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8 Attorneys for Plaintiff FRANCISCO CERVANTES

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF RIVERSIDE**
12

13 FRANCISCO CERVANTES, as an
14 individual and on behalf of all others
15 similarly situated,

16 Plaintiff,

17 v.

18 ALPHA MATERIALS, INC., a California
19 corporation; and DOES 1-100, inclusive,

20 Defendants.
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Case No.: Case No.: CVRI2201967

Assigned for All Purposes to:
Hon. Harold Hopp
Dept. 1

**DECLARATION OF FRANCISCO
CERVANTES**

Date: July 25, 2024
Time: 8:30 a.m.
Dept.: 1

1 I, FRANCISCO CERVANTES, declare as follows:

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

5 2. I worked for defendant Fisher Ranch Corporation as an equipment operator from
6 August 2020 through January 2022. My job duties included driving machinery through
7 Defendant's fruit and vegetable fields to spray pesticides, cut plants, and pick fruits and
8 vegetables. While I worked there I don't think I was paid for all hours that I worked because I was
9 told I had to be at work 15 minutes before the start of a shift for a pre-shift meeting, and many
10 times I had to stay after the scheduled end of a shift to finish up whatever I was doing. All of this
11 time I worked both before and after my scheduled hours was not recorded and was not paid for. I
12 also was always getting texts and calls on my personal phone about work issues while I was on my
13 lunch break. I also don't think I received all of the meal and rest breaks I was entitled to, as
14 lunches and breaks would start late, last less than 30 minutes, or be interrupted by work. I also had
15 to use my own phone for company business, and provide my own tools to perform maintenance on
16 defendant's farm machinery, and I never received any reimbursement.

17 3. I decided to file this lawsuit because I did not feel that I was treated fairly as an
18 employee of Defendant, especially with regard to me not receiving all of the pay I believe I
19 earned, for not getting all of my lunches and other breaks, and not getting anything for using my
20 own phone and tools.

21 4. It is my understanding this lawsuit could not have been prosecuted or settled on
22 behalf of the Class unless I or some other current or former employee decided to serve as a named
23 plaintiff and proposed class representative. In deciding to serve as a named plaintiff and proposed
24 class representative in this case, I understood that my name could be publicly attached to this
25 lawsuit and that my work experiences to some extent would be set forth in a public court file. I
26 recognized I would need to devote a certain amount of time that I could have spent otherwise. I
27 also recognized my bringing the lawsuit carried some degree of risk for defendants' legal costs
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1 among other things. Despite this, I decided to serve as the named plaintiff and proposed class
2 representative, without any promise of recovery or compensation.

3 5. I am familiar with the work involved in prosecuting this case. I have participated in
4 meetings, phone calls, and other communications with my lawyers regarding this case. I am
5 familiar with the allegations and defenses of the claims in this case. I am familiar with the major
6 events in this case, including the investigation performed by my lawyers, the mediation with
7 Defendant that 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 the litigation and provided my
9 lawyers with information and documents regarding my employment with Defendant.

10 6. I believe that the proposed class-wide settlement obtained on behalf of the Class
11 and other aggrieved employees is excellent in view of the issues and risks involved with the case.

12 7. I believe I have fulfilled my duties as a proposed class representative, which
13 required a significant amount of time and effort during the course of this case. These efforts
14 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 ultimately negotiated; (b) searching for and providing documents
17 and other materials relating to my work experience; (c) responding to requests for information
18 relating to my work experience; and (d) reviewing filings and key documents including drafts of
19 the complaint and the settlement agreement. These tasks required my dedication of at least 15-20
20 hours of my time, which time I honestly could have spent on family, personal time, or work. My
21 understanding is that future tasks may require several more hours of my time. Further, at all times
22 I was ready, willing and able to testify at deposition and/or trial. I believe I have been diligent and
23 that I have acted above and beyond that of which is expected of a named plaintiff and proposed
24 class representative to date and will continue to do so. To the best of my knowledge I have not
25 conflicts of interest of any kind with any other class member.

26 8. It is my opinion that \$5,000.00 is a fair and adequate award for my service as the
27 named plaintiff and proposed Class Representative, and in consideration for my general release of
28 all claims against Defendant. I believe that amount is fair and reasonable in view of the work I

1 have and will continue to perform on behalf of the Class. I believe that my role as the class
2 representative in this lawsuit has resulted in a valuable benefit to the Class Members, and I
3 accepted the potential risk of being liable for the opposing parties' costs if we were unsuccessful
4 in this lawsuit. I believed in this case, so I was willing to be the named plaintiff and proposed class
5 representative to risk this and pursue this class action litigation. I also accepted the risk that news
6 of this lawsuit could also potentially impact my ability to secure other work. I understand I also
7 will receive about \$2,805.83 as my share of the class action settlement in addition to the requested
8 service award.

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

11 I declare under penalty of perjury under the laws of California that the foregoing is true
12 and correct. Executed on 07 / 01 / 2024, at FONTANA, California.

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16 Francisco Cervantes
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