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Attorneys for Plaintiff ANGEL GARCIA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

ANGEL GARCIA, individually, and on behalf
of other members of the public similarly
situated;

Plaintiff,

vs.

J&B INVESTMENTS, INC. dba J&B
MATERIALS, INC., a California corporation;
PACIFIC GYPSUM SUPPLY, INC., a
Georgia Corporation; GYPSUM
MANAGEMENT AND SUPPLY, INC., a
Georgia Corporation; and DOES 1 through 25,
inclusive.

Defendants.

Case No. CIVSB2208601

Honorable Joseph T. Ortiz
Department 17

**DECLARATION OF ANGEL GARCIA IN
SUPPORT OF PLAINTIFFS' AMENDED
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT**

Date: March 21, 2023
Time: 1:30 p.m.
Dept: S-17

Complaint Filed: April 25, 2022
Trial Date: Not Set

DECLARATION OF ANGEL GARCIA

I, Angel Garcia, declare and state as follows:

1. I am over the age of eighteen (18) and I am a resident of the State of California. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I am the named plaintiff in this action, and I seek to be appointed as the representative of the proposed class for purposes of settlement.

3. I was employed by J&B Investments, Inc. d/b/a J&B Materials, Inc., Pacific Gypsum Supply, Inc., Gypsum Management and Supply, Inc. ("Defendants" or "J&B Materials") from approximately June 2005 to June 2015, and again from approximately August 2019 to September 29, 2021 as a non-exempt, hourly-paid Drywall Stocker and Driver at its Paramount, California location. I decided to seek legal advice about my work experience with J&B Materials and about filing a lawsuit to seek to redress my grievances.

4. Soon after my employment with J&B Materials ended, I contacted Blackstone Law, APC and spoke with attorneys there about certain practices by my former employer that I thought might not be lawful, including not permitting employees to take breaks and not paying all wages due. I wanted to take steps to make sure Defendants were held accountable for not properly compensating its employees for all hours worked and non-compliant meal and rest breaks. After speaking with the attorneys, I looked into what class and representative action lawsuits are on my own. Thereafter, I further consulted with the attorneys at Blackstone Law, APC about my situation, class and representative action lawsuits under the Private Attorneys General Act ("PAGA"), and what it meant to bring a class and PAGA action.

5. Since becoming involved in this matter, I have regularly conferred with my attorneys regarding the case and fulfilling my responsibilities as a class action and PAGA representative, which included providing documents regarding my employment with J&B Materials, reviewing documents with my attorneys and answering their questions, providing information regarding the duties of other non-exempt employees, and helping my attorneys as they developed a strategy to seek additional documents and information from J&B Materials. I routinely checked in with my attorneys and their

1 staff to make sure that they had all of my most current information and any additional information that
2 I had obtained.

3 6. Throughout my involvement in this case, I was available to answer any questions my
4 attorneys had and was available to speak and meet with my attorneys whenever they needed me. I
5 responded to them as quickly as possible and gave them as much information as I could. I described
6 policies, practices, and procedures of J&B Materials. I also searched for and contacted potential
7 witnesses and potential class members and referred them to my attorneys. During the investigation
8 and mediation process, I spent approximately 20-25 hours reviewing information and documents
9 provided by J&B Materials and answering questions from and providing information to my attorneys.

10 7. I have reviewed the settlement agreement for this case. After reading it, I discussed it
11 with my attorneys and asked questions before I signed it. I understand that any resolution of this
12 lawsuit on a classwide basis is subject to court approval, and any settlement must be designed in the
13 best interest of the class as a whole. I believe this settlement achieves great results for the Class
14 Members.

15 8. I believe that I have done everything that my attorneys have asked of me and tried, to
16 the best of my ability, to seek relief for the class, the aggrieved employees, and the State of California.
17 I think my efforts helped to get the result obtained in this case.

18 9. I understand that as a class representative, I must consistently consider and protect the
19 interests of all Class Members. I also understand that I must put the rights of the Class Members first.
20 I believe I have done exactly that since the time I first started looking for an attorney before this lawsuit
21 was filed.

22 10. Even though a settlement has been reached by the parties, I understand that if for any
23 reason this case proceeds to trial, I will continue to represent the interests of the Class Members and as
24 such, will participate in the trial. remain committed to seeing this litigation through settlement or
25 through to trial, if necessary.

26 11. I believe that I took a risk by filing this lawsuit for several reasons. First, if I lost, I might
27 have to pay the costs incurred by the Defendants in the lawsuit. I also risked losing income for any time
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1 that I would have to spend fulfilling my responsibilities including having to attend the trial. I also believe
2 I took a greater risk in bringing this lawsuit because my involvement is public information and any future
3 employers can find out that I sued my employer, and based thereon, decide not to offer me a job. Last, the
4 other employees who will be receiving money from this lawsuit did not have to look for an attorney, or
5 file a lawsuit, or take any of the risks that I have had to take.

6 12. I have, at all times throughout the course of this litigation, considered the interests of
7 the class.

8 13. I respectfully request that the Court approve and award me a service payment in the
9 amount of \$5,000.00 for my efforts and active participation in the case and the release of claims.
10 Taking into consideration the time that I dedicated to this case, I believe that this amount is reasonable.

11 14. I am not related to anyone associated with Blackstone Law, APC.

12 Executed on 02/24/2023, at El Cajon, California.

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16 Angel Garcia
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