/2021	Calls and/or texts with law firm	0.17
12/23/2021	Reviewing documents: Other docs from law firm	1.00
2/10/2022	Emails to/from law firm	0.33
2/10/2022	Reviewing documents: Complaint	2.00
2/21/2022	Emails to/from law firm	0.25
2/28/2022	Emails to/from law firm	0.17
3/7/2022	Reviewing documents: Other docs from law firm	0.50
4/8/2022	Reviewing documents: Other docs from law firm	1.00
5/4/2022	Emails to/from law firm	0.25
5/5/2022	Calls and/or texts with law firm	0.17
5/6/2022	Calls and/or texts with law firm	0.17
5/11/2022	Calls and/or texts with law firm	0.17

LEON TIME LOG

Approximate Date	Description	Hours
5/12/2022	Calls and/or texts with law firm	0.17
5/17/2022	Calls and/or texts with law firm	0.25
5/25/2022	Reviewing documents: Other docs from law firm	0.50
6/1/2022	Reviewing documents: Other docs from law firm	0.50
8/2/2022	Emails to/from law firm	0.25
8/29/2022	Emails to/from law firm	0.17
9/1/2022	Emails to/from law firm	0.25
9/9/2022	Emails to/from law firm	0.08
9/13/2022	Calls and/or texts with law firm	0.08
10/25/2022	Calls and/or texts with law firm	0.42
10/26/2022	Emails to/from law firm	0.08
10/26/2022	Emails to/from law firm	0.08
10/31/2022	Calls and/or texts with law firm	0.08
11/2/2022	Reviewing documents: Other docs from law firm	0.58
11/2/2022	Calls and/or texts with law firm	0.42
11/2/2022	Emails to/from law firm	0.17
11/2/2022	Emails to/from law firm	0.08
11/2/2022	Reviewing documents: Other docs from law firm	3.00
11/3/2022	Mediation: participation time	5.00
11/30/2022	Reviewing documents: Other docs from law firm	0.75
12/9/2022	Reviewing documents: Other docs from law firm	1.00
12/13/2022	Calls and/or texts with law firm	0.08
1/5/2023	Reviewing documents: Other docs from law firm	0.33
1/18/2023	Reviewing documents: Other docs from law firm	0.33
3/1/2023	Calls and/or texts with law firm	0.17
3/10/2023	Emails to/from law firm	0.08
3/13/2023	Calls and/or texts with law firm	0.08
3/17/2023	Reviewing documents: Other docs from law firm	0.42
3/21/2023	Reviewing documents: Other docs from law firm	0.33
3/21/2023	Emails to/from law firm	0.08
3/21/2023	Calls and/or texts with law firm	0.50
3/22/2023	Calls and/or texts with law firm	0.25
5/15/2023	Emails to/from law firm	0.17
5/15/2023	Calls and/or texts with law firm	0.08
5/15/2023	Reviewing documents: Other docs from law firm	0.33
5/16/2023	Calls and/or texts with law firm	0.25
5/18/2023	Calls and/or texts with law firm	0.17
5/18/2023	Emails to/from law firm	0.25
5/19/2023	Calls and/or texts with law firm	0.25
5/19/2023	Reviewing documents: Other docs from law firm	0.42
6/5/2023	Reviewing documents: Other docs from law firm	0.33
8/3/2023	Reviewing documents: Other docs from law firm	1.00
8/15/2023	Reviewing documents: Other docs from law firm	1.50
8/30/2023	Reviewing documents: Other docs from law firm	0.42
8/31/2023	Reviewing documents: Other docs from law firm	0.33
10/11/2023	Reviewing documents: Other docs from law firm	0.75

LEON TIME LOG

Approximate Date	Description	Hours
10/19/2023	Calls and/or texts with law firm	0.25
10/20/2023	Reviewing documents: Settlement Agreement	2.00
10/25/2023	Calls and/or texts with law firm	0.08
10/30/2023	Calls and/or texts with law firm	0.17
11/14/2023	Reviewing documents: Settlement Agreement	0.92
1/8/2024	Reviewing documents: Other docs from law firm	0.42
1/11/2024	Reviewing documents: Other docs from law firm	0.33
4/5/2024	Reviewing documents: Other docs from law firm	0.75
4/8/2024	Emails to/from law firm	0.17
4/8/2024	Reviewing documents: Other docs from law firm	0.50
4/12/2024	Calls and/or texts with law firm	0.08
4/18/2024	Emails to/from law firm	0.08
4/23/2024	Emails to/from law firm	0.08
4/26/2024	Emails to/from law firm	0.08
4/26/2024	Calls and/or texts with law firm	0.17
4/26/2024	Reviewing documents: Other docs from law firm	0.25
4/26/2024	Reviewing documents: Other docs from law firm	3.00
5/30/2024	Reviewing documents: Other docs from law firm	0.33
6/26/2024	Reviewing documents: Other docs from law firm	0.17
7/10/2024	Emails to/from law firm	0.08
8/1/2024	Reviewing documents: Other docs from law firm	0.33
11/14/2024	Emails to/from law firm	0.08
11/27/2024	Calls and/or texts with law firm	0.17
12/9/2024	Calls and/or texts with law firm	0.08
12/12/2024	Calls and/or texts with law firm	0.17
Approximately 3/11/2021 to 5/16/2023	Contacting witness(es)	5.00
Approximately 3/11/2021 to 5/16/2023	Gathering information and/or documents	5.00
	TOTAL:	58.78