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7 Attorneys for Plaintiff MARIO CABRAL, and all others similarly situated

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10 **(UNLIMITED JURISDICTION)**

11 MARIO CABRAL, on behalf of himself, all
12 others similarly situated, and the general
13 public, and as an "aggrieved employee" on
14 behalf of other "aggrieved employees"
15 under the Labor Code Private Attorneys
16 General Act of 2004,

17 *Plaintiff(s),*

18 vs.

19 SENTRY INSURANCE COMPANY and
20 DOES 1 to 25, inclusive,

21 *Defendant(s).*

Case No.: 22STCV21484

22 **DECLARATION OF PLAINTIFF MARIO**
23 **CABRAL IN SUPPORT OF UNOPPOSED**
24 **MOTION FOR PRELIMINARY**
25 **APPROVAL OF CLASS ACTION AND**
26 **PAGA SETTLEMENT**

27 Action filed: July 1, 2022
28 Hearing Date: December 13, 2023
Hearing Time: 9:00 a.m.
Hearing Dept: 54, Hon. Maurice A. Leiter

1 I, Mario Cabral, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and the proposed Class Representative
3 in the above-entitled matter. I submit this declaration in support of the Motion for Preliminary
4 Approval of Class Action and PAGA Settlement and in support of my application for a Class
5 Representative Service Payment.

6 2. I have personal knowledge of all the facts stated herein. I could and would
7 competently testify under oath to these facts in court if requested to do so.

8 3. I worked for Defendant, Sentry Insurance Company, in California for over a
9 decade until in or around March 2022 when my employment was wrongfully terminated. My job
10 title was Senior Claims Field Appraiser.

11 4. I retained my attorneys who are experienced in both class action and PAGA
12 representative action litigation and claims against employers for violations of the California Labor
13 Code. I have no personal relationship or family ties to my attorneys or any officer of the Court.
14 I am not aware of having any actual or potential conflicts of interest with another class member
15 in this case nor am I aware of having any actual or potential conflicts of interest with Phoenix
16 Settlement Administrators, the settlement administrator. I am not aware of any other pending
17 matter or action asserting claims that will be extinguished or adversely affected by this settlement.

18 5. I decided to pursue this class action lawsuit and be a plaintiff/class
19 representative because I felt that my legal rights and others like me were violated. For example,
20 I felt like I was not compensated for all of the hours that I worked in that I worked "off the clock"
21 hours. Moreover, due to the heavy workload imposed by Defendant, I was often unable to take
22 compliant meal and rest breaks in that they were late, interrupted or missed entirely.

23 6. I spoke to my attorneys and discussed how the Defendants implemented their
24 company policies and procedures. I also assisted my attorneys in their investigation into my
25 claims by providing them documents and answering their questions, which I understood was one
26 of my duties as a class representative. I also contacted my attorneys from time to time if I had any
27 questions about the case.

28 7. Even though this action is in the process of settling, I was and remain prepared to

1 perform all the duties of a class representative. I understand that as a class representative I have
2 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
3 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
4 benefit of the class members and surrender any right to compromise the group action for an
5 individual gain.

6 8. I understood that being a plaintiff/class representative in this case meant that I was
7 seeking damages not only for myself but also other individuals who worked for the Defendants
8 in California. I felt that these individuals were not aware of their labor law rights and even if they
9 were they would probably be apprehensive about speaking up or even simply because of the time,
10 effort and risk involved in filing a class action lawsuit.

11 9. I understood that being a part of this lawsuit involved risks. For example, my
12 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
13 pay for all or part of the attorney's fees and costs paid by the Defendants to defend this lawsuit.
14 Also, I knew there was a risk that future employers, if they ever find out about this lawsuit, could
15 hold it against me or downgrade me as a potential hire. As the named Plaintiff in this case, it
16 would not be difficult for a future employer to become aware that I sued a former employer for
17 labor law violations. Ultimately, I decided these risks were worth it and decided to fight for my
18 rights and the rights of others regardless of the risks, time and effort I spent on this case.

19 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
20 kept up to date on important developments.

21 11. A mediation took place on April 19, 2023 with Todd Smith, Esq., a well-respected
22 and experienced mediator of wage and hour class actions. I actively participated in the mediation
23 and provided factual assertions to the mediator, Todd Smith. I answered the mediator's questions
24 to the best of my abilities. After the mediation, the parties were able to reach an agreement to
25 settle the action. I communicated with my attorneys regarding the terms of the settlement which
26 was reached between the parties and understood that I was representing absent class members and
27 therefore wanted the best possible result to be obtained for the class members. I believe a very
28 positive result was in fact achieved via settlement. I closely reviewed the Settlement Agreement

1 which I signed on October 11, 2023.

2 12. I have been actively involved with this lawsuit performing the duties described
3 above. Although I did not keep time records, I was in regular contact with my attorneys, and spent
4 a significant amount of time on the issues presented during the lawsuit and in the settlement
5 process. I believe I have been diligent and have done what is expected of a named plaintiff and a
6 proposed class representative to date and will continue to do so. I have and always will maintain
7 the best interests of the class members.

8 13. My attorneys explained to me that the settlement process involves a two-step
9 review by the Court to determine whether the settlement is fair before approving the settlement.
10 I know this process also involves notifying all class members of the settlement terms and of their
11 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
12 settlement.

13 14. I believe I did the right thing by filing this case on behalf of the class members
14 who, subject to court approval, are in line to receive monetary payments as a result of this case
15 and settlement. This is money they may never have ever gotten if I did not pursue this action on
16 their behalf. I feel significant personal satisfaction to know that I played a role in the class
17 members being entitled to monetary payments as a result of the filing of this lawsuit. I also
18 believe that the requested Class Representative Service Payment of \$2,500.00 from the settlement
19 is fair compensation for the work I performed and the risks I undertook.

20 15. I negotiated an individual settlement of my wrongful termination claims against
21 Defendant. As part of this confidential settlement, I also provided Defendant with a general
22 release of all claims, whether known or unknown, including unknown claims covered by Civil
23 Code Section 1542. I don't believe that my individual settlement has any bearing on whether I
24 have served the Class Members' best interests and will continue to do so. Nevertheless, I am
25 willing to provide it to the Court *in camera* if the Court so requests.

26 16. In light of all the time and effort I have spent on this case, the risk I undertook by
27 suing a former employer, the exposure to being responsible for paying Defendant's costs in the
28 event we did not win the case, the reputational risk that future employers may hold this lawsuit

1 against me, the general release, and in light of the size of the settlement, I believe the request for
2 \$2,500.00 as a Class Representative Service Payment is fair and reasonable.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5
6 Executed on November 27, 2023, at San Dimas, California.

7 (City, State)

8
9 
Mario Cabral (Nov 27, 2023 19:12 PST)

10 MARIO CABRAL