

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Eduardo Garcia (State Bar #290572)
Sydney Castillo-Johnson (State Bar #343881)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com
egarcia@jcl-lawfirm.com
scastillo@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Julieann Alvarado (State Bar #334727)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619)255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
jackland@zakaylaw.com
julieann@zakaylaw.com

Attorneys for Plaintiff JAMES F. RACHAL, JR.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

JAMES F. RACHAL, JR., an individual, on
behalf of himself, and on behalf of all persons
similarly situated,

Plaintiffs,

vs.

ELG METALS, INC., a Pennsylvania
Corporation; and DOES 1-50, Inclusive,

DEFENDANTS.

Case No. 20STCV45861

**DECLARATION OF JAMES F. RACHAL, JR.
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA SETTLEMENT**

Date: November 18, 2022

Time: 10:30 a.m.

Judge: Hon. Stuart M. Rice

Dept.: 1

1 I, JAMES F. RACHAL, JR., declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the named Plaintiff in the above
4 wage and hour class action filed against ELG METALS, INC. (hereinafter “Defendant”).

5 2. This declaration is being submitted in support of Plaintiff’s motion for Preliminary
6 Approval of Class Action and PAGA Settlement.

7 3. I believe that I am, have been and will continue to represent the interests of the class
8 fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking
9 to represent.

10 4. I worked for Defendant as a non-exempt employee in California from approximately
11 September 2003 to March 2020. At all times during my employment, I was denied legally mandated
12 meal and rest periods, minimum wages, and overtime compensation. Throughout my employment, I
13 was subject to Defendant’s written policies and procedures contained in, among other documents, the
14 “Employee Handbook” and the “California Supplement to the Employee Handbook.”

15 5. Generally, my lawsuit claims that Defendant failed to pay for all time worked, failed to
16 provide compliant meal and rest periods, failed to furnish accurate itemized wage statements, failed
17 to reimburse for required business expenses, and failed to pay all wages upon separation.

18 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
19 to represent because I was subject to the same alleged unlawful employment policies and practices at
20 issue in this action, including but not limited to, Defendant’s failure to provide compliant meal and
21 rest periods, failure to pay for all hours worked, failure to furnish accurate itemized wage statements,
22 failure to reimburse for required business expenses, and failure to pay all wages when due. Factually,
23 Defendant’s policies and practices apply class wide, and Defendant’s liability can be determined by
24 facts common to all members of the Class.

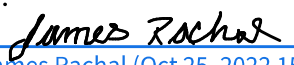
25 7. Further, there is no conflict between my interests and the interests of the class that I am
26 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
27 I was injured by the same company-wide policies and practices to which the proposed Class was
28

1 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
2 of the Class by initiating this litigation, undertaking extensive class discovery, and evaluating the
3 proposed settlement to assure that it is fair.

4 8. I understood at the time that I filed this action, that as a Class Representative, I owed a
5 duty to the putative class members to faithfully prosecute this action with their best interests at the
6 forefront of every decision. I understood that I could not make any decision in this action for the sole
7 benefit of my personal interest. I understood that in executing this duty, I might have been asked to
8 sacrifice my personal best interests for the benefit of the interests of the putative class members.
9 Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible
10 relief for my former co-workers for what I perceived to be Defendant's unlawful wage and hour
11 practices. I believe that I faithfully executed the duties of a Class Representative throughout this
12 litigation and will continue to do until this litigation is fully and finally resolved.

13 9. I believe that the proposed settlement before the Court is fair, reasonable, and adequate,
14 and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and
15 humbly, I ask the Court to grant preliminary approval of the Settlement and all of its terms.

16 I declare under the penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct. Executed Oct 25, 2022, at 7134, California.

18
19 By:  1/
James Rachal (Oct 25, 2022 15:10 PDT)
JAMES F. RACHAL, JR.