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Attorneys for Plaintiffs, the Certified Class,
and the Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KERN

ALFONSO GARIBAY HERNANDEZ, an
individual, and ERIK VALENZUELA, an
individual, for themselves and all members of the
certified class, and on behalf of aggrieved
employees pursuant to the Private Attorneys
General Act ("PAGA"),

Plaintiffs,

v.

UNITED STATES COLD STORAGE OF
CALIFORNIA, a California corporation; and
DOES 1 through 100, inclusive,

Defendants.

Case No. S-1500-CV-282297-SPC

[Assigned for all purposes to the Honorable
Thomas S. Clark, Dept. 17]

CLASS ACTION

**DECLARATION OF ERIK
VALENZUELA**

[Filed Concurrently with Notice of Motion,
Memorandum of Points and Authorities;
Supporting Declarations; and [Proposed]
Order]

Date: July 17, 2019
Time: 8:30 a.m.
Dept.: 17

Reservation ID #35183

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I, Erik Valenzuela, declare as follows:

1. I am over eighteen years of age and a resident of Tulare County in the State of California. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by Defendant United States Cold Storage of California (USCSC) in the
of California between February 2009 and June 2014 as a Warehouseman at the Fresno, California
.

3. I sought out attorneys to discuss these issues and hired the attorneys from the Parris Law Firm. In preparation for my initial communication with my lawyers, I searched for documents and pertinent information. I spent at least 2 hours discussing the case with my attorneys.

4. After thoroughly discussing the issue with the attorneys, I decided to join the class action as a representative in February 2017 against USCSC regarding USCSC's 2014 meal period and break policy on behalf of my fellow Warehousemen. During this investigatory process, I spent at least 40 hours within the first month gathering information from co-workers and discussing the case with attorneys.

5. Since the filing of the second amended complaint, and throughout the length of this case, I spent a considerable amount of time helping to push it along as a lead named Plaintiff. I spent at least 10 hours on the telephone with my attorneys providing them information to be included in the complaint and answering any questions that they had regarding my job. The case went on for over a year and a half after I became a class representative, with USCSC fighting all of the claims made in the complaint.

6. The time that I have spent assisting my attorneys in pursuing this case has been
ve. I spent at least 5 hours during the first 2 weeks after my initial discussions with my
ys speaking further with my attorneys and their staff, going over my experience working at
C, why I wanted to pursue a case, and all of the duties that I would have as a class representative.

7. Since deciding to pursue a case, I have been in frequent contact with my attorneys and staff making sure that I was updated on the lawsuit and providing them with any new information

1 that I obtained. I spent at least 5 hours on these activities alone. I also spoke frequently on the
2 telephone with my attorneys to help investigate the case almost daily during the first two months of
3 filing the second amended complaint. Thereafter, over the course of this case, I spent a total of about
4 10 hours communicating with my attorneys.

5 8. Additionally, throughout the litigation I was repeatedly called by my attorneys to discuss
6 all aspects of the case and the claims, as the litigation developed. I spent approximately 3 to 4 hours
7 discussing and answering my attorneys' questions concerning the job duties of the employees, the
8 employment policies and procedures of USCSC, the names and contact information of former
9 employees, hours worked, and what documents may be available.

10 9. I also assisting in the class certification process by submitting a declaration. I spent
11 approximately 1 hour reviewing the declaration and speaking with my attorneys about it before signing
12 it.

13 10. I was also available by telephone when it came time for the mediation in 2018. I spent
14 approximately 3 hours discussing the settlement with my attorneys. Once the settlement was agreed
15 upon, I spent 2 hours with my attorneys over the phone to review and discuss the terms of the
16 settlement documents and this declaration.

17 11. During the entire case, I have been responsive to my attorneys' requests and believe that
18 my efforts in obtaining information were very helpful in obtaining the result that was achieved.
19 Accordingly, I respectfully request that the Court award me, as the lead class representative who filed
20 this lawsuit and obtained this settlement on behalf of all of the class members, an enhancement in the
21 amount of \$10,000. As detailed above, I believe that this amount is reasonable considering the time
22 and effort over the last several years I have personally spent pursuing this case on behalf of the entire
23 class and the risks that I undertook in pursuing the case as a current employee of USCSC when this
24 case was filed.

25 12. I have signed a general release with USCSC giving up my rights to pursue any and all
26 claims against USCSC as part of this settlement, which is something that the absent class members will
27 not have to do. I believe that an enhancement award in the amount of \$10,000 is fair and reasonable
28 because I am giving up additional rights that the absent class members do not have to give up.

13. I have not entered into any undisclosed agreements nor have I received any undisclosed compensation in this case. The only compensation I will receive is whatever the amount is awarded to me as an enhancement payment, as well as my share as a class member of the settlement fund.

14. I am not related to anyone associated with the Parris Law Firm.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my personal knowledge.

Executed this 12th day of February 2019 at Fresno, California.


Erik Valenzuela

[illegible]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 43364 10th Street West, Lancaster, California 93534

DECLARATION OF ERIK VALENZUELA

***** Please See Attached List *****

As follows: I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U. S. postal service on that same day with postage thereon fully prepaid at Lancaster, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY FACSIMILE

[X] **BY ELECTRONIC SERVICE as follows:** Based on a court order, or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addressed listed on the attached Service List.

X I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Kitty K. Szeto

ATTACHMENT TO PROOF OF SERVICE

HERNANDEZ, ALFONSO V. UNITED STATES COLD STORAGE OF CALIFORNIA, ET AL.
KERN COUNTY CASE NO. S-1500-CV282297-SPC

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