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Attorneys for Plaintiffs and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

PATRICIA O’CONNOR and STEVEN
RODRIGUEZ, as individuals and on behalf of all
others similarly situated,

Plaintiffs,

vs.

WHOLE FOODS MARKET CALIFORNIA,
INC., a California corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No. 22CV008620

[Hon. Noël Wise, Department 21]

**DECLARATION OF STEVEN RODRIGUEZ
IN SUPPORT OF PLAINTIFFS’ MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: June 18, 2024
Time: 1:30 p.m.
Department: 21

Reservation ID: 120997891563

Complaint Filed: March 18, 2022

1 I, Steven Rodriguez, declare as follows:

2 1. I am an individual over the age of 18. I am the named plaintiff in the above-reference
3 action. I have personal knowledge of the facts set forth below, except as to those matters stated on
4 information and belief and, as to those matters, I believe them to be true. If called as a witness, I could
5 testify competently as to the matters stated in this declaration.

6 2. In around October of 2020, I began working for Whole Foods Market California, Inc.
7 Until my employment ended in around November of 2021, I was employed as a stocker. As a non-
8 exempt employee I was paid hourly wages and earned additional overnight wages. When I was paid
9 overnight wages, I am informed and believe that I was provided with wage statements that failed to
10 itemize all applicable hourly rates worked.

11 3. During the pendency of this lawsuit, I have done my best to represent the interests of the
12 employees that are part of the class. I have actively contributed to the litigation of this case. My
13 contributions include but are not limited to (i) participating in numerous telephonic meetings with my
14 attorneys and their staff to discuss the case and review documents prepared on my behalf, (ii) providing
15 my attorneys with information and documents regarding my employment with Defendant, (iii) searching
16 for additional information and documents requested by my attorneys, (iv) reviewing and approving the
17 written notice to the Labor and Workforce Development Agency and the complaint and other papers
18 filed with the court, (v) participating in mediated settlement discussions, (vi) reviewing and executing
19 the settlement agreement, and (vii) reviewing and signing the declarations submitted to this Court in
20 support of the settlement. During the more than 25 months that this lawsuit has been pending, I have
21 spent 1.5 hours per month, on average—or at least approximately 40.0 hours total—in progressing the
22 litigation on behalf of the Class.

23 4. I understand that the class claims alleged in this action were brought on behalf of other
24 similarly situated employees, and thus I am acting as a representative for the Class. I understood that an
25 individual case would have resolved much faster than a class action and involved much less financial
26 risk than a class action.

27 5. Throughout the lawsuit, I have been kept apprised of the status of this case. As the class
28 representative, I understand that it is my responsibility to act in the Class's best interest and not my own.

1 I agree that I will not put my own interests ahead of that of the Class. Moreover, I am not aware of any
2 conflicts that exist between my interest and the interests of the Class that would impair or affect my
3 ability to serve as representative for the Class.

4 6. I have and continue to be willing to assist in the investigation of this matter as well as
5 make myself available for trial or any further proceeding in this matter as required to represent the
6 interests of the Class. I also understand my duties and responsibilities to the proposed class and will
7 carry out those duties as necessary.

8 7. I have discussed the terms of the settlement agreement with my attorneys, and based on
9 my understanding of the case, I am of the opinion that settlement for the consideration and on the terms
10 set forth in the settlement agreement are fair, reasonable, and adequate, and in the best interests of the
11 Class.

12 8. I understood that filing this lawsuit is a public record and I accepted that burden. This
13 lawsuit is something that potential employers can look into, and which may cause a negative impact of
14 my employment prospects. I also understood that there were risks due to my involvement as a named
15 plaintiff in a representative lawsuit against a large employer. For instance, if I lost, I might have to face a
16 judgment for some of Defendant's legal costs. Even understanding all these risks, I was willing to move
17 forward and bring this case on behalf of the other employees.

18 9. As part of the settlement, I also agreed to sign a general release of claims with a waiver
19 of rights under Civil Code section 1542.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is
21 true and correct. Executed this 20th day of May 2024, at Richmond, California.

22 DocuSigned by:

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24 Steven Rodriguez
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