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Attorneys for Plaintiffs and the Putative Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

GUADALUPE ESTRADA, on behalf of
himself and all other similarly situated;

Plaintiff,

v.

MONTEREY MUSHROOMS, INC., a
California Corporation, and DOES 1 through
50, inclusive,

Defendants.

CASE NO.: 21CV386229

*Assigned to the Hon. Charles F. Adams
Dept. 7*

**DECLARATION OF PLAINTIFF
GUADALUPE ESTRADA IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

HEARING INFO

Date: April 25, 2024
Time: 1:30 p.m.
Dept.: 7

DECLARATION OF GUADALUPE ESTRADA

I, Guadalupe Estrada, hereby declare:

1. The facts set forth herein are true to my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

2. I am the named Plaintiff in this action.

3. On or around August 26, 2021, the Class Action Complaint entitled *Guadalupe Estrada v. Monterey Mushrooms, Inc.*, Case No. 21CV386229 was filed in the Superior Court of California, Santa Clara County, on behalf of myself, and all other current and former similarly situated non-exempt hourly employees in California. Another employee filed a putative class action with overlapping claims entitled *Gillogly v. Monterey Mushrooms, Inc.*, Santa Clara County Superior Court, Case No. 21CV391403. On July 31, 2023, the Court consolidated the *Estrada* and *Gillogly* Action.

4. I was employed by defendant Monterey Mushrooms, Inc. (“Defendant”) as a non-exempt hour employee from in or around March 2020 to approximately in or around July 2020. I and other employees (including, but not limited to, general laborers completing tasks such as picking and pinching mushrooms, and all other non-exempt positions) were responsible for all aspects of Defendant’s business in California. I was subjected to the same employment policies and practices that affected other similarly situated employees of Defendant in California during the relevant time period.

5. As a non-exempt employee employed by Defendant, I was not paid for all minimum and overtime wages owed. I was also not authorized or permitted to take all of off-duty rest periods and did not receive rest period premiums for missed or non-complaint rest periods. Likewise, I was not provided with all compliant meal periods or paid missed meal period premiums for non-compliant meal periods. I was also not issued accurate itemized wage statements and did not receive all of my wages due upon separation of my employment. I was not reimbursed for business expenditures. Defendant violated the Private Attorney's General Act, Labor Code §2698 et seq.

6. I understand that, as a Class Representative, I have a duty to look out for and protect the interest of the class members as a whole. I do not believe, nor do I have any reason to believe,

1 that my interests in this lawsuit are in conflict or in any way antagonistic to the interests of those of
2 my fellow similarly situated employees. Given the various defenses asserted by Defendant, I
3 believe, along with my attorneys, that the settlement obtained is fair and reasonable to the putative
4 class members.

5 7. As the named Plaintiff in this action, I provided invaluable assistance to my
6 attorneys and the putative class members in this case, including providing factual information, wage
7 and hour documentation, wage statements, my payroll records and personnel file and factual
8 background for the allegations in the Complaint. I also spent numerous hours preparing for and was
9 available on the day of mediation. I also participated in various phone calls with my lawyers to
10 discuss litigation and settlement strategy and reviewed the settlement documents. My efforts were
11 instrumental in securing the favorable terms of the Settlement Agreement, which will provide
12 monetary compensation to the similarly aggrieved employees of Defendant. I also agreed to
13 participate in this case with no guarantee of personal benefit.

14 8. This case also involved risks for me, such as the potential risk of having to pay
15 Defendant's costs if we lost. Disregarding these risks, I pursued this case on behalf of the aggrieved
16 employees and the State of California to a successful resolution and settlement. Further, as part of
17 the Settlement, I am agreeing to a general release of all claims, which is broader than the release of
18 claims that the members of the class will agree to if they wish to participate in the settlement.

19 9. I have not received and will not receive any benefits in connection with this action
20 other than my portion of the general settlement and requested service award.

21 10. It is my understanding that based upon my industrious efforts as the named Plaintiff
22 in this action, I may be entitled to a Service Award. I respectfully request that the Court grant this
23 award to me in the amount of \$ 12,500.00 in addition to my pro rata share of the settlement fund.

24 11. In light of what I have done for the class and the hard work I put in, I believe that the
25 requested award is fully warranted and respectfully request that it be granted. Moreover, I
26 voluntarily undertook a great amount of risk by publishing my name and putting my time and
27 reputation on the line to represent the putative class members. Regardless of these risks, I put the
28 interests of the class before mine.

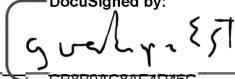
1 12. I have also signed a fee sharing provision which I consented to.

2 I declare under penalty of perjury under the laws of the State of California that the foregoing
3 is true and correct this 01/05/2024 at Watsonville County, California.

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DocuSigned by:

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Guadalupe Estrada

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PROOF OF SERVICE

Gillogly v. Monterey Mushrooms, Inc., et al.
21CV391403

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Rebecca Padilla, am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 3055 Wilshire Blvd., 12th Fl., Los Angeles, California 90010. My electronic service address is rpadilla@wilshirelawfirm.com.

On March 26, 2024, I served the foregoing **DECLARATION OF PLAINTIFF GUADALUPE ESTRADA ISO PLAINTIFFS' MOTION FOR PRELIMINARY 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:

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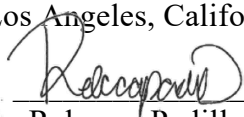
Attorneys for Defendants

Attorneys for Plaintiff Guadalupe Estrada

- (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 penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this **March 26, 2024**, at Los Angeles, California.



Rebecca Padilla