

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Diane Gil, on behalf of herself and all “aggrieved employees” pursuant to Labor Code § 2698 *et seq.*

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

DIANE GIL, on behalf of herself and all
“aggrieved employees” pursuant to Labor
Code § 2698 *et seq.*,

Plaintiff,

v.

ELECTRONIC RECYCLERS OF
AMERICA, LLC, a California limited liability
company, and DOES 1 through 10, inclusive,

Defendants.

CASE NO: 22CEGC03745

*Assigned to the Hon. Kristi Culver Kapetan,
Dept. 502*

**DECLARATION OF DIANE GIL IN
SUPPORT OF UNOPPOSED MOTION
FOR AN ORDER APPROVING
SETTLEMENT OF CLAIMS BROUGHT
PURSUANT TO THE PRIVATE
ATTORNEYS GENERAL ACT OF 2004,
AWARDING ATTORNEYS’ FEES,
COSTS, SERVICE AWARD PAYMENT,
AND REIMBURSEMENT OF
SETTLEMENT ADMINISTRATION
EXPENSES, AND ENTERING
JUDGMENT THEREON**

Date: December 20, 2023

Time: 3:30 P.M.

Dept.: 502

Complaint Filed: November 22, 2022

Trial Date: None

1 I, DIANE GIL, hereby declare and state as follows:

2 1. I am a named Plaintiff in this lawsuit against Defendant Electronic
3 Recyclers Of America, LLC ("Defendant") and I submit this declaration in support of
4 Plaintiff's Unopposed Motion For An Order Approving Settlement Of Claims Brought
5 Pursuant To The Private Attorneys General Act Of 2004, Awarding Attorneys' Fees,
6 Costs, Service Award Payment, And Reimbursement Of Settlement Administration
7 Expenses, And Entering Judgment Thereon. I am a competent adult and worked for
8 Defendant as a non-exempt employee between February 2016 and March 2022. I have
9 personal knowledge of the facts set forth herein, and if called as a witness to testify to
10 them, I could and would do so competently.

11 2. I contacted my current attorneys when I questioned the employment
12 practices of Defendant prior to commencing this lawsuit. I accepted the opportunity to
13 act as a representative on behalf of other employees of Defendant in this action whom I
14 believed were being subjected to labor law violations. I pursued this case on a
15 representative basis so that I could help other employees recover for what I believed were
16 Defendant's improper practices.

17 3. Specifically, I questioned Defendant's policies of failing to pay all
18 minimum and overtime wages earned, to provide legally compliant meal periods, or
19 compensation in lieu thereof, to issue accurately itemized wage statements, to timely pay
20 all wages due at the separation of employment, and requiring employees to agree to
21 employment contracts that are prohibited by law. Through many discussions with my
22 lawyers, I learned these may be illegal practices and Defendant's employees might have
23 recourse for them.

24 4. By bringing this lawsuit, and throughout its course, I have put the interests
25 of other employees ahead of my own. I understood that I could possibly earn an incentive
26 award if this case resolved itself favorably, but I also knew that I could also be responsible
27 for paying Defendant's attorneys' fees and costs if it did not.
28

1 5. My goal in bringing this lawsuit was to obtain a recovery on behalf of all
2 employees of Defendant, and even more importantly, to put an end to what I believed
3 were illegal practices on the part of Defendant. I believe I have achieved both through
4 this lawsuit and settlement.

5 6. I am very happy about the results of this litigation. I am satisfied that
6 Defendant is compensating other PAGA Members and the State for penalties that I believe
7 we are due.

8 7. At the onset of this case, I spent time through numerous phone calls with
9 several of my attorneys explaining what I understood to be Defendant's policies and
10 practices and how they were applied to other employees. I kept actively involved with the
11 status of this case throughout the litigation process, tracking the status of the case and
12 participating as much as possible.

13 8. While I have not maintained detailed time records of my activities in
14 connection with this litigation, I believe that I have spent a total of approximately 15-20
15 hours assisting my attorneys with the preparation of this case and doing work and
16 investigation of the facts independent from my attorneys both before and during this case.

17 9. Before this litigation commenced, and throughout its course, I spent
18 approximately 3-4 hours gathering, organizing, and reviewing documents and information
19 for this lawsuit. I sifted through many of my own documents and reviewed information
20 produced by Defendant as part of this litigation.

21 10. I communicated with my attorneys several times per month to track my
22 case's status. I have taken an active involvement in this matter throughout its course.

23 11. Taking the initiative with this case was very risky for me, both
24 professionally and financially. I put principal first and took a tremendous risk by filing
25 this lawsuit. I am quite confident that pursuing this lawsuit will result in future
26 reputational harm to me. There is a stigma associated with suing one's former employer.
27 I suspect I may be adversely affected when it comes to obtaining future employment –
28

1 employers who discover that I sued Defendant in a representative action will likely avoid
2 hiring me.

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

5 Executed on 11 / 18 / 2023 at Fresno, California.

6
7 
8 DIANE GIL