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8 JUSTIN LOPEZ, and all others similarly situated

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF LOS ANGELES**

11 **(UNLIMITED JURISDICTION)**

12
13 JUSTIN LOPEZ, on behalf of himself, all others
14 similarly situated, the general public, and as an
15 “aggrieved employee” on behalf of other
16 “aggrieved employees” under the Labor Code
17 Private Attorneys General Act of 2004,

18 *Plaintiff(s),*

19 vs.

20 EDWARD WALTER SUNSERI, a natural
21 person doing business as Sunseri’s Bar and
22 Beverage Catering; MICHAEL SERENO, a
23 natural person; and DOES 1–50, inclusive,

24 *Defendant(s).*

Case No. 22STCV37939

**DECLARATION OF JUSTIN LOPEZ
IN SUPPORT OF PLAINTIFF JUSTIN
LOPEZ’S MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: October 17, 2024

Hearing Time: 2:00 p.m.

Hearing Dept.: Dept. 14, The Honorable
Kenneth R. Freeman

Action filed: December 05, 2022

Trial Date: Not Set



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1 **DECLARATION OF JUSTIN LOPEZ IN SUPPORT OF PLAINTIFF JUSTIN LOPEZ'S**
2 **MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

3 I, JUSTIN LOPEZ, and state as follows:

4 1. I am a resident of the City of Los Angeles, in the State of CA and am over 18 years
5 of age. I am the plaintiff in this action and am represented by David Spivak of The Spivak Law
6 Firm and Walter L. Haines of United Employees Law Group in this action. Except as otherwise
7 stated, I have personal knowledge of all matters set forth in this declaration and could and would
8 competently testify thereto if called upon to do so as a witness.

9 2. I understand that, as Class Representative, I have certain duties and responsibilities
10 to the Class Members and believe that I have fairly represented the interests of all Class Members
11 during the entire course of this case.

12 3. My counsel provided me with information regarding class actions, how they work,
13 and what my duties would be as the Class Representative. I agreed to serve as a Class
14 Representative so that I could seek to recover wages and penalties on behalf of myself and other
15 employees like me.

16 4. I understand that the Settlement in this case is subject to this Court's approval to
17 ensure that it is in the best interest of the Class as a whole. I have no conflicts with the Class.

18 5. I understand that my attorneys are submitting an application to this Court for a
19 Class Representative Service Payment to compensate me for my unique contributions to the
20 success of this action as the Class Representative in the amount of \$15,000.00. I believe this
21 amount is fair and reasonable compensation for my efforts in this case and the risks I have taken
22 in pursuing a fair recovery for the Class Members.

23 6. I have provided Defendants with a general release of any and all claims, known or
24 unknown, I may have against Defendants. By agreeing to settle the case in the best interest of the
25 Class Members, I have given up the right to pursue my individual claims for unpaid wages and
26 penalties and to recover substantially more for unpaid wages, interest, waiting time penalties, and
27 pay stub penalties. I did not seek an individual settlement for my claims at all, instead choosing
28 to prosecute this matter on behalf of my coworkers. By pursuing the claims of all Class Members,
I have also rendered my own individual payment uncertain and delayed its payment by several
months (at the least).

7. As Class Representative, I assumed a fiduciary role to the Class. I agreed to (1)



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1 consider the interests of the Class just as I would consider my own interests and, in some cases,
2 to put the interests of the Class before my own interests; (2) actively participate in the lawsuit, as
3 necessary, by among other things, producing documents to Defendants and giving depositions
4 and trial testimony if requested; (3) travel to give such testimony; (4) recognize and accept that
5 any resolution of the lawsuit by dismissal or settlement, is subject to court approval, and must be
6 designed in the best interest of the Class as a whole; (5) follow the progress of the lawsuit and
7 provide all relevant facts to my attorneys; (6) champion many other people with similar claims
8 and injuries because of the importance of the case and the necessity that all Class Members benefit
9 from the lawsuit; and (7) fight for a resolution in which the individual recoveries to each Class
10 Member, including me, maybe relatively small. I agreed to shoulder all of these responsibilities
11 in exchange for a proportionate share of funds made available for distribution to the Class
12 Members. I had no guarantee of a Class Representative Service Payment. I have spent over many
13 hours of my time in connection with this case to date. The activities I have performed have
14 included, but have not been limited to: obtaining legal counsel, speaking with my legal counsel
15 on numerous occasions, over the phone, informing them of the terms and conditions of my
16 coworkers' employment, assisting them in gathering information, identifying the claims brought
17 in this case, gathering contact information for my former coworkers, contacting Class Members
18 about the lawsuit to arrange their communications with my attorneys, gathering documents from
19 my employment with Defendants, and being actively involved in the settlement process to ensure
20 a fair result for the Class as a whole. I also participated in the mediation and spent time carefully
21 reviewing the Settlement, and other case related documents on my own and with my counsel to
22 make sure that the Settlement and other work my attorneys performed are in the best interest of
23 the Class Members. Since the Court granted the preliminary approval of the Settlement, I have
24 regularly contacted my counsel to follow the progress of the case.

25 8. Further, my counsel have advised me of the possibility that, if the case was lost, I
26 could have been ordered to pay Defendants' costs and even attorneys' fees in this case, which
27 could have been thousands of dollars by the end.

28 9. Because I filed this lawsuit, there is a public record at the Court showing that I
brought a class action for unpaid wages against my former employer. The Class Representative
Service Payment to me of \$15,000.00 is not equal to the harm to my future career prospects that
this case may cause me.



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