

GREGORY P. WONG (SBN: 204502)
HEATHER K. COX (SBN: 278898)
BARKHORDARIAN LAW FIRM, PLC
6047 Bristol Parkway, Second Floor
Culver City, CA 90230
Telephone: (323) 450-2777
Facsimile: (310) 215-3416
Email: Heather@barklawfirm.com

Attorneys for Plaintiffs
Joel Zelaya and Demetrio Montes

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

JOEL ZELAYA, an Individual; DEMETRIO
MONTES, an Individual;

Plaintiffs,

vs.

COMMERCIAL LUMBER & PALLET CO.,
INC., a California Corporation; RAYMOND
GUTIERREZ, an Individual; and DOES 1
through 100, inclusive,

Defendants.

CASE NO.: 22PSCV00340
Related Case: 22STCV03643

*Reassigned for all purposes to Hon. Stuart M.
Rice, Dept. 1*

**FURTHER DECLARATION OF JOEL
ZELAYA IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

DATE: September 1, 2023
TIME: 10.30 a.m.
DEPT: 1 (Spring Street)

Complaint Filed: April 6, 2022
Trial Date: *Not yet set*

DECLARATION OF JOEL ZELAYA

I, Joel Zelaya, declare and state as follows:

1. I am over eighteen years old and unless context indicates otherwise, I have personal knowledge of the following facts and if called as a witness, I could and would testify competently to them. I am one of the named plaintiffs and proposed class representatives in the above-captioned action. I make this declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement.

2. When I retained the Barkhordarian Law Firm in or about October 2021, I was advised of my responsibilities as a lead plaintiff and I agreed to act as a class representative. Attached hereto as Exhibit A is a true and correct copy of my agreement with Barkhordarian Law Firm regarding my acceptance of my duties as a class representative.

3. I understand and accept my responsibilities as a class representative.

4. I have been advised by my attorneys that the counsel working on the matter filed by Pedro Negrete have agreed to share any award of attorney fees in the related actions as follows: (1) 60% of the total attorneys' fees awarded will be allocated to The Barkhordarian Law Firm, counsel for Plaintiff Joel Zelaya and Plaintiff Demetrio Montes; and (2) 40% of the total attorneys' fees awarded will be allocated to Wilshire Law Firm PLC, counsel for Plaintiff Pedro Negrete. I agree to the proposed division of attorneys' fees with regards to the proposed settlement of this Action.

I declare under penalty of perjury under the laws of the State of California that all the foregoing is true and correct. Executed on August ____, 2023 in La Puente, California.

Aug 24, 2023

By: 
Joel Zelaya (Aug 24, 2023 12:21 PDT)

JOEL ZELAYA

"EXHIBIT A"

CLASS ACTION ADDENDUM

WHEREAS Joel Zelaya (hereafter "Client") and **Barkhordarian Law Firm PLC** (hereafter "Attorneys") have entered into an Attorneys-Client Retainer Agreement ("Retainer Agreement") pertaining to employment law claims held by Client;

WHEREAS, Section 2 of the Retainer Agreement provides for expansion of the agreed-to scope of representation and duties to be undertaken by Attorneys;

WHEREAS, Client and Attorneys have a mutual interest in expanding the scope of representation to include potential claims brought as a class or representative action.

NOW, THEREFORE, Client and Attorneys agree to the following:

- 1) **Modification of Scope and Duties:** The Scope of Duties under the Retainer Agreement shall be expanded to include representation of Client in a potential class or representative action alleging violations of Defendant(s) wage and hour obligations arising under California Labor Code, the California Business and Professions Code, the California Private Attorney Generals Act, and/or the Fair Labor Standards Act.
- 2) **Acceptance of Duties as Class Representative:** By signing this Class Action Addendum, Client acknowledges and represents that she/he understands and accepts her/his potential responsibilities as a lead plaintiff and/or class representative which include:
 - a. Agreeing to pursue not only her/his own potential wage and hour claims, but the claims of all similarly situated employees, and if necessary, to put the interests of the class ahead of his/her own.
 - b. Agreeing to participate actively in the case and assume the risks of serving as a named Plaintiff.
 - c. Agreeing to confer with Attorneys as needed and provide such documentation and information as available.
 - d. Agreeing to review documents and pleadings as requested by Attorneys.
 - e. Agreeing to personally appear for deposition and trial, if necessary.

Joel A. Zelaya

By: Joel Zelaya

Date: 10-15-21

GREGORY P. WONG

GREGORY P. WONG, ESQ.

Date: 10/15/21