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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MONTEREY

ANGELA GARCIA, an individual, on behalf)
of herself, on behalf of all persons similarly)
situated,)

Plaintiff,

vs.)

SUNDERSTORM INC., a Corporation;)
SUNDERSTORM BAY LLC, a Limited)
Liability Corporation; and DOES 1 through)
50, inclusive,)

Defendants.)

Case No. 22CV001827

**DECLARATION OF ANGELA
GARCIA IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: September 29, 2023
Hearing Time: 8:30 a.m.

Judge: Hon. Thomas W. Wills
Dept.: 15

Action Filed: June 29, 2022
Trial Date: Not set

1 I, Angela Garcia, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary
4 Approval of Class Settlement and in support of my application for a Class Representative
5 Service Payment.
6

7 2. I have personal knowledge of all the facts stated herein. I could and would competently
8 testify under oath to these facts in court if requested to do so.

9 3. I worked for the defendants ("Sunderstorm") in California from December of 2018 to
10 October of 2021 and was classified by Sunderstorm as a non-exempt employee during that time
11 period.
12

13 4. I retained my attorneys who are experienced in both class action and PAGA
14 representative action litigation and claims against employers for violations of the California
15 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
16 Court. I am not aware of having any actual or potential conflicts of interest with another class
17 member in this case nor am I aware of having any actual or potential conflicts of interest with
18 ILYM Group, the settlement administrator. I am not aware of any other pending matter or action
19 asserting claims that will be extinguished or adversely affected by this settlement.
20

21 5. I decided to file this class action lawsuit and be a plaintiff/class representative because
22 I felt that my legal rights as an employee and others like me were violated. For example, I
23 regularly did not receive compliant meal and rest breaks which were either late, interrupted or
24 missed entirely. This is because, for example, in order to stay on schedule with various
25 appointments and Sunderstorm's demanding daily schedule, which included a significant amount
26 of driving between scheduled meetings, I simply could not enjoy the benefit of compliant meal
27

1 and rest breaks. Also, I did not receive all the meal break premium payments I should have
2 received for these violations and never received a rest break premium payment. Also, I was paid
3 certain non-discretionary bonuses during pay periods where I also earned overtime but my
4 regular rate was not adjusted to account for the bonus payments. I was underpaid overtime as a
5 result. I was also not paid any wages at all for work done off the clock such as when I had to
6 communicate with various clients to book appointments for ensuing work days. In addition, I
7 was not reimbursed fully and/or reimbursed at all for various types of business-related expenses I
8 incurred on behalf of the company, such as cell phone charges, vehicle mileage and home office
9 expenses.
10

11 6. Before the complaint was filed I spoke to my attorneys several times and discussed how
12 Sunderstorm implemented its company policies and procedures. I also assisted my attorneys in
13 their investigation into my claims by providing them documents and answering their questions. I
14 reviewed the complaint before it was filed and after it was filed I was given access to an
15 electronic file sharing program that alerted me via email when important documents were filed
16 so that I could review them and keep up with the developments in the case which I understood
17 was one of my duties as a class representative. I would also contact my attorneys from time to
18 time if I had any questions about the case.
19

20 7. Even though this action is in the process of settling, I was and remain prepared to
21 perform all the duties of a class representative. I understand that as a class representative I have
22 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
23 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
24 benefit of the class members and surrender any right to compromise the group action for an
25 individual gain.
26

8. I understood that being a plaintiff/class representative in this case meant that I was seeking damages not only for myself but also other current and/or former non-exempt employees working for Sunderstorm in California. I felt that these individuals were not aware of their labor law rights and even if they were they would probably be apprehensive about speaking up or even simply because of the time, effort and risk involved in filing a class action lawsuit.

9. I understood that being a part of this lawsuit involved risks. For example, my attorneys explained to me that if the case went to trial and we lost, I could be held responsible to pay for all or part of the attorney fees and costs paid by Sunderstorm to defend this lawsuit. Also, I knew there was a risk that future employers, if they ever found out about this lawsuit, could hold it against me or downgrade me as a potential hire. As the only named Plaintiff in this case it would not be difficult for a future employer to become aware that I sued a former employer for labor law violations. Ultimately I decided these risks were worth it and decided to fight for my rights and the rights of others regardless of the risks, time and effort I spent on this case.

10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up to date on important developments by reviewing court filings that were made available to me electronically as I described above.

11. A mediation took place on May 1, 2023 with Hon. Carl J. West (Ret.), a former judge and well-respected and experienced mediator of wage and hour class actions. After the mediation the parties were able to reach an agreement to settle the action based on a mediator's proposal. I communicated with my attorneys regarding the terms of the settlement which was reached between the parties and understood that I was representing absent class members and therefore wanted the best possible result to be obtained for the class members and I believe a

1 very positive result was in fact achieved via settlement. I reviewed and signed the Memorandum
2 of Understanding on May 3, 2023 and when the final settlement papers were ready, I closely
3 reviewed the Settlement Agreement which I signed on August 24, 2023.

4 12. I have been actively involved with this lawsuit performing the duties described above.
5 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
6 filings, and spent a significant amount of time on the issues presented during the lawsuit and in
7 the settlement process. I estimate that I spent approximately 30-40 hours working on this case
8 up until this point. I believe I have been diligent and have done what is expected of a named
9 plaintiff and a proposed class representative to date, and will continue to do so. I have and
10 always will maintain the best interest of the class members.
11

12 13. My attorneys explained to me that the settlement process involves a two-step
13 review by the Court to determine whether the settlement is fair before approving the settlement.
14 I know this process also involves notifying all class members of the settlement terms and of their
15 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
16 settlement.
17

18 14. I believe I did the right thing by filing this case on behalf of the class members who,
19 subject to court approval, are in line to receive monetary payments as a result of this case and
20 settlement. This is money they may never have ever gotten if I did not pursue this action on their
21 behalf. I feel significant personal satisfaction to know that I played a role in the class members
22 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
23 the requested Class Representative Service Payment of \$10,000 from the settlement is fair
24 compensation for the work I performed and the risks I undertook.
25

26 15. As part of the settlement it was necessary for me to sign a general release of all
27

1 claims I may have against Sunderstorm. I believe the Class Representative Service Payment I
2 have requested provides me with some compensation for this agreed release.

3
4 16. In light of all the time and effort I have spent on this case, the risk I undertook by
5 suing a former employer, the exposure to being responsible for paying Sunderstorm's costs in the
6 event we did not win the case, the reputational risk that future employers may hold this lawsuit
7 against me, the general release, and in light of the size of the settlement, I believe the request for
8 \$10,000 as a Class Representative service payment is fair and reasonable.

9
10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct.

12 Executed on Aug 25, 2023, at Salinas, CA
13 (city, state)

14 
15 Angela Augustina Carranza (Aug 25, 2023 15:51 PDT)
16 Angela Garcia