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9 Attorneys for Plaintiff JOHNNY GARCIA

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF ORANGE**

12 JOHNNY GARCIA, as an individual on
13 behalf of himself and on behalf of all others
14 similarly situated,

15 Plaintiff,

16 v.

17 WIN-DOR, INC., a California corporation;
18 and DOES 1-100, inclusive,

19 Defendants.
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Case No.: 30-2022-01290278-CU-OE-CXC

Assigned for All Purposes to:
Hon. Melissa McCormick
Dept. CX-104

DECLARATION OF JOHNNY GARCIA

Date: May 22, 2025
Time: 2:00 p.m.
Dept.: CX-104

1 I, JOHNNY GARCIA, declare as follows:

2 1. I am an adult over the age of eighteen (18) years old. I am a plaintiff in the above-
3 captioned lawsuit. I have personal knowledge of the facts set forth in this declaration. I make this
4 declaration in support of Plaintiff's Motion for Final Approval of Class Action and PAGA
5 Settlement.

6 2. I worked for Win-Dor as an hourly general warehouse worker from May 2022 to
7 2023, and I typically worked 8-11 hours per day, five days per week. While worked there I don't
8 believe I was paid correctly for all the hours I worked because time punches were rounded off so
9 that I lost a few minutes of time on many shifts, and we had to put on and take off safety gear
10 before clocking in and after clocking out, and that time wasn't paid for. I also don't think I
11 received all of my lunch and rest breaks, especially for second lunches, and many times lunches
12 could be cut short or start late in a shift. The company's policies also limited what we could do on
13 our breaks. I also had to sue my own phone for work and had to purchase my own protective
14 equipment without any reimbursement.

15 3. I decided to file this lawsuit because I did not feel that I was treated fairly as an
16 employee of Defendant with regard to not being paid correctly, not getting all of my lunches and
17 breaks like I was supposed to, and not being reimbursed for using my own phone on company
18 basis.

19 4. It is my understanding this lawsuit could not have been prosecuted or settled on
20 behalf of the other employees unless I or some other current or former employee decided to serve
21 as a named plaintiff and proposed PAGA representative. In deciding to serve as a named plaintiff
22 in this case, I understood that my name could be publicly attached to this lawsuit and that my work
23 experiences to some extent would be set forth in a public court file. I recognized I would need to
24 devote a certain amount of time that I could have spent otherwise. I also recognized my bringing
25 the lawsuit carried some degree of risk for defendants' legal costs among other things. Despite
26 this, I decided to serve as the named plaintiff and PAGA rep without any promise of recovery or
27 compensation.
28

1 5. I am familiar with the work involved in prosecuting this case. I have participated in
2 meetings, phone calls, and other communications with my lawyers regarding this case. I am
3 familiar with the allegations and defenses of the claims in this case. I am familiar with the major
4 events in this case, including the investigation performed by my lawyers, the mediation with
5 Defendants that eventually resulted in this settlement, and the preparation of settlement papers and
6 the need to obtain court approval of the proposed settlement. I participated in the litigation and
7 provided my lawyers with information and documents regarding my employment with Defendant.

8 6. I believe that the proposed settlement obtained on behalf of the class members is
9 excellent in view of the issues and risks involved with the case.

10 7. I believe I have fulfilled my duties as a named plaintiff and class representative,
11 which required a significant amount of time and effort during the course of this case. These efforts
12 required dedicating numerous hours to lawsuit activities including, but not limited to:
13 (a) communicating with my attorneys to stay informed of ongoing developments in the case and to
14 discuss the proposed settlement ultimately negotiated; (b) searching for and providing documents
15 and other materials relating to my work experience; (c) responding to requests for information
16 relating to my work experience; and (d) reviewing filings and key documents including drafts of
17 the complaint and the settlement agreement. These tasks required my dedication of at least 20-25
18 hours of my time, which time I honestly could have spent on family, personal time, or work. My
19 understanding is that future tasks may require several more hours of my time. Further, at all times
20 I was ready, willing and able to testify at deposition and/or trial. I believe I have been diligent and
21 that I have acted above and beyond that of which is expected of a named plaintiff and proposed
22 class representative to date and will continue to do so.

23 8. It is my opinion that \$7,500.00 is a fair and adequate award for my service as the
24 named plaintiff and class representative, and in consideration for my general release of all claims
25 against Defendant. I believe that amount is fair and reasonable in view of the work I have and
26 may have to continue to perform. I believe that my role as the named plaintiff and class
27 representative in this lawsuit has resulted in a valuable benefit to the State and to the other
28 employees, and I accepted the potential risk of being liable for the opposing parties' costs if we

1 were unsuccessful in this lawsuit. I believed in this case, so I was willing to be the named plaintiff
2 and class rep to risk this and pursue this representative litigation. I also accepted the risk that news
3 of this lawsuit could also potentially impact my ability to secure other work.

4 9. Based on the time, service, risk, stress, potential stigma, loss of benefits and
5 excellent outcome of this case, I believe the enhancement for me is fair and reasonable.

6 I declare under penalty of perjury under the laws of California that the foregoing is true
7 and correct. Executed on _____, at _____, California.
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Johnny Garcia
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