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Attorneys for Plaintiff

**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

CLASS ACTION

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

**PLAINTIFF CRUZ SOTO'S
 DECLARATION IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT**

*[Filed with Notice of Motion and Motion,
 Memorandum of Points and Authorities, the
 Declaration of John G. Yslas, Declaration of
 Monica Nanelly Garcia, and Proposed Order]*

PRELIMINARY APPROVAL HEARING

Date: January 14, 2025
 Time: 3:30 p.m.
 Dept.: 403

Complaint filed: September 30, 2022
 Trial date: Not set

DECLARATION OF CRUZ SOTO

I, Cruz Soto, 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 my 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”) as an hourly-paid, non-exempt direct care staff from around February 2022 to September 2022.

3. Based on my experience and knowledge of Espinoza Brothers’ wage and hour policies and my familiarity with its employment practices, I worked with my attorneys to bring claims on my own behalf as well as on behalf of other hourly-paid, non-exempt employees of Espinoza Brothers.

4. I am seeking to become a class representative in this case. I believe my experiences are similar to other hourly-paid, non-exempt employees of Espinoza Brothers. I believe we were all subject to the same employment policies and practices.

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

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

7. I have always kept the best interests of the other hourly-paid, non-exempt employees in mind while performing my duties as the named plaintiff in this case. I have been committed throughout the course of this case to vigorously prosecuting this case on behalf of myself and the other employees. I believe that I have demonstrated my ability to advocate for the interests of the

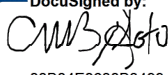
1 other hourly-paid, non-exempt employees by initiating this lawsuit, providing documents and
2 information to my attorneys, keeping in regular contact with my attorneys regarding the status of the
3 case, and reviewing the settlement agreement to make sure it was fair.

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

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

11/13/2024

8 Executed on the ____ day of November 2024, at Fresno, California.

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CRUZ SOTO