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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA NAPA

IGNACIO MORENO, an individual, on
behalf of himself and on behalf of all
persons similarly situated, and on behalf
of the State of California, as a private
attorney general,

Plaintiffs,

vs.

DOMAINE CHANDON, INC., a
Corporation; NEWTON VINEYARD
LLC; and DOES 1 through 50, inclusive,

Defendants.

CASE NO.: 22CV001128

[Consolidated with Case No. 22CV001500]

**DECLARATION OF IGNACIO MORENO
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT**

Hearing Date: October 10, 2024
Hearing Time: 8:30 p.m.

Judge: Hon. Cynthia P. Smith
Courtroom: A

Date Filed: September 27, 2023
Trial Date: Not set

DECLARATION OF IGNACIO MORENO IN SUPPORT OF MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT

1 I, Ignacio Moreno, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary Approval
4 of Class Settlement and in support of my application for a Class Representative Service Payment.

5 2. I have personal knowledge of all the facts stated herein. I could and would competently
6 testify under oath to these facts in court if requested to do so.

7 3. During the class period I have worked as a Forklift Driver and Line Operator for the
8 Defendants Domaine Chandon, Inc., and Newton Vineyard LLC (“Defendants”) in California and
9 during that time period I have been classified by Defendant as a non-exempt employee.

10 4. I retained my attorneys who are experienced in both class action and PAGA representative
11 action litigation and claims against employers for violations of the California Labor Code. I have
12 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
13 of having any actual or potential conflicts of interest with another class member in this case nor
14 am I aware of having any actual or potential conflicts of interest with ILYM Group, Inc., the
15 settlement administrator. I am not aware of any other pending matter or action asserting claims
16 that will be extinguished or adversely affected by this settlement.

17 5. I decided to pursue this class action lawsuit and be a plaintiff/class representative
18 because I felt that my legal rights as an employee and others like me were violated. I often did not
19 receive compliant meal and rest breaks which were late, interrupted or missed entirely. For
20 example, I was required to clock out for meal periods and continue to work. I also did not receive
21 the meal and rest break premiums I was entitled to. When I had a chance to take my breaks, I was
22 not allowed to leave the premises even to get some fresh air.

23 6. I spoke to my attorneys several times and discussed how Defendants implemented their
24 company policies and procedures. I also assisted my attorneys in their investigation into my claims
25 by providing them documents and answering their questions. I reviewed the complaint before it
26 was filed and, after it was filed, I was given access to an electronic file sharing program that
27 alerted me via email when important documents were filed so that I could review them and keep

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1 up with the developments in the case which I understood was one of my duties as a class
2 representative. I would also contact my attorneys from time to time if I had any questions about
3 the case.

4 7. Even though this action is in the process of settling, I was and remain prepared to perform
5 all the duties of a class representative. I understand that as a class representative I have assumed a
6 fiduciary responsibility to prosecute this class action on behalf of the absent class members. I
7 have understood that as a fiduciary, I have a duty to prosecute this action for the benefit of the
8 class members and surrender any right to compromise the group action for an individual gain.

9 8. I understood that being a plaintiff/class representative in this case meant that I was seeking
10 damages not only for myself but also other current and/or former non-exempt employees working
11 for Defendants in California who make up the class. I felt that these individuals were not aware of
12 their labor law rights and even if they were they would probably be apprehensive about speaking
13 up or even simply because of the time, effort and risk involved in filing a class action lawsuit.

14 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
15 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
16 or part of the attorney fees and costs paid by Defendants to defend this lawsuit. Also, I knew there
17 was a risk that future employers, if they ever find out about this lawsuit, could hold it against me
18 or downgrade me as a potential hire. As the named Plaintiff in this case, it would not be difficult
19 for a future employer to become aware that I sued my employer for labor law violations.
20 Ultimately I decided these risks were worth it and decided to fight for my rights and the rights of
21 others regardless of the risks, time and effort I spent on this case.

22 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
23 to date on important developments by reviewing court filings that were made available to me
24 electronically as I described above.

25 11. A mediation took place on August 3, 2023 with Lou Marlin, Esq., a well-respected and
26 experienced mediator of wage and hour class actions. During the mediation, the parties were able
27 to reach an agreement to settle the action. I communicated with my attorneys regarding the terms

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1 of the settlement which was reached between the parties and understood that I was representing
2 absent class members and therefore wanted the best possible result to be obtained for the class
3 members and I believe a very positive result was in fact achieved via settlement. I reviewed and
4 signed the Memorandum of Understanding on August 7, 2023, and when the final settlement
5 papers were ready, I closely reviewed the Settlement Agreement which I signed on May 29, 2024.

6 12. I have been actively involved with this lawsuit performing the duties described above.
7 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
8 filings, and spent a significant amount of time on the issues presented during the lawsuit and in the
9 settlement process. I estimate that I spent approximately 50-60 hours working on this case up
10 until this point. I believe I have been diligent and have done what is expected of a named plaintiff
11 and a proposed class representative to date, and will continue to do so. I have and always will
12 maintain the best interest of the class members.

13 13. My attorneys explained to me that the settlement process involves a two-step review by the
14 Court to determine whether the settlement is fair before approving the settlement. I know this
15 process also involves notifying all class members of the settlement terms and of their rights to
16 make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

17 14. I believe I did the right thing by filing this case on behalf of the class members who,
18 subject to court approval, are in line to receive monetary payments as a result of this case and
19 settlement. This is money they may never have ever gotten if I did not pursue this action on their
20 behalf. I feel significant personal satisfaction to know that I played a role in the class members
21 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the
22 requested Class Representative Service Payment of \$10,000 from the settlement is fair
23 compensation for the work I performed and the risks I undertook.

24 15. As part of the settlement it was necessary for me to sign a general release of all claims I
25 may have against Defendants. I believe the Class Representative Service Payment I have requested
26 provides me with some compensation for this agreed release.

27 16. In light of all the time and effort I have spent on this case, the risk I undertook by suing my

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1 employer, the exposure to being responsible for paying Defendants' costs in the event we did not
2 win the case, the reputational risk that future employers may hold this lawsuit against me, the
3 general release and in light of the size of the settlement, I believe the request for \$10,000 as a
4 Class Representative service payment is fair and reasonable.

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

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4 Executed on Aug 20, 2024, at Napa ca.
5 (city, state)

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7 Ignacio Moreno (Aug 20, 2024 19:43 PDT)
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28 DECLARATION OF IGNACIO MORENO IN SUPPORT OF MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT