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Attorneys for PLAINTIFF Madeline Guevara,
on behalf of herself and others similarly situated.

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

MADELEINE GUEVARA, on behalf of herself
and others similarly situated.

PLAINTIFF,

vs.

DUTCH BROS., LLC; and DOES 1 TO 100,
INCLUSIVE.

DEFENDANTS.

Case No.: 22CV-01415

PAGA ACTION

*[Assigned for all purposes to the Hon. Brian
McCabe, Dept. 8]*

**DECLARATION OF MADELEINE
GUEVARA IN SUPPORT OF
PRELIMINARY APPROVAL OF PAGA
ACTION SETTLEMENT**

1
2 I, Madeleine Guevara, declare:

3 1. I am over the age of 18 and am the named Plaintiff and PAGA representative in this
4 matter. I have personal knowledge of the matters stated herein and if called and sworn as a witness,
5 I would and could competently testify under oath thereto.

6 2. This declaration is submitted in support of Preliminary Approval of the PAGA
7 settlement in this matter.

8 3. I worked for Defendant Dutch Bros., LLC, as an hourly, non-exempt employee from
9 approximately June 10, 2021 to on or about August 24, 2022.

10 4. From the time of the filing of the lawsuit, I have understood that this is a PAGA
11 action lawsuit where I represent the interests of all current and former hourly-paid or non-exempt
12 employees of Defendant in California during the time period from and including March 14, 2021, to
13 August 7, 2023.

14 5. I believe while working for Defendant, I and all current and former hourly-paid or
15 non-exempt employees of Defendant in California during the time period from and March 14, 2021,
16 to August 7, 2023, were subject to the same policies and procedures regarding failure to pay wages
17 for all hours worked at the legal minimum wage; failure to wages for overtime hours worked at the
18 overtime rate of pay; failure to pay wages to hourly non-exempt employees for workdays that
19 Defendants failed to provide legally required and complaint meal periods; failure to pay wages to
20 hourly non-exempt employees for workdays that Defendants failed to provide legally required and
21 compliant rest periods; failure to timely pay earned wages during employment; failure to provide
22 complete and accurate wage statements; and failure to pay employees all wages due at time of
23 termination/resignation. I believe that the claims of all current and former hourly-paid or non-
24 exempt employees of Defendant in California during the time period from and including March 14,
25 2021, to August 7, 2023, are identical to mine because Defendant's policies and procedures applied
26 to all of us.

27 6. I understand that I must continue to consider and protect the interests of all current
28 and former hourly-paid or non-exempt employees of Defendant in California during the time period

DECLARATION OF MADELEINE GUEVARA

1 from and including March 14, 2021, to August 7, 2023. I have been protecting the rights of myself
2 and all current and former hourly-paid or non-exempt employees of Defendant in California during
3 the time period from and including March 14, 2021, to August 7, 2023, since approximately nine
4 months and twenty-one days from December of 2022 when first I started looking for an attorney
5 before this lawsuit was filed. I have been and continue to place the interests of all current and former
6 hourly-paid or non-exempt employees of Defendant in California during the time period from and
7 including March 14, 2021, to August 7, 2023 before my own.

8 7. I provided information and made myself available to my attorneys since
9 approximately December of 2022 when I was searching for my attorney. I have helped and been
10 willing to support the lawsuit in any way I can for the last approximately months since December
11 of 2022 when I began searching for an attorney for the claims in this lawsuit. I have searched for an
12 attorney, met with my attorneys to see if they would represent me, met with my attorneys to discuss
13 the failure to pay wages for all hours worked at the legal minimum wage; failure to wages for
14 overtime hours worked at the overtime rate of pay; failure to pay wages to hourly non-exempt
15 employees for workdays that Defendants failed to provide legally required and complaint meal
16 periods; failure to pay wages to hourly non-exempt employees for workdays that Defendants failed
17 to provide legally required and compliant rest periods; failure to timely pay earned wages during
18 employment; failure to provide complete and accurate wage statements; and failure to pay
19 employees all wages due at time of termination/resignation.. I spent time searching for policies and
20 procedures that were given to me during my employment, any timecards I had, any pay stubs I had,
21 handbooks and other documents related to my employment. I produced all the documents to my
22 attorneys. I responded to almost all of my attorneys' telephone calls and interviews and I met with
23 them to discuss any questions they had about my employment, Defendant's policies and procedures,
24 and Defendant's failure to pay wages for all hours worked at the legal minimum wage; failure to
25 wages for overtime hours worked at the overtime rate of pay; failure to pay wages to hourly non-
26 exempt employees for workdays that Defendants failed to provide legally required and complaint
27 meal periods; failure to pay wages to hourly non-exempt employees for workdays that Defendants
28 failed to provide legally required and compliant rest periods; failure to timely pay earned wages

DECLARATION OF MADELEINE GUEVARA

1 during employment; failure to provide complete and accurate wage statements; and failure to pay
2 employees all wages due at time of termination/resignation., or the documents I had provided to
3 them. I was available during full day mediation in this case. Once the settlement agreement was
4 finalized, I conferred with my attorneys to review and discuss the settlement agreement before
5 signing.

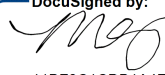
6 8. I also understand that in the event this matter proceeds to trial, I must come to court
7 to participate in the trial. I will come to court if I am needed and have been ready to perform any
8 responsibility that is necessary for this lawsuit. I know that I took a risk by filing this lawsuit because
9 if I lost, I would have to pay for all the costs incurred by the Defendants in the lawsuit. I also have
10 the risk of losing income for any time that I would have to spend fulfilling my responsibilities
11 including having to attend the trial. I also believe I have taken a risk by filing this lawsuit because
12 my employers in the future may find out that I sued my employer, and they may not like it. The other
13 employees will be receiving money from this lawsuit and have not had to file a lawsuit, look for an
14 attorney, or take the risks that I have had to take.

15 9. I understand that the settlement we have reached in this case must be approved by
16 the Court and I must protect the interests of all current and former hourly-paid or non-exempt
17 employees of Defendant in California during the time period from and including March 14, 2021, to
18 August 7, 2023.

19 10. I have no interest in or relationship with the proposed Settlement Administrator.

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

22
23 Executed this ²⁵ day of October 2023, at 423 Garden Gate way Turlock, California.

24
25 DocuSigned by:
26 
27 11BF8C1CDB1A4E1

28 Madeleine Guevara

PROOF OF SERVICE

I, JOEY GONZALEZ, am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action. My business address is 1965 Market Street, San Francisco, California 94103. On **October 27, 2023**, in the case of *Kaylyn Bush et al. v. Dutch Bros., LLC*, Merced Superior Court Case Number 22CV-01415, I served the foregoing document(s):

DECLARATION OF MADELEINE GUEVARA IN SUPPORT OF PRELIMINARY APPROVAL OF PAGA ACTION SETTLEMENT

on the interested party(ies) below, using the following means:

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Benjamin A. Emmert, Esq.
Melinda Ward

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Attorneys for Plaintiff
MADELINE GUEVARA

☒	(BY ELECTRONIC SERVICE) by electronically mailing a true and correct copy in PDF format through our electronic mail system to the email address(es) set forth above, or as stated on the attached service list per CCP 1010.6.
☒	(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


JOEY GONZALEZ