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Attorneys for Plaintiff GERARDO DIAZ,
on behalf of himself, all others similarly
situated, and on behalf of the general public.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

GERARDO DIAZ, on behalf of himself,
all others similarly situated, and on behalf
of the general public,

Plaintiff,

v.

CMC AMERICA, LLC; and DOES 1
through 100,

Defendants.

Case No.: 37-2022-00019716-CU-OE-CTL

**DECLARATION OF PLAINTIFF
GERARDO DIAZ IN SUPPORT OF
SETTLEMENT APPROVAL**

1 I, GERARDO DIAZ, hereby declare under penalty of perjury as follows:

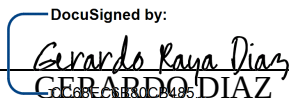
- 2 1. I have personal knowledge of all matters stated herein, and if called as a witness, I could
3 and would competently testify thereto, except as to those matters stated upon information
4 and belief, and as to those matters, I believe them to be true.
- 5 2. I am the named Plaintiff and Class Representative in the above-captioned lawsuit, and I
6 submit this declaration in support of settlement approval.
- 7 3. I worked for Defendant CMC America, LLC ("CMC America") as a non-exempt, hourly
8 mechanical technician in California during the Class Period.
- 9 4. Since becoming a class representative, I diligently worked on this case. I always answered
10 phone calls from my attorneys or called them back promptly when they called. I also
11 promptly responded to emails sent by my attorneys. On many occasions, I spoke with my
12 attorneys for case related purposes. I assisted my attorneys in investigating the case and. I
13 have worked diligently to help progress the case.
- 14 5. I was aware that, at some point in this case, I would have my deposition taken. I knew that
15 the deposition could take a full day and that I may have to meet with my attorneys prior
16 to my deposition. I was at all times ready and willing to sit for my deposition.
- 17 6. After discussing the settlement with my attorneys, I gave my consent to settle with CMC
18 America for the gross settlement amount of \$150,000. I completely and carefully reviewed
19 the settlement agreement. I then signed the settlement agreement.
- 20 7. In light of the work I performed in this case and the duties associated with being a class
21 representative in a case of this magnitude, I believe the \$10,000 class representative
22 enhancement payment is reasonable. I understand that this additional payment is not
23 guaranteed and is subject to Court approval.
- 24 8. I have and will continue to adequately represent all of the interests of the class. With my
25 status as class representative, I will treat the interests of the Class above my interests.
- 26 9. My claims are typical of the Class Members because I am similarly situated to all non-
27 current and former hourly, non-exempt technicians, repairmen, mechanical technicians,
28 machinery technicians, machinery repairmen, or similar job positions who worked for

1 CMC America in California at any time during the Class Period. Thus, my interests are the
2 same as all members of the proposed Class.

3 10. I recognize that any resolution of this matter must be approved by the Court in terms of
4 whether the settlement is fair and reasonable, and that I am obligated to protect the
5 interests of all of class members for the Class Period.

6 I declare under penalty of perjury under the laws of the State of California that all the
7 foregoing is true and correct.

8 Dated: 4/17/2024

9 By: 
GERARDO DIAZ