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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: September 16, 2024
Hearing Time: 8:30 a.m.
Hearing Dept: 54, Hon. Maurice A. Leiter

Reservation Id:
291540340124

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
10 job 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
13 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
14 Court. I am not aware of having any actual or potential conflicts of interest with another class
15 member in this case nor am I aware of having any actual or potential conflicts of interest with
16 Phoenix Settlement Administrators, the settlement administrator. I am not aware of any other
17 pending matter or action asserting claims that will be extinguished or adversely affected by this
18 settlement.

19 5. I decided to pursue this class action lawsuit and be a plaintiff/class
20 representative because I felt that my legal rights and others like me were violated. For example,
21 I consistently worked "off the clock" hours but would not be compensated for that time.
22 Moreover, due to the heavy workload imposed by Defendant, I was often unable to take
23 compliant meal and rest breaks in that they were late, interrupted or missed entirely. I also had
24 to use my personal cell phone, personal computer, and home internet for various work-related
25 issues but was not reimbursed by the Defendants for these business expenses I incurred.

26 6. I spoke to my attorneys and discussed how the Defendants implemented their
27 company policies and procedures. I also assisted my attorneys in their investigation into my
28 claims by providing them documents and answering their questions. I was also able to access

1 court-filed documents in this case on the firm's website so that I could review them and keep up
2 with the developments in the case which I understood was one of my duties as a class
3 representative. I also contacted my attorneys from time to time if I had any questions about the
4 case.

5 7. Even though this action is in the process of settling, I was and remain prepared to
6 perform all the duties of a class representative. I understand that as a class representative I have
7 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
8 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
9 benefit of the class members and surrender any right to compromise the group action for an
10 individual gain.

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

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

25 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
26 kept up to date on important developments by reviewing court filings that were made available
27 to me electronically as I described above.

28 11. A mediation took place on April 19, 2023 with Todd Smith, Esq., a well-

1 respected and experienced mediator of wage and hour class actions. After the mediation the
2 parties were able to reach an agreement to settle the action. I communicated with my attorneys
3 regarding the terms of the settlement which was reached between the parties and understood
4 that I was representing absent class members and therefore wanted the best possible result to be
5 obtained for the class members and I believe a very positive result was in fact achieved via
6 settlement. I closely reviewed the Settlement Agreement which I signed on October 11, 2023.

7 12. I have been actively involved with this lawsuit performing the duties described
8 above. Although I did not keep time records, I was in regular contact with my attorneys,
9 reviewed court filings, and spent a significant amount of time on the issues presented during the
10 lawsuit and in the settlement process. I estimate that I spent approximately 15-20 hours
11 working on this case up until this point. I believe I have been diligent and have done what is
12 expected of a named plaintiff and a proposed class representative to date, and will continue to
13 do so. I have and always will maintain the best interest of the class members.

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

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

26 15. I negotiated an individual settlement of my wrongful termination claims against
27 Defendant. As part of this confidential settlement, I also provided Defendant with a general
28 release of all claims, whether known or unknown, including unknown claims covered by Civil

1 Code Section 1542. I don't believe that my individual settlement has any bearing on whether I
2 have served the Class Members' best interests and will continue to do so. Nevertheless, I am
3 willing to provide it to the Court *in camera* if the Court so requests.

4 16. In light of all the time and effort I have spent on this case, the risk I undertook by
5 suing a former employer, the exposure to being responsible for paying Defendant's costs in the
6 event we did not win the case, the reputational risk that future employers may hold this lawsuit
7 against me, the general release, and in light of the size of the settlement, I believe the request for
8 \$2,500.00 as a Class Representative Service Payment is fair and reasonable.

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

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12 Executed on 07/24/24, at SAN DIMAS, CALIFORNIA
13 (city, state)

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16 Mario Cabral (Jul 24, 2024 19:26 PDT)

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Mario Cabral