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8 Attorneys for Plaintiff VIJAY SHETH, as an
individual, and on behalf of all others similarly situated

9
10 **SUPERIOR COURT OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF LOS ANGELES**

12 VIJAY SHETH, as an individual and on
behalf of all others similarly situated,

13 Plaintiff,

14 vs.

15 ICON BURGER ACQUISITION LLC, a
Delaware limited liability company;
16 SMASHBURGER ACQUISITION-SO CAL
LLC, a Delaware limited liability company;
17 SMASHBURGER ACQUISITION – SAN
DIEGO LLC, a Delaware limited liability
18 company; SMASHBURGER
ACQUISITION – SACRAMENTO LLC, a
19 Delaware limited liability company; and
20 DOES 1-100, inclusive,

21 and DOES 1-100, inclusive,

22 Defendants.

CASE NO.: 22STCV09093

Assigned for All Purposes to:
Hon. Yvette M. Palazuelos
Dept SSC-9

DECLARATION OF VIJAY SHETH

DATE: July 10, 2024

TIME: 10:30 a.m.

DEPT.: SSC-9

1 I, Vijay Sheth, declare as follows:

2 1. I am an adult over the age of eighteen (18) years old. I am the Named Plaintiff
3 who filed the above-captioned lawsuit. I have personal knowledge of the facts set forth in this
4 declaration. I make this declaration in support of Plaintiff's Motion for Preliminary Approval of
5 Class Action Settlement.

6 2. I was employed by Defendants at their Smashburger restaurants as an hourly
7 employee for several years as both a cook and a manager. I mostly worked at the Redondo Beach
8 restaurant but also worked some shifts at other restaurants as well.

9 3. While working for Defendants I don't think I was properly compensated for all
10 hours worked, and seemed the hours on my pay stubs never lined up with the hours I actually
11 worked and I believe store managers may have altered time records to save on overtime costs and
12 to cover up missed lunch breaks. I also don't think I got all of the lunch breaks I was supposed to
13 get and many times my lunch started late in a shift or lasted under 30 minutes when the restaurant
14 was busy. I also had to use my own phone on company business like talking/texting to managers
15 and never received any reimbursement.

16 4. I decided to bring this lawsuit because I did not feel that I was treated fairly as an
17 employee of Defendants, especially with regard to not being paid properly for all the hours I
18 worked, as well missed meal and rest breaks and not getting any expense reimbursement. As a
19 result, I believe the class members and myself are owed additional compensation for all of the
20 time we worked that was not paid for by Defendants, as compensation for not getting all our
21 breaks, and to pay for our expenses.

22 5. It is my understanding this lawsuit could not have been prosecuted or settled
23 unless I or some other employee decided to serve as a named plaintiff and pursue the case. In
24 deciding to serve as a named plaintiff, I understood that my name would be publicly attached to
25 this lawsuit and that my work experiences to some extent would be set forth in a public court file.
26 I recognized that I would need to devote a certain amount of time that I could have spent
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1 otherwise. I also recognized that my bringing the lawsuit carried some degree of risk. Despite
2 this, I decided to serve as the named plaintiff without any promise of recovery or compensation.

3 6. I am familiar with the work involved in prosecuting this case. I have participated
4 in numerous meetings and communications with my lawyers regarding this case. I am familiar
5 with the allegations and defenses of the claims in this case. I am familiar with the major events in
6 this case, including the investigation performed by my lawyers, the mediations with Defendant
7 that finally resulted in this settlement, and the preparation of settlement papers and the need to
8 obtain court approval of the proposed settlement. I participated in all stages of the litigation and
9 provided my lawyers with information and documents regarding my employment with Defendant.

10 7. I believe that the proposed settlement obtained on behalf of the other employees is
11 excellent in view of the issues and risks involved with the case.

12 8. I believe I have fulfilled my duties as a named plaintiff and class representative,
13 which required a significant amount of time and effort during the course of this case. These
14 efforts required dedicating numerous hours to lawsuit activities including, but not limited to: (a)
15 communicating with my attorneys to stay informed of ongoing developments in the case and to
16 discuss the proposed settlement; (b) searching for and providing documents and other materials
17 relating to my work experience; (c) responding to requests for information relating to my work
18 experience; and (d) reviewing filings and key documents including drafts of the complaint and the
19 settlement agreement. These tasks required my dedication of at least 20 hours of my time, which
20 time I honestly could have spent on family, personal time, or work. My understanding is that
21 future tasks may require several more hours of my time. I believe I have been diligent and that I
22 have acted above and beyond that of which is expected of a named plaintiff to date and will
23 continue to do so.

24 9. It is my opinion that \$5,000.00 is a fair and adequate award for my service as the
25 named plaintiff and class representative for the unpaid wage and missed lunch/rest breaks claims
26 that were brought in the lawsuit. I believe that amount is fair and reasonable in view of the work I
27 have and will continue to perform on behalf of the class members. I believe that my role in this
28 lawsuit has resulted in a valuable benefit to the other employees, and I accepted the potential risk

1 of being liable for the opposing parties' costs if we were unsuccessful in this lawsuit. I believed in
2 this case, so I was willing to be the named plaintiff to risk this and pursue this class action. I also
3 accepted the risk that news of this lawsuit could also potentially impact my ability to secure other
4 work.

5 10. Based on the time, service, risk, stress, potential stigma, loss of benefits and
6 excellent outcome of this case, I believe the enhancement for me is fair and reasonable.

7 I declare under penalty of perjury under the laws of California that the foregoing is true
8 and correct. Executed on 4.12.24, at San Diego, California.
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11 *Vijay Sheth*

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Vijay Sheth
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