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

DANIEL LOPEZ, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

MARTINEZ CONCRETE, INC., a
California Corporation, ROBERTO
MARTINEZ, an Individual, and DOES 1
through 20, inclusive;

Defendants.

Case No.: CIVSB2208282
*[Assigned to Hon. Joseph Ortiz, Dept. S17, for
all purposes]*

**DECLARATION OF PLAINTIFF DANIEL
LOPEZ IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
APPROVAL**

Hearing

Date: November 6, 2023
Time: 1:30 p.m.
Dept.: S17

Complaint filed: April 21, 2022

I, Daniel Lopez, state and declare:

1. I am a Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and could competently testify thereto.

2. I make this declaration in support of the motion for preliminary approval of the class action settlement reached in this matter. As discussed herein, I believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged.

1 3. I was employed by Defendants from approximately July 24, 2019 through
2 February 18, 2022. During my employment for Defendants, there were several issues that
3 concerned me and which I thought did not comply with California law, such as not being paid
4 properly, not providing proper wage statements, and not getting proper meal periods and rest
5 breaks. Even though I believed the company might be violating California law, I did not take
6 action while employed because I did not want to risk losing my job or being treated differently as
7 a whistleblower. After that happened, and even though I was unsure if I wanted to bring a
8 lawsuit because of the risk of stepping forward as a whistleblower (since this could jeopardize
9 my livelihood in the industry and make it difficult to find future jobs), I retained Lauby, Mankin
10 & Lauby LLP to move forward with a case because I did not think that myself or the other
11 employees were being treated correctly.

12 4. After retaining my attorneys, I understood that I had two options: I could pursue
13 my individual case alleging wage and hour issues to maximize my personal recovery, or I could
14 bring a class/representative action and put the interests of the class ahead of my own. The
15 decision of whether to bring my individual claims or to bring a class action put me in a tough
16 spot, because on the one hand, I wanted to hold the company accountable for how they treated
17 me and, on the other hand, I wanted to help other employees that were not paid correctly. And I
18 knew that, if I wanted to bring a class action, I would need to put the interests of the class first
19 to better serve the class. In the end, in the interest of helping all employees that were subjected
20 to the wage violations, I decided to help everyone by bringing a class/representative action.

21 5. I believe that Defendant's illegal wage and hour practices that form the basis for
22 the claims in this matter affected all of its hourly employees in a similar manner as they affected
23 me.

24 6. I was employed by Defendants in a non-exempt position during the alleged class
25 and PAGA periods and the claims that I made in this action are typical and impacted the entire
26 class of represented employees.

27 7. I believe that I have no conflicts of interest with other class members and have
28 agreed to place class interests above my own.

8. Since first initiating this action, I estimate that I have spent at least fifty (40) hours engaged in activities to benefit the class. I have assisted my attorneys in numerous ways, including helping to explain and discuss the company's practices and their general practices and procedures, and locating and analyzing company documents. These efforts occurred through telephone conferences with Class Counsel, telephone conferences, letters, and email communications. I also assisted in preparation for mediation and helped obtain a positive result for the class.

9. Moreover, in bringing this case, I was concerned that I could be “blackballed” as a whistleblower, and this was a substantial risk that weighed heavily on my mind every day, leading to substantial anxiety and stress.

10. For the reasons stated above, I respectfully request that the Court approve the agreed-upon service award.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on October 12, 2023, at Rialto , California.

By: 
Daniel Lopez (Oct 12, 2023 12:31 PDT)