

1 DAVID G. SPIVAK (SBN 179684)

david@spivaklaw.com

2 MAYA CHEAITANI (SBN 335777)

maya@spivaklaw.com

3 THE SPIVAK LAW FIRM

4 8605 Santa Monica Bl

PMB 42554

5 West Hollywood, CA 90069

Telephone: (213) 725-9094

6 Facsimile: (213) 634-2485

7 WALTER L. HAINES (SBN 71075)

8 walter@uelglaw.com

UNITED EMPLOYEES LAW GROUP, PC

9 8605 Santa Monica Blvd., PMB 63354

West Hollywood, CA 90069

10 Telephone: (562) 256-1047

11 Facsimile: (562) 256-1006

12 Attorneys for Plaintiff,

13 LUIS LARRABURU, and all others similarly situated

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **FOR THE COUNTY OF LOS ANGELES**

16 **(UNLIMITED JURISDICTION)**

17
18 LUIS LARRABURU, on behalf of himself, all
19 others similarly situated, the general public, and
20 as an "aggrieved employee" on behalf of other
"aggrieved employees" under the Labor Code
Private Attorneys General Act of 2004,

21 *Plaintiff(s),*

22 vs.

23
24 AMERICAN MERCHANDISING
SPECIALISTS, INC., a North Carolina
25 corporation; and DOES 1–50, inclusive,

26 *Defendant(s).*

Case No. 21STCV17704

**SUPPLEMENTAL DECLARATION
OF LUIS LARRABARU IN SUPPORT
OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: November 21, 2023

Hearing Time: 10:00 a.m.

Hearing Dept.: SSC-9, The Honorable
Yvette M. Palazuelos

Action filed: May 11, 2021



**SUPPLEMENTAL DECLARATION OF LUIS LARRABARU IN SUPPORT OF
PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT**

I, LUIS LARRABARU, declare as follows:

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

2. I understand that, as a Class Representative, I have certain duties and responsibilities to the Class Members and believe that I have fairly represented the interests of all the Class Members during the case.

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

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

5. I understand that my attorneys shall submit an application to this Court for a Class Representative Payment to compensate me for my unique contributions to the success of this action as a Class Representative in the amount of \$15,000.00. I believe this amount is fair and reasonable compensation for my efforts in this case and the risks I have taken in pursuing a fair recovery for the Class Members. My counsel will provide the Court with a copy of an activity log showing the estimates of time I spent on various work performed in this case with the Motion for Final Approval.

6. I have provided Defendant with a release of any and all claims, known or unknown, I may have against the Defendant. I have given up the right to pursue individual claims for unpaid overtime wages, penalties and other causes of action mentioned in the operative



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Employee Rights Attorneys

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Office:
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25th Fl
Los Angeles CA 90067

1 complaint and recover substantially more for the same than being a Class Representative and
2 seeking relief on behalf of the Class Members. I did not seek an individual settlement for my
3 claims, and instead chose to prosecute this matter on behalf of my coworkers. By pursuing the
4 claims of all Class Members, I have also rendered my own individual payment uncertain and
5 delayed its payment by several months (at the least).

6 7. As the Class Representative, I assumed a fiduciary role to the Settlement Class. I
7 agreed to (1) consider the interests of the Settlement Class just as I would consider my own
8 interests and, in some cases, to put the interests of the Settlement Class before my own interests;
9 (2) actively participate in the complaint, as necessary, by among other things, answering
10 interrogatories, producing documents to Defendant and giving deposition and trial testimony if
11 requested; (3) recognize and accept that any resolution of the lawsuit by dismissal or settlement,
12 is subject to Court's approval, and must be in the best interest of the Settlement Class as a whole;
13 (4) follow the progress of the lawsuit and provide all relevant facts to my attorneys; (5) champion
14 many other people with similar claims and injuries because of the importance of the case and
15 the necessity that all Settlement Class Members benefit from the lawsuit; and (6) fight for a
16 resolution in which the individual recoveries to each Class Member, including me, may be
17 relatively small. I agreed to shoulder all of these responsibilities in exchange for a proportionate
18 share of funds made available for distribution to the Class Members. I had no guarantee of a
19 Class Representative Payment.

20 8. I have demonstrated my commitment to the Settlement Class by, among other
21 things, retaining experienced counsel, providing counsel with documents and extensively
22 speaking with them to assist in identifying the claims asserted in this case, assisting them in
23 contacting the Class Members and gathering information from them, meaningfully participating
24 in the mediation and subsequent negotiations that led to the Settlement. Since the inception of
25 the case, I have regularly contacted my counsel to follow the progress of the case.

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



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

5 11. Based on the time, risk, stigma, loss of benefits and income and outcome of this
6 case, I believe that the requested Class Representative Payment for me is fair and reasonable. As
7 such, I respectfully request that the Court award the requested Class Representative Payment of
8 \$15,000.

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

11 Executed on 07 / 27 / 2023 at Monrovia, California.

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14 LUIS LARRABARU,
15 Declarant
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