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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

HECTOR MENDOZA PAZ, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

BORREGO SOLAR SYSTEMS, INC., a
California corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 37-2022-00030081-CU-OE-CTL

**CLASS AND REPRESENTATIVE
ACTION COMPLAINT**

*[Assigned for all purposes to Hon. Gregory
W. Pollack, Dept. C-71]*

**DECLARATION OF HECTOR
MENDOZA PAZ IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

*[Filed concurrently with: Plaintiff's Notice of
Motion and Motion for Final approval of
Class Action Settlement, Memorandum of
Points and Authorities; Declarations of Justin
F. Marquez and the Settlement Administrator
in Support Thereof; and [Proposed] Order]*

FINAL APPROVAL HEARING

Date: March 22, 2024

Time: 9:30 a.m.

Dept: C-71

Complaint filed: July 29, 2022
FAC filed: May 25, 2023
Trial date: Not Set

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I, Hector Mendoza Paz, declare as follows:

1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. All of the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

2. I make this declaration entirely of my own free will and choice. I have not been promised any benefit for doing so, and I have not been pressured into giving this declaration. Before signing this declaration, I was given the opportunity to review it, make changes, and verify the accuracy of its contents.

3. I am a former employee of Borrego Solar Systems, Inc. (“Borrego Solar”). I worked at Borrego Solar from approximately December 2021 to approximately March 2022 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of Borrego Solar’s policies and practices that have been alleged as unlawful in the Class Action Complaint (“Complaint”) and Private Attorneys General Act (“PAGA”) Notice sent to Borrego Solar and the Labor & Workforce Development Agency (“LWDA”).

4. I have actively participated in the litigation of this action. Prior to the commencing of this case, I provided Wilshire Law Firm and my attorneys a detailed account of the facts related to my employment with Borrego Solar, including, but not limited to, my belief that Borrego Solar had a policy and practice of not providing its employees with California compliant meal and rest periods, which did not pay all premiums for, among other issues. Additionally, I provided my counsel with information and wage statement documentation in support of the claims brought against Borrego Solar. These documents, along with the anecdotes I shared regarding my employment, assisted my attorneys in understanding the policies and practices at Borrego Solar. I also regularly communicated with my attorneys and staff members of Wilshire Law Firm via telephone and text messages.

5. My attorneys explained to me the risks and benefits of bringing forward a class action matter. I understood the risks, both professionally and financially, associated with pursuing

1 a class action case and acting as the Class Representative. I further understood that pursuing the
2 case as a class action, rather than individually, meant that it would take substantially longer as a
3 result of the multi-step approval process as mandated by the California Courts. Although I was
4 made aware that there was a possibility that I could receive nothing at the end, I believed that it
5 was important to ensure that Borrego Solar followed the law with respect to all of its hourly-paid,
6 non-exempt employees. Additionally, I understood that it was my responsibility to act in the best
7 interests of the Class and not just myself. In that respect, I understood my duties and
8 responsibilities to the proposed Class and carried out and will continue to carry out those duties as
9 necessary.

10 6. Throughout the course of the litigation, I maintained constant communication with
11 my attorneys and discussed pertinent matters relevant to the lawsuit. I asked questions when I
12 wanted to know what was being done to advance the interests of the Class or simply wanted an
13 update regarding the case. I understood that a recovery would not only benefit me but would
14 benefit my fellow coworkers as well. At all times, I made myself available to answer any questions
15 that my attorneys had about my employment.

16 7. This was especially true leading up to and during the mediation that took place on
17 February 13, 2023. In preparation for the mediation, I had extensive conversations with my
18 attorneys regarding the nuanced issues that we were going to advance during the negotiation
19 process with the mediator. During the mediation session, I was available to speak with my
20 attorneys, answer any questions that arose, and provide any additional documentation that was
21 necessary to assist the settlement discussions.

22 8. On or about October 5, 2023, I signed the Joint Stipulation of Class Action and
23 PAGA Settlement (“Settlement Agreement”) after discussing it with my attorneys. My attorneys
24 answered all the questions I had regarding the Settlement Agreement. I believe the settlement
25 terms and allocations are fair, adequate, and reasonable given the strength of the class claims and
26 Borrego Solar’s defenses.

27 9. I estimate that I spent approximately 40 hours searching for and collecting
28 documents related to my employment, speaking with my attorneys throughout the litigation,

1 helping my attorneys prepare for mediation, discussing the particulars and reasonableness of the
2 settlement, and reviewing/signing documents related to the settlement.

3 10. I believe the settlement is a good settlement and I would recommend that the Court
4 approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad that I
5 had the opportunity to represent the class in this lawsuit and that I was able to recover money
6 through a settlement for the class.

7 11. I have observed my attorneys' work throughout this case. They have been thorough,
8 diligent, prompt, courteous, and professional, and I believe they are fully entitled to the award of
9 fees that they have requested for their hard work.

10 12. I did not make the decision to file a class action lightly. I was concerned by the
11 attention a publicly filed lawsuit, and especially a class action, would attract. My name would be
12 associated with a lawsuit that I filed against my former employer. I am currently employed, but I
13 am mindful that my current and prospective employers might find out that I sued Advance
14 Structural, and this could hurt my employability. Nevertheless, I felt that important rights were at
15 stake that hurt everyone, and something ought to be done about it.

16 13. I understand that the settlement agreement provides a service payment in the amount
17 of \$5,000.00 to me. I believe this amount is fair compensation for my time and effort on this case,
18 for helping to prosecute this case, and for the risks with respect to my future employment. In
19 addition, the settlement requires that I enter into a general release, which I understand is broader
20 than the release that will bind other class members.

21 14. I respectfully request that the Court award me a \$5,000.00 service payment. Based
22 on my involvement in this case and the benefits provided to my former co-workers, I can say I
23 helped stand up for the other workers who were too afraid to say anything to management because
24 they did not want to risk losing their jobs or risk the stigma of suing an employer. I was not afraid
25 to take that risk because I strongly care about helping out my former co-workers.

26 15. I do not have any interest, financial or otherwise, in the third-party administrator,
27 ILYM Group, Inc.

28 I declare under penalty of perjury, under the laws of the State of California and the United

1 States of America, that the foregoing is true and correct.

2 Executed on 2/29/2024 at San Diego, California.

3 DocuSigned by:

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Hector Mendoza Paz

Hector Mendoza Paz v. Borrego Solar Systems, Inc., et al.
37-2022-00030081-CU-OE-CTL

I, Sandy Sespene, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is ssespene@wilshirelawfirm.com.

On February 29, 2024, I served the foregoing **DECLARATION OF HECTOR MENDOZA PAZ IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

David Szwarcsztejn (SBN 272371)
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Alicia Martinez
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Mimie Normis
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Facsimile: (213) 239-9045

Attorneys for Defendants

- (X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.
- (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

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

Executed on February 29, 2024, at Los Angeles, California.


Sandy Sespene