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7 Attorneys for Plaintiff
8 RODOLFO GUTIERREZ

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 RODOLFO GUTIERREZ, as an
individual on behalf of himself and on
12 behalf of all others similarly situated,

13 Plaintiff,

14 v.

15 INTERNATIONAL PAPER
COMPANY, a New York corporation,

16 Defendants.

Case No.: 2:22-cv-08460-JFW-RAO

**DECLARATION OF RODOLFO
GUTIERREZ**

Date: June 24, 2024

Time: 1:30 p.m.

Place: Ctrm 7A

Hon. John F. Walter

1 I, Rodolfo Gutierrez, declare as follows:

2 1. I am an adult over the age of eighteen (18) years old. I am the Named
3 Plaintiff who filed the above-captioned lawsuit. I have personal knowledge of the
4 facts set forth in this declaration. I make this declaration in support of Plaintiff's
5 Motion for Final Approval of Class Action Settlement.

6 2. I was employed by International Paper Company ("IPC") at IPC's
7 manufacturing and processing facility in Carson, California as a corrugator for over
8 twenty years, starting in 1999 until I was terminated in April 2022 as a condition of
9 a worker's compensation settlement.

10 3. While working for IPC, I don't think I was properly compensated for
11 all hours that I worked. In particular, I worked off the clock, both before and after a
12 shift because I had to report to work by the scheduled start time and be prepared to
13 immediately start working and as a result I had to put on and take off uniforms and
14 PPE (including face shields, and ear plugs), retrieve and safely secure radios, and
15 safely secure their tools all while off the clock. There were also long lines at the
16 time clocks and it could several extra minutes to clock in/out as a result. I also don't
17 think I got all lunches and breaks properly, as I would have to be on call while on a
18 break in case I was needed at one the machines on the production floor, which were
19 kept in continuous operation.

20 4. I decided to bring this lawsuit because I did not feel that I was treated
21 fairly as an employee of Defendant, especially with regard to not being paid
22 properly for all the hours I worked, and not getting all of my proper lunches and
23 rest breaks. As a result, I believe the other class members and myself are owed
24 additional compensation for all of the work we did that was not paid for by IPC.

25 5. It is my understanding this lawsuit could not have been prosecuted or
26 settled unless I or some other employee decided to serve as a named plaintiff and
27 pursue the case. In deciding to serve as a named plaintiff, I understood that my
28

DECLARATION OF RODOLFO GUTIERREZ

1 name would be publicly attached to this lawsuit and that my work experiences to
2 some extent would be set forth in a public court file. I recognized that I would need
3 to devote a certain amount of time that I could have spent otherwise. I also
4 recognized that my bringing the lawsuit carried some degree of risk. Despite this, I
5 decided to serve as the named plaintiff without any promise of recovery or
6 compensation.

7 6. I am familiar with the work involved in prosecuting this case. I have
8 participated in numerous meetings and communications with my lawyers regarding
9 this case. I am familiar with the allegations and defenses of the claims in this case. I
10 am familiar with the major events in this case, including the investigation
11 performed by my lawyers, the mediation with Defendant that resulted in this
12 settlement, and the preparation of settlement papers and the need to obtain court
13 approval of the proposed settlement. I also was deposed for a full day and I
14 participated in all stages of the litigation and provided my lawyers with information
15 and documents regarding my employment with Defendant.

16 7. I believe that the proposed settlement obtained on behalf of the other
17 aggrieved employees is excellent in view of the issues and risks involved with the
18 case.

19 8. I believe I have fulfilled my duties as a named plaintiff and class
20 representative, which required a significant amount of time and effort during the
21 course of this case. These efforts required dedicating numerous hours to lawsuit
22 activities including, but not limited to: (a) communicating with my attorneys to stay
23 informed of ongoing developments in the case and to discuss the proposed
24 settlement ultimately negotiated; (b) searching for and providing documents and
25 other materials relating to my work experience; (c) responding to requests for
26 information relating to my work experience; and (d) reviewing filings and key
27 documents including drafts of the complaint and the settlement agreement. I also
28 had to sit for my deposition for almost a ² full day, which was a particularly nerve-

1 wracking experience, and I also spent a lot of time with my lawyers preparing for
2 the deposition. These tasks required my dedication of at least 40 hours of my time,
3 which time I honestly could have spent on family, personal time, school time, or
4 work. My understanding is that future tasks may require several more hours of my
5 time. I believe I have been diligent and that I have acted above and beyond that of
6 which is expected of a named plaintiff to date and will continue to do so.

7 9. It is my opinion that \$7,500.00 is a fair and adequate award for my
8 service as the named plaintiff and class representative, and in consideration for my
9 general release of all claims against IPC. I believe that amount is fair and
10 reasonable in view of the work I have and will continue to perform on behalf of the
11 State and the aggrieved employees. I believe that my role in this lawsuit has
12 resulted in a valuable benefit to the State of California and other aggrieved
13 employees, and I accepted the potential risk of being liable for the opposing parties'
14 costs if we were unsuccessful in this lawsuit. I believed in this case, so I was
15 willing to be the named plaintiff to risk this and pursue this class action litigation. I
16 also accepted the risk that news of this lawsuit could also potentially impact my
17 ability to secure other work. At all times I believe I have acted in the best interests
18 of the entire class.

19 10. Based on the time, service, risk, stress, potential stigma, loss of
20 benefits and excellent outcome of this case, I believe the enhancement for me is fair
21 and reasonable.

22 I declare under penalty of perjury under the laws of the United States that the
23 foregoing is true and correct. Executed on 05 / 16 / 2024 , at San Pedro , California.

24
25 
26 _____
27 Rodolfo Gutierrez
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