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8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE

11 DANIEL ALVAREZ, on behalf of the general
public as private attorney general,

12 Plaintiff,

13 v.
14

15 CULINART OF CALIFORNIA INC., a
California Corporation; CULINART GROUP
16 INC., a New York Corporation; and DOES 1-
50, inclusive,

17
18 Defendants.

Case No.: 22STCV39814
Assigned for all Purposes to:
Hon. Gregory Keosian
Dept.: 61

**DECLARATION OF DANIEL ALVAREZ
IN SUPPORT OF PLAINTIFF’S MOTION
FOR APPROVAL PAGA SETTLEMENT**

Date: June 5, 2024
Time: 10:00 a.m.
Dept.: 61

RESERVATION ID: 872281871392

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DECLARATION OF DANIEL ALVAREZ

I, Daniel Alvarez, declare as follows:

1. I am over the age of eighteen. I submit this Declaration in support of the concurrently filed Motion for Approval of the PAGA Settlement. The following is based upon my personal knowledge, and if called as a witness, I could and would competently testify regarding the statements in this Declaration.

2. I was employed by Defendants Culinart of California Inc., and Culinart Group Inc., ("Defendants"), as a non-exempt employee in approximately August 2021 with the title of Sous Chef. My duties included but were not limited to cooking breakfasts and other meals. I separated from Defendants' employ in approximately October 2021.

3. Prior to filing this lawsuit, I searched for an attorney and found James Hawkins, APLC. I never knew James Hawkins, APLC before my consultation with them. After my consultation, I asked them to represent me in bringing a PAGA action on behalf of myself and all other similarly situated non-exempt employees of Defendant.

4. I knew the alleged Labor Code violations complained of in the complaint not only happened to me but happened to the other employees of Defendants that I worked with. I wanted to help the other non-exempt workers vindicate their rights, so I decided to bring this action lawsuit that we filed on or about December 22, 2022.

5. I believe my situation is similar and has been similar to all other non-exempt employees like me who worked for Defendant during the PAGA period. The Complaint which I brought against Defendants, alleged PAGA Representative claims for: (a) failure to pay wages including overtime; (b) failing to pay all wages earned and owed upon separation from Defendant's employ; (c) failing to provide accurate itemized wage statements; and (d) failing to reimburse expenses.

6. I believe that my interests have been and continue to be in alignment with the Aggrieved Employees, and I am willing to continue to pursue and prosecute their representative claims against Defendants in this litigation. I believe I do not have any interests which are

1 against the interests of the Aggrieved Employees, and I will continue to do what is best for all the
2 Aggrieved Employees rather than myself, as I have done from the beginning of this case.

3 7. My relationship with James Hawkins, APLC is purely an attorney client
4 relationship and there are no other business, familial or social relationships between my attorney
5 and myself. In addition, I do not have any relationship with Defendants other than being a former
6 employee of Defendants. For these reasons, there is no conflict of interest between myself, my
7 attorney, between Defendant, and myself or between the Aggrieved Employees and myself.

8 8. As the PAGA Representatives in this case, I participated in every aspect of the
9 litigation and have been apprised of its progress. I believe I have maintained the best interests of
10 the Aggrieved Employees while performing my PAGA Representative duties, and I participated
11 in many interviews and conferences with class counsel regarding the conduct and settlement of
12 this matter. I prepared for my deposition, although one was not taken because we settled the case.
13 I have spoken with several other Aggrieved Employees and provided information regarding their
14 claims to my counsel in support of proving the class claims and establishing what happened to us
15 as a group of employees.

16 9. My counsel has informed me that this information, along with the details and
17 support I provided for the claims alleged in this matter, were very important in convincing
18 Defendants to negotiate the settlement now before the Court for approval. I have also provided
19 many documents to my counsel in support of the PAGA claims, have helped my attorneys with
20 preparing written questions and what documents to ask for, and I have invested a lot of time and
21 effort in performing my duties on behalf of the Aggrieved Employees. I also conducted
22 numerous meetings with my counsel to prepare for and discuss Defendants' information requests
23 in advance of the mediation.

24 10. After reviewing the settlement agreement and speaking with my counsel about it,
25 I agreed to sign it on behalf of myself and all the other Aggrieved Employees. I signed the
26 settlement because I believe the Settlement obtained in this case on behalf of the Aggrieved
27 Employees is very fair, sufficient, and reasonable in view of the facts I know and have been made
28 aware of, and due to the risk of going through further litigation. I believe the average payouts for

1 the Aggrieved Employees are very reasonable considering all the facts and evidence and risks
2 moving the case forward to trial.

3 11. I have not received and understand I will not receive any consideration or promises
4 that are different from any of the other Aggrieved Employees will receive under the Settlement.

5 12. I also understand and believe to be fair the settlement allocation formula and
6 believe it fairly accounts for the individual settlement payments based on the strengths and
7 weaknesses of the various alleged claims and also considering the individual compensation and
8 pay rates for the various class members over the settlement period.

9 13. I also understand my counsel will request that I be awarded an Enhancement
10 award of \$10,000.00 for my efforts as a PAGA Representative, and that this additional payment is
11 not guaranteed, but must be approved by the Court. I believe the requested enhancement payment
12 is fair and reasonable based upon the results we have achieved for the Aggrieved Employees and
13 because of the tasks I have performed on their behalf, including:

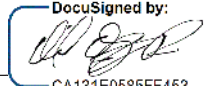
- 14 • Compilation of many documents for my attorneys;
- 15 • Review of many documents with my attorneys;
- 16 • Conducting preparation with my attorneys and participating in responding to
17 information for mediation and to informal discovery requests;
- 18 • Several telephone conferences with my attorneys and their representatives;
- 19 • Participation in the mediation and in the approval settlement process;

20 14. I estimate that I have spent approximately 40 hours helping to prosecute this
21 matter.

22 15. I also believe the requested enhancement payment is fair and reasonable because
23 my decision to accept the risk of being a PAGA Representative in a PAGA action under the
24 Labor Code may affect my future ability to get other jobs in this industry. I also understood and
25 accepted the risk of potentially being liable for the opposing parties' costs and attorneys' fees if I
26 was unsuccessful in this lawsuit. I voluntarily assumed these real and large risks and the case
27 would not have been brought without me and the other class members. I believe the Aggrieved
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1 Employees will receive a good benefit by resolving their claims against Defendants under the
2 terms of the settlement.

3 16. I declare under penalty of perjury under the laws of California that the foregoing is
4 true and correct. Executed on this 5th day of April 2024 at Los Angeles, California.

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7 DANIEL ALVAREZ