NICHOLAS & TOMASEVIC, LLP
Craig M. Nicholas (SBN 178444)
Alex Tomasevic (SBN 245598)
Shaun Markley (SBN 291785)
Jake W. Schulte (SBN 293777)
Jordan Belcastro (SBN 339570)
225 Broadway, 19th Floor
San Diego, California 92101
Tel: (619) 325-0492
Fax: (619) 325-0496
Email: cnicholas@nicholaslaw.org
Email: atomasevic@nicholaslaw.org
Email: smarkley@nicholaslaw.org
Email: jschulte@nicholaslaw.org
Email: jbelcastro@nicholaslaw.org

Attorneys for Plaintiffs
TLALOC MUNOZ, MIGUEL RUIZ, EDGAR CORONA, and STEVEN SNAVELY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

TLALOC MUNOZ, an individual; MIGUEL RUIZ, an individual; EDGAR CORONA, an individual; STEVEN SNAVELY, an individual, on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

EARTHGRAINS DISTRIBUTION, LLC a Delaware limited liability company; BIMBO BAKERIES USA, INC., a Delaware corporation; and DOES 1 through 100, inclusive,

Defendants.

Case No. 3:22-cv-01269-AJB-AHG

DECLARATION OF SHAUN MARKLEY IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

Hearing Date: November 12, 2026
Time: 10:00 a.m.
Courtroom: 4A

Judge: Hon. Anthony J. Battaglia
Magistrate: Hon. Allison H. Goddard

SAC Filed: January 23, 2026
Trial Date: None Set

I, SHAUN MARKLEY, declare:

1. I am an attorney at law duly licensed to practice before all the courts of the State of California; the United States District Court for the Southern, Northern, Eastern, and Central Districts of California; and the United States Court of Appeals for the First, Ninth, and Tenth Circuits. I am also admitted before the United States Supreme Court. I am a partner with the law firm of Nicholas & Tomasevic, LLP, counsel of record for Plaintiffs. The following facts in this declaration are stated from my personal knowledge, except those facts stated on information and belief, which I believe to be true and correct, and if called upon as a witness, I would testify competently thereto under oath. I submit this declaration in support of Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlement.

2. Plaintiffs submitted the Settlement, the Preliminary Approval Papers, and the Order Approving Preliminary Approval to the LWDA on September 23, 2026 and the LWDA has not commented. Plaintiffs will further advise on any LWDA response in advance of the final approval hearing. The LWDA has also not responded to any of the other notices and complaints that we have submitted to it throughout this case. Attached hereto as **Exhibit 1** is a true and correct copy of the receipt Plaintiffs received from the LWDA upon submitting the Settlement.

3. There continue to be no side agreements, reversions, or clear sailing provisions associated with this matter or the Settlement.

4. After conferring on the issue, the Parties have agreed to change the *cy pres* to USD School of Law Workers Rights Clinic for both of the Settlement's *cy pres* distributions: any Reserve Fund residue of $5,000 or less and the Individual Settlement Payment of any Current IBP who does not sign the revised Arbitration Agreement. This clinic has operated in collaboration with Legal Aid at Work since 2017. It "provides free legal advice to low-income workers in San Diego County on a variety of employment law issues, including employee rights, unemployment benefits, and more." *See* https://www.sandiego.edu/law/clinics/clinical-

education/workers-rights.php for additional information about the program. I'm including a print out of the Clinic's home page as **Exhibit 2** which I accessed and printed on October 15, 2026. This includes claims for unpaid wages. My firm has no affiliation or connection with this Clinic. We have not received nor do we in the future anticipate receiving any benefit from the Clinic. For full disclosure, two members of our firm are proud Torero alumni (Mr. Schulte and Mr. Tomasevic).

5. As of October 15, 2026, the LWDA has still not commented or objected to the Settlement Agreement.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on October 15, 2026, in San Diego, California.

By: */s/ Shaun Markley*
SHAUN MARKLEY (SBN 291785)

Declarant / Attorney for Plaintiffs