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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF KINGS

VAUGHN HENRY, individually, on behalf of
all others similarly situated; PEDRO TORRES
ZERMENO, individually, and on behalf of all
other similarly situated,

,

Plaintiffs,

v.

TESSENDERLO KERLEY, INC., a Delaware
corporation; and DOES 1 through 10, inclusive

Defendant.

Case No.: 22C-0027

**CLASS AND REPRESENTATIVE
ACTION**

*[Assigned for all purposes to: Hon. Robert
Shane Burns, Dept. 2]*

**DECLARATION OF PEDRO TORRES
ZERMENO IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

FINAL APPROVAL HEARING

Date: November 19, 2025

Time: 8:15 am

Dept: 2

Complaint filed: January 28, 2022

FAC filed: June 12, 2022

SAC filed: May 1, 2025

Trial date: Not set

1 I, Pedro Torres Zermeno, declare as follows:

2 1. I have personal knowledge of the facts set forth in this declaration and could and
3 would competently testify to them under oath if called as a witness. I submit this declaration in
4 support of my Motion for Final Approval of Class Action Settlement.

5 **Risks, Both Financial and Otherwise, Faced in Bringing the Suit**

6 2. When I decided to become involved in this lawsuit as a class representative on behalf
7 of other employees of Defendant Tessengerlo Kerley, Inc. (“Defendant”). I understood that I was
8 not only seeking unpaid wages and penalties on behalf of myself, but also for other employees who
9 worked for Defendant, and that by doing so, I would be delaying more immediate recovery available
10 to me through the Labor Commissioner’s office.

11 3. I was also made aware that being a class representative in an action filed on behalf of
12 others would subject me to a stigma that is sometimes associated with those who bring these kinds
13 of lawsuits. I was aware that, as a class representative, I might be responsible for some or all of
14 Defendant’s legal costs if the case was not successfully concluded. Even with knowledge of these
15 risks, I was willing to go forward and to act on behalf of the other employees, but I was nervous
16 about losing and having a judgment filed against me for costs or losing job opportunities in the future.

17 4. I understood that there were risks involved in class and representative action lawsuits.
18 I understood that the lawsuit could continue for several years and require my services and attention
19 throughout the entire length of the lawsuit. I learned that even if we won at trial, the case could be
20 further delayed by appeals.

21 **Notoriety and Personal Difficulties Encountered**

22 5. As one of the named plaintiffs and the class representative, I am the face of the
23 litigation. Additionally, the class notice that was mailed in this case was sent to approximately 133
24 current and former employees of Defendant. The notice informed all of these employees that there
25 was an ongoing class action against Defendant and I joined it as a named plaintiff and the class
26 representative. Exposing myself to this kind of publicity creates a risk for my future career prospects,
27 since current and former employees of Defendant may move to different companies within the same
28 industry or may know people at other companies within the same industry who may not want to hire

1 someone who sued their employer.

2 **Amount of Time and Effort Spent and Duration of the Litigation**

3 6. I have spent a substantial amount of time and effort on this litigation. My work on
4 this case has included, among other things, gathering and providing my payroll records, and
5 participating in settlement discussions. I remained actively involved by reviewing the settlement
6 papers and regularly contacted my counsel for updates. I estimate that since I retained my counsel,
7 I have spent at least 30 hours on the activities described above.

8 **Personal Benefit Received as a Result of the Litigation**

9 7. Absent the requested service payment, the personal benefit I will receive is the same
10 as all other employees. But unlike the other employees, I have signed a general release of Defendant.
11 The other employees are only releasing the wage and hour claims asserted in the lawsuit.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct. Executed on 10/27/25, at Fresno, California.

14 

15 Pedro Torres Zermeno (Oct 27, 2025 17:04:11 PDT)

16 Pedro Torres Zermeno

PROOF OF SERVICE

Henry, et al. v. Tessenderlo Kerley, Inc.
22C-0027

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Rebecca Padilla, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 660 S. Figueroa Street, Sky Lobby, Los Angeles, California 90017. My electronic service address is rebecca.padilla@wilshirelawfirm.com.

On October 27, 2025, I served the foregoing **DECLARATION OF PEDRO TORRES ZERMENO IN SUPPORT OF FINAL 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 Defendant

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

Executed on October 27, 2025, at Los Angeles, California.



Rebecca Padilla