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

CRUZ SOTO and MONICA NANELLY
GARCIA, individually, on behalf of all others
similarly situated,

Plaintiff,

v.

ESPINOZA BROTHERS FOOD
DISTRIBUTION, INC., a California corporation;
ESPINOZA BROTHERS ENTERPRISES LLC,
a California limited liability company; and
DOES 1 through 10, inclusive,

Defendants.

Case No. 22CECG03830

*[Assigned for all purposes to:
Honorable Jonathan M. Skiles]*

**PLAINTIFF MONICA NANELLY
GARCIA'S DECLARATION IN
SUPPORT OF RENEWED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: June 4, 2025
Time: 3:30 p.m.
Dept.: 403

DECLARATION OF MONICA NANELLY GARCIA

I, Monica Nanelly Garcia, declare as follows:

1. I have personal knowledge of the facts set forth herein and if called upon to testify, I could and would do so competently under oath. I make this declaration in support of the Motion for Preliminary Approval of Class Action and PAGA Settlement.

2. I worked for Espinoza Brothers Food Distribution, Inc. and/or Espinoza Brothers Enterprises, LLC (“Espinoza Brothers” or “Defendant”) as an hourly-paid, non-exempt Human Resources Assistant from approximately May 2021 to approximately August 2022. Throughout the entirety of my employment, I was subject to Defendant’s patterns and practices that have been alleged as unlawful in the complaint and in the PAGA Notice sent to Defendant and the Labor & Workforce Development Agency.

3. I have pursued this lawsuit because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all my meal and rest breaks.

4. While employed for Espinoza Brothers, I worked as a Human Resources Assistant. I would often work an opening shift that began at 5:00 a.m. In order to clock in on time, I had to arrive at least 10 minutes early in order to open the gate to the parking lot where I had to park, unlock the building, unlock my office inside the building, and start-up and login to my computer to clock in. I would also work closing shifts that ended at 5:00 p.m. When I worked the closing shifts, I would clock out and then lock my office, lock the building, get in my car and drive past the gate of the lot I parked in, where I would then park my car and get out to chain and lock the gate. This process took approximately 10 minutes. After work, I would regularly receive calls or group chat messages on my personal cell phone from management with questions about orders and scheduling. Since all of this work was performed while off-the-clock, I was not paid for this time.

5. During the workday, I never got rest breaks and when I took a lunch break I was regularly interrupted with questions from management or other employees. I was expected to always have my cell phone on me in case someone needed to contact me while I was on my lunch break. I often took my lunch break after the 5th hour of work, however, management required us to alter our time sheets to show we took a lunch break before the 5th hour of work. If we didn’t do this we were

1 expected to submit a manual time sheet to “correct” the entry.

2 6. As a Human Resources Assistant, I spoke to a lot of the employees about working
3 conditions and was aware of how the warehouse employees and drivers were treated. I know, based
4 on my observations and conversations with employees, that warehouse workers and drivers also did
5 not get rest breaks and often took late lunches to try and get orders out on time. If they clocked out
6 for lunch after the 5th hour they would have to manually “correct” the time punch by submitting a
7 form. They were also required to have their walkie-talkies on them at all times.

8 7. Based on my position I was uniquely knowledgeable about Espinoza Brothers’ wage
9 and hour policies and employment practices. By participating in this lawsuit as a proposed Class
10 Representative, I hoped that I might be able to change Defendant’s practices to better protect the
11 working conditions of my co-workers. I also understand it is my duty as the Class Representative to
12 represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated
13 on the case.

14 8. Prior to commencing this case, I provided Wilshire Law Firm with a detailed account
15 of the facts related to my employment with Defendant. Based on our conversations as noted above,
16 my attorneys and I were able to identify instances when I was not paid correctly.

17 9. I have invested a lot of personal time and energy while this lawsuit has been pending.
18 I made it a priority to be actively involved because I wanted to do everything I could to help my
19 attorneys in prosecuting this case. I regularly communicated with my attorneys to discuss updates on
20 the case and to provide information. I communicated with my attorneys via phone calls. Some of
21 these phone calls lasted up to an hour in length. I made myself available before, during, and after the
22 mediation for this case. I also kept in regular contact with my attorneys before and after the mediation
23 to ensure that any questions the attorneys had could be answered.

24 10. I also reviewed pleadings filed in this case, including the settlement-related
25 documents, as well as had discussions regarding this declaration.

26 11. I believe the settlement is a good settlement, and I would recommend that the Court
27 approve it, because I believe it is fair, adequate, and reasonable. I am glad that I have had the
28 opportunity to represent the Class in this lawsuit, and that I was able to recover money through a

1 settlement for the Class. I have also observed my attorneys' work throughout this case, and I believe
2 they have been thorough, diligent, prompt, courteous, and professional.

3 12. Standing up for myself and the rights of others was not an easy decision, and I am
4 relieved that this is coming to an end. I estimate that I spent at least 45-50 hours on this case.

5 13. I did not make the decision to file a class action lightly. I was concerned by the
6 attention a publicly filed lawsuit, and especially a class action, would attract. My name would be
7 associated with a lawsuit that I filed against my former employer. I was aware that it is possible to
8 perform background checks of publicly filed documents on the Internet, sometimes with nothing
9 more than a simple Google search. I am mindful that employers might find out that I sued a former
10 employer, and this could hurt my employability. This was of particular concern to me considering
11 that I have a family that I am responsible for and a loss of employment could be catastrophic.

12 14. I do not have any conflicts with other hourly-paid, non-exempt employees that would
13 interfere with my ability to represent them. I believe I will adequately represent the other hourly-
14 paid, non-exempt employees at Espinoza Brothers.

15 15. My interests as a named plaintiff in this case are not adverse to the interests of the
16 other hourly-paid, non-exempt employees. I believe my interests are the same as the other employees
17 because we were all subject to the same policies and practices and were similarly injured by Espinoza
18 Brothers' company-wide policies and practices. I am seeking the same recovery on behalf of myself
19 and the other employees, which is to collect unpaid wages, penalties, and interest that are owed to us
20 by Espinoza Brothers.

21 16. I have always kept the best interests of the other hourly-paid, non-exempt employees
22 in mind while performing my duties as the named plaintiff in this case. I have been committed
23 throughout the course of this case to vigorously prosecuting this case on behalf of myself and the
24 other employees. I believe that I have demonstrated my ability to advocate for the interests of the
25 other hourly-paid, non-exempt employees by initiating this lawsuit, providing documents and
26 information to my attorneys, keeping in regular contact with my attorneys regarding the status of the
27 case, and reviewing the settlement agreement to make sure it was fair.

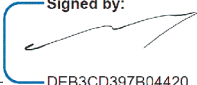
28 17. I respectfully ask that the Court award me a \$7,500 service payment. I am receiving

no additional compensation other than the compensation provided for in the settlement. Based on my involvement in this case and the benefits provided to my former co-workers, I can say I helped stand up for the other workers who may have been too afraid to say anything to management because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was not afraid to take that risk, because I strongly care about helping my current and former co-workers. I also continue to fear that any employer may find out that I participated in this lawsuit and hold it against me. In a competitive job market, this factor may weigh heavily against me. Nevertheless, I felt that important rights were at stake that hurt myself and other employees.

18. I will continue to actively participate in this lawsuit as necessary and will continue to make myself available to assist in this case moving forward as needed.

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

Executed on the 5/9/2025, at Fresno, California.

Signed by:

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 MONICA NANELLY GARCIA