

Brian J. Mankin, Esq. [CSB No. 216228]
brian@lmlfirm.com
Kristina Bui Carlson, Esq. [CSB No. 294924]
kristina@lmlfirm.com
5198 Arlington Avenue, PMB 513
Riverside, CA 92504
Tel: (951) 320-1444 | Fax: (951) 320-1445

Attorneys for Plaintiffs, on a representative basis and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

ANTHONY VARGAS, individually, and
KENNETH SLINGLUFF, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiffs,

vs.

ELEMENTIS SPECIALTIES, INC., a
Delaware Corporation; and DOES 1 through
20, inclusive;

Defendants.

Case No.: CIVSB2224689

*[Assigned to Hon. Jessica Morgan, Dept S26,
for all purposes]*

**DECLARATION OF PLAINTIFF
ANTHONY VARGAS IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

I, Anthony Vargas, state and declare:

1. I am a Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and could competently testify thereto. I make this declaration in support of the motion for preliminary approval of the class action settlement. I believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged.

2. During my employment with Defendant, I thought that there were issues with how my employment was terminated, my pay, as well as my meal periods and rest breaks. I started researching California law and contacted attorneys regarding these issues.

3. I then contacted my attorneys (Lauby, Mankin & Lauby LLP) and discussed these

1 claims. As part of this discussion, I understood that I could either bring a class action to help all
2 of the employees, but I would have to put their interests ahead of my own, or I could bring my
3 individual case and claims and attempt to maximize my individual recovery. This decision was
4 very difficult because I wanted to help everyone else that was wronged by the company, but I
5 also wanted maximize my individual recovery. I was also concerned that, if I brought this as a
6 class action, I might get labeled as a whistleblower, which might make it hard to find a job in the
7 same field in the future. I eventually decided that – despite the risks – it was important to bring
8 these claims as a class action to hold the company accountable for how they treated their
9 employees.

10 4. I respectfully request that the Court approve the agreed-upon service award for
11 the following reasons.

12 5. First, I have spent at least 100 hours engaged in activities to benefit the class. I
13 have been an active participant in this litigation, including assisting my attorneys in various ways
14 and making myself available when needed. For example, I have assisted my attorneys by
15 compiling and analyzing substantial documentation regarding claims. I also helped to explain
16 and discuss the company’s practices and their general practices and procedures, locating and
17 analyzing company documents, among others. I also spoke to other employees and discussed the
18 issues and claims of the current lawsuit. I also assisted in settlement discussions, helped obtain a
19 highly favorable result for the class, and reviewed all settlement documents and believe that this
20 settlement is fair for the class.

21 6. Second, I respectfully request that the Court approve the agreed-upon service
22 award because I agreed to set aside my personal interests and to put the interests of the class
23 ahead or on par with my own. In fact, as a condition of this class action settlement, I was
24 required to compromise on and waive all possible individual claims against the company.
25 However, to finalize this settlement, I put the interests of the class ahead of my own and agreed
26 to waive all of my claims against the company.

27 7. Third, by bringing this case as a class action, I undertook significant risks and
28 stresses at a high emotional cost without any guarantee of success. For example, filing this

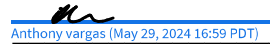
1 lawsuit and being a whistle blower was stressful on a day-to-day basis as I have constantly
2 worried about the risk that this case could impact my ability to find future jobs. This stress/risk
3 lasted for the entire case, and I'm worried it will continue to make it hard to find a job in the
4 future since the case information is all available online.

5 8. Fourth, and finally, bringing this case also came with a major financial risk
6 because, if I lost the case, I would be required to pay the company's costs, and there was a
7 chance they could try to make me pay their attorneys' fees as well.

8 9. Therefore, I respectfully request that the Court award the service award since that
9 amount is justified based on the substantial time I spent on this case, as well as the risks and
10 stresses I faced and will continue to face to secure this class action settlement to benefit the other
11 employees.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct. Executed on May 29, 2024, at Barstow, California.

14
15 By:


Anthony Vargas (May 29, 2024 16:59 PDT)

Anthony Vargas