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Attorneys for Plaintiff, 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

MARCO JIMENEZ, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

PINA ENTERPRISES, INC., a California
Corporation; and DOES 1 through 20,
inclusive;

Defendants.

Case No.: CIVSB2301756
*[Assigned to Hon. Christian Towns, Dept
S26, for all purposes]*

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

I, Marco Jimenez, state and declare:

1. I am the 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 final 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 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 claims. As part of this discussion, I understood that I could either bring a class action to help all of the employees, but I would have to put their interests ahead of my own, or I could bring my

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

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

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

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

24 7. Third, by bringing this case as a class action, I undertook significant risks and
25 stresses at a high emotional cost without any guarantee of success. For example, filing this
26 lawsuit and being a whistle blower was stressful on a day-to-day basis as I have constantly
27 worried about the risk that this case could impact my ability to find future jobs. This stress/risk
28 lasted for the entire case, and I’m worried it will continue to make it hard to find a job in the

1 future since the case information is all available online.

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

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

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct. Executed on Oct 3, 2024, at Fontana, California.

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12 By: Marco Jimenez
13 Marco Jimenez (Oct 3, 2024 17:57 PDT)
14 Marco Jimenez
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