

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Mireya Serrato Martinez

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

MIREYA SERRATO MARTINEZ, on behalf
of herself and all "aggrieved employees"
pursuant to Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

EM TORTILLAS, LLC, a California limited
liability company, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 30-2022-01263512-CU-OE-CXC

*Assigned to Hon. Melissa R. McCormick,
Dept. C13*

**DECLARATION OF MIREYA
SERRATO MARTINEZ IN SUPPORT OF
UNOPPOSED MOTION FOR AN ORDER
APPROVING SETTLEMENT OF
CLAIMS BROUGHT PURSUANT TO
THE PRIVATE ATTORNEYS GENERAL
ACT OF 2004, AWARDING
ATTORNEYS' FEES, COSTS, SERVICE
AWARD, AND REIMBURSEMENT OF
SETTLEMENT ADMINISTRATION
EXPENSES, AND ENTERING
JUDGMENT THEREON**

Date: December 14, 2023

Time: 2:00 p.m.

Dept.: CX104

Complaint Filed: June 3, 2022

DECLARATION OF MIREYA SERRATO MARTINEZ

1 I, MIREYA SERRATO MARTINEZ, hereby declare and state as follows:

2 1. I am a named Plaintiff in this lawsuit against Defendant EM Tortillas, LLC
3 (“Defendant”) and I submit this declaration in support of Plaintiff’s Unopposed Motion
4 for an Order Approving Settlement of Claims Brought Pursuant to the Private Attorneys
5 General Act of 2004, Awarding Attorneys’ Fees, Costs, General Release Payment, and
6 Reimbursement of Settlement Administration Expenses. I am a competent adult and
7 worked for Defendant as a non-exempt employee during the relevant time period. I have
8 personal knowledge of the facts set forth herein, and if called as a witness to testify to
9 them, I could and would do so competently.

10 2. I contacted my current attorneys when I questioned the employment
11 practices of Defendant prior to commencing this lawsuit. I accepted the opportunity to
12 act as a representative on behalf of other employees of Defendant in this action whom I
13 believed were being subjected to labor law violations. I pursued this case on a
14 representative basis so that I could help other employees recover for what I believed were
15 Defendant’s improper practices.

16 3. Specifically, I questioned Defendant’s policies of failing to pay all wages
17 due; failing to provide legally compliant meal and rest periods, or compensation in lieu
18 thereof; failing to reimburse business expenses; failing to issue accurately itemized wage
19 statements; and failing to pay all wages due at the separation of employment. Through
20 many discussions with my lawyers, I learned these may be illegal practices and
21 Defendant’s employees might have recourse for them.

22 4. By bringing this lawsuit, and throughout its course, I have put the interests
23 of other employees ahead of my own. I understood that I could possibly earn an incentive
24 award if this case resolved itself favorably, but I also knew that I could also be responsible
25 for paying Defendant’s attorneys’ fees and costs if it did not.

26 5. My goal in bringing this lawsuit was to obtain a recovery on behalf of all
27 employees of Defendant, and even more importantly, to put an end to what I believed
28

1 were illegal practices on the part of Defendant. I believe I have achieved both through
2 this lawsuit and settlement.

3 6. I am very happy about the results of this litigation. I am satisfied that
4 Defendant is compensating other Aggrieved Employees and the State for penalties that I
5 believe we are due.

6 7. At the onset of this case, I spent time through numerous phone calls with
7 several of my attorneys explaining what I understood to be Defendant's policies and
8 practices and how they were applied to other employees. I kept actively involved with the
9 status of this case throughout the litigation process, tracking the status of the case and
10 participating as much as possible.

11 8. While I have not maintained detailed time records of my activities in
12 connection with this litigation, I believe that I have spent a total of approximately 15-20
13 hours assisting my attorneys with the preparation of this case and doing work and
14 investigation of the facts independent from my attorneys both before and during this case.

15 9. Before this litigation commenced, and throughout its course, I spent
16 approximately 3-4 hours gathering, organizing, and reviewing documents and information
17 for this lawsuit. I sifted through many of my own documents and reviewed information
18 produced by Defendant as part of this litigation.

19 10. I communicated with my attorneys several times per month to track my
20 case's status. I have taken an active involvement in this matter throughout its course.

21 11. Taking the initiative with this case was very risky for me, both
22 professionally and financially. I put principal first and took a tremendous risk by filing
23 this lawsuit. I am quite confident that pursuing this lawsuit will result in future
24 reputational harm to me. There is a stigma associated with suing one's former employer.
25 I suspect I may be adversely affected when it comes to obtaining future employment –
26 employers who discover that I sued Defendant in a representative action will likely avoid
27 hiring me.

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

3 Executed on September 13, 2023 at Santa Ana, California.

4 Mireya Serrato

5
6 MIREYA SERRATO MARTINEZ

Title	Signature for Declaration
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