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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF SANTA CLARA**

13 **(UNLIMITED JURISDICTION)**

14 JOSE ANGEL LOPEZ,

15 *Plaintiff,*

16 vs.

17 MORENO & ASSOCIATES, INC.;

18 J ERNESTO MORENO; and

19 DOES 1 to 25, inclusive,

20 *Defendants.*

Case No.: 23CV422622

**DECLARATION OF JOSE ANGEL LOPEZ
IN SUPPORT OF PLAINTIFF'S MOTION
FOR APPROVAL OF PAGA SETTLEMENT**

Action filed: September 13, 2023

Hearing Date: July 17, 2024

Hearing Time: 1:30 p.m.

Hearing Dept: 19, Hon. Theodore C.
Zayner

DECLARATION OF JOSE ANGEL LOPEZ IN SUPPORT OF
PAGA SETTLEMENT AND RELEASE

I, JOSE ANGEL LOPEZ, declare and state as follows:

1. I am a resident of the State of California and am over 18 years of age. I am the named Plaintiff in this action and am represented by Harout Messrelian of Messrelian Law, Inc. in this action. Except as otherwise stated, I have personal knowledge of all matters set forth in this declaration and could and would competently testify thereto if called upon to do so as a witness.

2. I first started working for Defendants on or around April 30, 2016. My employment with Defendants ended in or around November 2022.

3. I understand that this lawsuit is a Private Attorney General action, otherwise known as a PAGA lawsuit. I understand that I am the Plaintiff and that Moreno & Associates, Inc. and Ernest J. Moreno (collectively "MORENO") are the Defendants. I understand that my name is on the cover of the lawsuit. I understand that I am the representative of other MORENO employees. As the representative in this lawsuit, I have duties to the State of California and other employees like me who were not paid for all hours worked at the correct rates of pay, provided all required meal and rest periods, and reimbursed for necessary business expenses, such as personal mobile phones and mileage expenses for use of personal vehicles for work purposes. I also understand that my lawsuit is on behalf of the State of California. I have fairly represented the other employees and the State throughout this lawsuit. I don't have any disagreements with the other MORENO employees I represent. I am not aware of any reason why I can't make the best decisions for them in this lawsuit.

4. When I agreed to hire my attorneys to file this lawsuit, I also agreed that I would be the representative of the other employees and the State of California. I agreed that the interests of the other employees and the State in the lawsuit are as important as my personal interests in suing MORENO. I agreed that I would do what is in the best interest of the other employees and the State when deciding whether or not to settle this lawsuit. I also agreed to actively participate in the lawsuit. I also understand that there will only be a settlement of the lawsuit if the Court allows it.

5. The PAGA statute does not forbid service awards. Courts frequently award them in PAGA-only cases as well. The work I have done on this case includes hiring my attorneys,

1 speaking with my attorneys on many occasions by phone, explaining what my employment at
2 MORENO was like, explaining what my employment at MORENO had in common with other
3 employees who worked for MORENO, explaining my claims to my attorneys, and
4 communicating with my attorneys about the settlement agreement and related documents.
5 Despite this, I am **not** asking for a service award for my involvement and the time I spent
6 assisting my counsel with the PAGA action.

6 6. I negotiated an individual settlement of my disability discrimination, retaliation,
7 and wrongful termination claims after the Parties had agreed to the Settlement of the PAGA
8 action.

9 7. As part of my individual settlement, I signed a general release of all claims,
10 whether known or unknown, that I may have against Defendant, not only PAGA claims.

11 8. I don't believe that my individual settlement has any bearing on whether I have
12 served the Aggrieved Employees' best interests and will continue to do so. Nevertheless, I am
13 willing to provide it to the Court *in camera* if the Court so requests.

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

16 Executed on June 17, 2024 at San Jose, California.

17 Jose Lopez

Jose Angel Lopez (Jun 19, 2024 22:37 PDT)

18 JOSE ANGEL LOPEZ,
19 Declarant