

James R. Hawkins (SBN 192925)
Christina M. Lucio (SBN 253677)
Mitchell J. Murray (SBN 285691)
JAMES HAWKINS APLC
9880 Research Drive, Suite 200
Irvine, California 92618
Telephone: (949) 387-7200
Facsimile: (949) 387-6676

Attorneys for Plaintiff BRAULIO JAVIER,
on behalf of himself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF FRESNO

BRAULIO JAVIER, individually and on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

HELENA AGRI-ENTERPRISES, LLC a
Delaware Limited Liability Company;
HELENA CHEMICAL COMPANY, a
Delaware Corporation; and DOES 1-50,
inclusive,

Defendants.

Case No. 22CECG02269

[Consolidated with Case No. 22CECG03145]

**DECLARATION OF BRAULIO JAVIER IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT, AND MOTION FOR FEES,
COSTS, AND CLASS REPRESENTATIVE
SERVICE AWARD**

Date: November 5, 2024

Time: 3:27 p.m.

Dept.: 502

Judge: Hon. Kristi Culver Kapetan

Complaint Filed: July 27, 2022

FAC Filed: November 14, 2022

Trial Date: None Seta

I, Braulio Javier, declare as follows:

1. I am the named plaintiff in this action. I have personal knowledge of all the facts in
this declaration and, if asked, I would testify to these facts under oath in court.

2. I submit this declaration in support of the Motion for Order Granting Final Approval
of Class Action Settlement ("Final Approval Motion") and Motion For Award Of Attorneys' Fees,

1 Costs, And Class Representative Service Award (“Fees Motion”). This declaration supplements
2 my previous declaration in support of the Motion for Preliminary Approval of the Settlement.

3 3. I am informed that the Settlement Administrator mailed the Notices to the Class on
4 August 16, 2024, including myself. I understand that no Class Members have submitted an
5 objection to the Settlement. I also understand that 100% of the Settlement Class Members will
6 participate in the Settlement as no Class Members have requested exclusion. I understand that as
7 a result of our efforts in this lawsuit and the related lawsuit, 821 Class Members will participate in
8 the Settlement and receive an individual settlement payment.

9 4. I believe the fact that 100% of the Class elected to participate in the Settlement and
10 there were no objections to the Settlement (out of 821 Class Members) supports the position that
11 the Settlement is fair, adequate and reasonable.

12 5. I understand that the average settlement payment to each Class Member is
13 approximately \$403.17. I also understand that as a Class Member, I will receive an individual
14 settlement payment according to the same formula as all other Class Members.

15 6. I am requesting the Court approve a \$10,000 Service Award to myself in connection
16 with the settlement. I believe this amount is very reasonable considering the financial and
17 professional risks I took by bringing a class action lawsuit against my former employer, including
18 the potential of paying court-awarded litigation costs to Defendants and the negative exposure to
19 future employers. I further believe this amount is reasonable considering the amount of work and
20 time I spent with my attorneys to achieve this excellent settlement. As detailed in my previous
21 declaration, I spent numerous hours working with my attorneys on this case including making
22 myself available throughout the case to answer my attorneys’ calls and questions and making
23 myself available for mediation. The time and service I provided to the Class resulted in the Parties
24 agreeing to settle the case and a positive outcome for the entire Class, and as a result, each Class
25 Member will receive a proportional share of the settlement funds in this case.

26 7. In connection with the litigation of the two cases that I brought, I estimate that I
27 have spent over 50 hours devoted to assisting my attorneys and their staff and advancing the
28 interests of the Class. I have spent hours on telephone calls discussing the facts of my case with the

1 attorneys and staff of James Hawkins APLC. Without waiving any attorney-client privilege, I spent
2 several hours discussing the facts of this case. I also spent hours working to identify witnesses,
3 looking through files for all documents related to my employment and sending them to my
4 attorneys. I spent several hours on telephone calls discussing the documents I provided to my
5 attorneys. I also spent a number of hours assisting my attorneys with preparing for mediation and
6 participating in mediation remotely and remaining available to answer questions as necessary. I
7 have also spent additional time assisting with the settlement, and negotiations, and reviewing
8 multiple versions of the settlement documents. I also executed necessary declarations and
9 settlement documents. I have also ensured that I was in constant communication with my attorneys
10 regarding the status of this case and the approval process.

11 8. In addition, I believe this award is justified as I am also required to give a broad
12 release of all claims against Defendant arising from my employment that other Class Members did
13 not have to give in exchange for a settlement payment.

14 9. I believe all of my efforts in this case were important and necessary in obtaining the
15 Settlement that I now ask the Court to finally approve.

16 10. I also understood the risks I could face due to my involvement as the named plaintiff.
17 I understand that I could be held responsible for the payment of Defendants' court-awarded
18 litigation costs and potentially attorneys' fees if I did not prevail in the litigation. Therefore, I
19 realized that I was taking a significant amount of risk in filing this class action lawsuit.

20 11. I knew that my name could easily be located on a search of court records and that
21 any prospective employer may find out that I had sued my former employer. I knew that this may
22 impact my employment prospects in the future.

23 12. Even though I knew I was taking risks, I had to do what I believed was right and
24 pursue claims on behalf of other employees to vindicate our rights and attempt to recover the wages
25 and other sums owed to us. I am pleased with the result in this case. When I agreed to represent
26 the class, I understood it was my duty to be readily available and to participate actively in the case.
27 I knew that I needed to keep aware of the status and progress of the lawsuit. At all times, I dutifully
28 performed these duties on behalf of the Class.

14. As I have been since I first filed my lawsuit on July 27, 2022, I remain committed to this case and intend to continue to participate as needed until the conclusion of this matter for the benefit of the Class. .

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 this 11th day of October 2024 in Dos palos California

Braulio Javier