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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

EDUARDO PENA, individually, and on behalf
of all others similarly situated,

Plaintiff,

v.

STRATEGIC OPERATIONS, INC., a
California corporation, and DOES 1 through 10,
inclusive,

Defendants.

Case No. 37-2022-00014701

[Assigned for all purposes to: Hon. Carolyn
M. Caietti, Dept. C-70]

**DECLARATION OF PLAINTIFF
EDUARDO PENA IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: March 15, 2024

Time: 10:30 a.m.

Dept: C-70

Complaint filed: April 20, 2022

Trial date: None set

DECLARATION OF EDUARDO PENA

I, Eduard Pena, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I am a named Plaintiff in this action and submit this declaration in support of I believe I have provided invaluable assistance during the course of this case, I am hopeful that the Court will approve our request of a \$5,000 service payment for being a Class Representative.

3. I worked for Strategic Operations, Inc. as an hourly non exempt employee. At all times Defendants paid me an hourly wage and classified me as eligible for overtime pay.

4. I filed this lawsuit because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all of my meal and rest breaks.

5. By originating this lawsuit as a Class Representative, I hoped that I might be able to change Defendant's policies to better protect the working conditions of my co-workers. I also understood it was my duty as a Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

6. I have invested a lot of personal time and energy while this lawsuit has been pending. I made it a priority to be actively involved because I wanted to do everything I can to assist my attorneys in prosecuting this case. Based on my conversations, my attorneys and I were able to identify instances when I was not paid correctly.

7. Throughout this case, I spent a lot of time on the phone and emailing with my attorneys to get updates about the case and provide them with information. Since I first got involved in this case, I had approximately 9 phone calls with my attorneys. Some of these phone calls lasted about 15-30 minutes. Because I regularly kept in weekly contact with my attorneys, I estimate that I spent at least 7 hours on telephone calls and emailing with my attorneys.

8. Throughout the case, I also spent time looking for documents relevant to the case to send to my attorneys. I spent approximately over 1.5 hours looking for these documents.

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1 9. Before finalizing the settlement, I discussed in detail the terms with my attorneys. I
2 estimate that I spent approximately 1 hour discussing the settlement agreement and subsequent
3 developments in the case with my attorneys.

4 10. I believe the settlement is a good settlement and I would recommend that the Court
5 approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad that I
6 had the opportunity to represent the class in this lawsuit and that I was able to recover money
7 through a settlement for the class.

8 11. I have observed my attorneys' work throughout this case. They have been thorough,
9 diligent, prompt, courteous, and professional, and I believe they are fully entitled to the award of
10 fees that they have requested for their hard work.

11 12. I did not make the decision to file a class action lightly. I was concerned by the
12 attention a publicly filed lawsuit, and especially a class action, would attract. My name would be
13 associated with a lawsuit that I filed against my former employer. I was aware that it is possible
14 to perform background checks of publicly filed documents on the Internet, sometimes with
15 nothing more than a simple Google search.

16 13. I understand that the settlement agreement provides a service payment to me in the
17 amount of \$5,000. I believe this amount is fair compensation for my time and effort on this case,
18 for helping to prosecute this case, and the risks with respect to my future employment.

19 14. I respectfully request that the Court award me a \$5,000 service payment. Based on
20 my involvement in this case and the benefits provided to my former co-workers, I can say I
21 helped stand up for the other workers who were too afraid to say anything to management
22 because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was
23 not afraid to take that risk because I strongly care about helping out my former co-workers.

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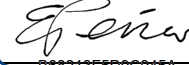
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1 I declare under penalty of perjury under the laws of the State of California and the
2 United States that the foregoing is true and correct.

3 Executed on 2/22/2024, in San Diego, California.
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