

ELECTRONICALLY FILED
11/7/2024 4:58 PM
Kern County Superior Court
By Christina Vasquez, Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KERN**

MARTIN HERNANDEZ, individually, and on
behalf of all others similarly
situated,

Plaintiff,

v.

KW CALIFORNIA, a corporation; KW
PLASTICS OF CALIFORNIA, an unknown
entity; and DOES 1 through 10, inclusive,

Defendants.

Case No. BCV-23-100346

CLASS ACTION

*[Assigned for all purposes to Hon. T. Mark
Smith, Dept. T-2]*

**DECLARATION OF MARTIN
HERNANDEZ IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

DECLARATION OF MARTIN HERNANDEZ

I, Martin Hernandez, declare as follows:

1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. All of the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

2. I make this declaration entirely of my own free will and choice. I have not been promised any benefit for doing so, and I have not been pressured into giving this declaration. Before signing this declaration, I was given the opportunity to review it, make changes, and verify the accuracy of its contents.

3. I am a former employee of Defendant KW Plastics of California (“KW Plastics”). I worked at KW Plastics from approximately February 2022 to approximately July 2022 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of KW Plastics’ policies and practices that have been alleged as unlawful in the Complaint.

4. I am the plaintiff in this action and have actively participated in this matter since before it was filed. Prior to filing this case, I provided Wilshire Law Firm and my attorneys a detailed account of the facts related to my employment with KW Plastics, including KW Plastics’ policy and practice of not providing its employees with California compliant meal and rest periods and requiring its employees to work “off-the-clock” during meal periods and after clocking out for the workday. Additionally, I provided my counsel with documentation in the form of wage statements and employment records in support of the claims. These documents, along with the anecdotes I shared regarding my employment, assisted my attorneys in understanding the illegal policies and practices at KW Plastics. I also regularly communicated with my attorneys and staff members of Wilshire Law Firm.

5. My attorneys explained to me the risks and benefits of bringing forward a class action matter. I understood the risks, both professionally and financially, associated with pursuing a class action case and acting as the Class Representative. I further understood that pursuing the case as a class action rather than individually meant that it would take substantially longer as a

1 result of the multi-step approval process. Although I was made aware that there was a possibility
2 that I could receive nothing at the end, I believed that it was important to ensure that KW Plastics
3 followed the law with respect to all of its hourly-paid, non-exempt employees.

4 6. Since this case was filed, I have had many financial constraints that I needed to
5 cover, including mortgage, utilities, and an increased cost of living. Since I was employed by KW
6 Plastics, I experienced inconsistent employment which increased my financial burden. Even
7 though I could have potentially pursued faster recovery on an individual basis, I chose to pursue
8 the claims through this class action to benefit other members of the class. I am relieved this case
9 is coming to an end so that other employees and I can be compensated.

10 7. By initiating this lawsuit, I also hoped that I might be able to change KW Plastics'
11 policies to better protect the working conditions of my co-workers and provide monetary relief to
12 KW Plastics' hourly-paid and non-exempt employees. Additionally, I understood that it was my
13 responsibility to act in the best interests of the Class and not just myself. In that respect, I
14 understood my duties and responsibilities to the proposed Class and carried out and will continue
15 to carry out those duties as necessary.

16 8. Throughout the course of the litigation, I maintained constant communication with
17 my attorneys and discussed important matters relevant to the lawsuit. I asked questions when I
18 wanted to know what was being done to advance the interests of the Class or simply wanted an
19 update regarding the case. I understood that a recovery would not only benefit me but would
20 benefit my fellow coworkers as well. At all times, I made myself available to answer any questions
21 that my attorneys had about my employment.

22 9. As a class representative, I performed a number of tasks, including speaking with
23 my counsel to discuss facts about the case, speaking with other class members regarding the case,
24 reviewing pleadings before filing with the court, assisting with mediation preparation, and being
25 in regular contact with my counsel regarding the status of my lawsuit and providing my counsel
26 with any information or documents upon request.

27 10. I estimate that I spent **at least 45 hours** searching for and collecting documents
28 related to my employment, speaking with my attorneys throughout the litigation, helping my

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attorneys prepare for mediation, discussing the particulars and reasonableness of the settlement, and reviewing/signing documents related to the settlement.

11. I have reviewed the Class Action and PAGA Settlement Agreement (“Settlement Agreement”) in full and discussed all the terms with my attorneys. My attorneys answered all the questions I had regarding the Settlement Agreement. I believe the settlement terms and allocations are fair, adequate, and reasonable given the strength of the class claims and KW Plastics’ defenses.

12. I understand the proposed settlement also allows me to be awarded a Class Representative Service Payment of \$10,000, which I am seeking for all the work and efforts in this case, for undertaking the financial risk and potential publicity of pursuing this case, and for my general release of claims that I have against KW Plastics. As the plaintiff in this case, I have expended a lot of time and energy into this case and I respectfully request that the Court award me the service payment in full. I carried out these responsibilities and I am receiving no additional compensation other than the compensation provided for in the settlement. I also have signed a general release, which does not apply to other employees. Meanwhile, I continue to fear that any employer may find out that I participated in this lawsuit and hold it against me, especially considering that my name is associated with this lawsuit. In a competitive job market, this factor may weigh heavily against me. Nonetheless, I felt that important rights were at stake that hurt myself and other employees so I am happy and hopeful that this case will be resolved soon.

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct.

Executed on 11/7/2024 at Bakersfield, California.

Signed by:

A88349A7D0824F0...
Martin Hernandez

PROOF OF SERVICE

Hernandez v. KW California, et al.
BCV-100346

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Rebecca Padilla, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is rebecca.padilla@wilshirelawfirm.com.

On November 7, 2024, I served the foregoing, **DECLARATION OF MARTIN HERNANDEZ IN SUPPORT OF PLAINTIFF S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT** on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Jay L. Rosenlieb (SBN 109737)
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Attorney for Defendant, *KW Plastics of California*

- (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.
- (X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on **November 7, 2024**, at Los Angeles, California.



Rebecca Padilla