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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
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]

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF BRAULIO JAVIER IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: July 2, 2024

Time: 3:30 p.m.

Dept.: 502

Judge: Hon. Kristi Culver Kapetan

Complaint Filed: July 27, 2022

FAC Filed: November 14, 2022

Trial Date: None Set

1 I, BRAULIO JAVIER, declare as follows:

2 1. I am the named Plaintiff in this class action and PAGA lawsuit against Helena Agri-
3 Enterprises, LLC ("Defendant"). I have personal knowledge of all facts stated in this declaration
4 and, if called to testify, I could and would testify competently thereto.

5 2. I was employed by Defendant as a Blender Operator, a non-exempt hourly position, at
6 Defendant's facility in Firebaugh, California from approximately July 2018 to July 2021. My
7 responsibilities included mixing chemicals to be sprayed on orchards.

8 3. During my employment, I believe I was not paid for all hours worked, including overtime,
9 I was not provided compliant meal and rest breaks, I was not timely paid all wages owed during
10 employment and upon termination, I was not provided accurate wage statements, and I was not
11 reimbursed for all necessary business expenses. Based on my experience and observations of
12 Defendant's policies and practices, I believe other Class Members had similar experiences.

13 4. After meeting with my attorneys, I decided to file this class action and PAGA lawsuit to
14 seek relief for myself and all similarly situated employees. I agreed to serve as Class
15 Representative and consider the Class's interests above my own.

16 5. I understood my duty as Class Representative was to actively participate in the case and
17 keep apprised of its progress. I have worked diligently to fulfill these duties by assisting my
18 attorneys in investigating and prosecuting this action on behalf of the Class.

19 6. I understood the risks of serving as Class Representative, including potential liability for
20 Defendant's costs/fees and reputational harm that could affect future employment prospects.
21 Despite these risks, I felt obligated to pursue this case to vindicate our rights and recover wages
22 owed.

23 7. My attorneys prepared the complaints in this action, which I carefully reviewed before
24 they were filed. On July 22, 2022, my attorneys sent required notice to the LWDA before filing
25 the class and PAGA claims.

26 8. I have devoted substantial time and effort to this case, including: multiple phone
27 conferences with my attorneys to discuss my employment and Defendant's practices; locating and
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1 providing relevant documents; reviewing case materials; assisting with mediation preparation;
2 and discussing settlement with my attorneys.

3 9. My attorneys provided me the proposed Class Action and PAGA Settlement, which I
4 carefully reviewed and discussed with them before signing. As Class Representative, I have
5 agreed to a broader release than other Class Members.

6 10. I believe the proposed \$600,000 settlement is fair, reasonable and adequate for the Class.
7 It provides substantial monetary relief that likely could not be achieved without this lawsuit.

8 11. My interests are aligned with the Class and I have no conflicts. I have always prioritized
9 the Class' interests equally to my own. Serving as Class Representative has required significant
10 time and effort, and has exposed me to substantial risks.

11 12. I am requesting a \$10,000 service award, which I believe is reasonable given my time
12 investment, the exceptional result achieved, the broad release I am providing, and the risks I
13 undertook on behalf of the Class.

14 13. I remain committed to representing the Class through final approval of the settlement.
15 I declare under penalty of perjury under the laws of the State of California that the foregoing is
16 true and correct.

17 Executed on May 8, 2024 in Los Banos, California.

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Braulio Javier (May 8, 2024 16:39 PDT)

20 Braulio Javier
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