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Attorney for Hector Estrada individually and on behalf of all others similarly situated.

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN JOAQUIN

HECTOR ESTRADA, individually and on
behalf of others similarly situated
Plaintiff,

vs.

GLASSFAB TEMPERING SERVICES INC.;
and DOES 1 through 100, inclusive,
Defendants.

Case No: STK-CV-UOE-2021-8051

**DECLARATION OF DANIEL
MARTINEZ DE LA VEGA IN
SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: 10/13/23
Hearing Time: 9 AM
Judge: 10A

This case has been assigned to Judge
GEORGE J. ABDALLAH in Department
10A for all purposes including trial.

1 I, Daniel Martinez de la Vega, declare:

2 1. I am attorney at law duly licensed to practice before all state and federal courts in
3 California and the United States Supreme Court. This declaration is submitted in support of
4 Plaintiff's Motion for Approval of Settlement Agreement.

5 2. I am a member of the State Bar of California. I am one of the attorneys of record
6 for name plaintiff HECTOR ESTRADA ("Plaintiff" or "Class Representatives").

7 3. I was admitted to the State Bar in 2008. I submit this motion in support of the
8 Motion for Preliminary Approval of the Class Settlement. The facts set forth below are within my
9 personal knowledge, and if called before the Court to testify to these facts I could and would do so
10 competently.

11 4. On August 27, 2021, Plaintiff filed a putative class action against Defendant, entitled
12 *Hector Estrada v. GLASSFAB TEMPERING SERVICES INC.*, in SAN JOAQUIN County Superior
13 Court, Case No. STK-CV-UOE-2021-8051 (the "Action") seeking to represent a class consisting of
14 the "current" and former drivers of Defendant for claims related to alleged unpaid overtime wages,
15 meal and rest breaks, specifically, (1) Violations of the Fair Labor Standards Act (failure to pay
16 regular and overtime wages); (2) Violation of California Labor Code section 226.7 (failure to
17 provide meal and rest breaks); (3) Violation of Labor Code section 226 (failure to provide accurate
18 itemized wage statements); (4) Violation of Labor Code section 510 and 204 (failure to pay all wages
19 and overtime wages); (5) Violation of Labor Code section 201, 202, 203, and 203.1 (waiting time
20 penalties); (6) Unfair Competition in Violation of Cal. Business and Professions Code §17200; (7)
21 Unjust Enrichment; and (8) Declaratory relief behalf of himself and other employees of the
22 Company. Plaintiff claims that he should be able to seek damages and penalties for allegations going
23 back to August 27, 2017. (The "Class Action Members".)

24 5. In addition to interviewing our clients and reviewing all relevant documents in their
25 possession (time sheets, schedules, pay stubs), we conducted significant relevant written discovery
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1 in this matter, including serving Special Interrogatories and Requests for Production of
2 Documents.

3
4 **Declarant's Background**

5 6. I am the principle of the Law Offices of Daniel Vega, a law firm established in
6 March of 2009.

7 7. I have been practicing in the area of plaintiff's employment litigation since June
8 2008, and have represented Plaintiffs in cases involving discrimination, harassment, retaliation,
9 wage and hour violations, wrongful termination and fraudulent business practices.

10 8. I have substantial experience in Employment Law, and Class Actions. Since my
11 admission to the bar, I have represented numerous parties in civil actions of various types and
12 degrees of complexity. I have handled actions relating to employment law and unpaid wages over
13 the last 10 years. Additionally, I have served as class counsel in wage and hour class action cases.

14 9. From 2012 to 2013, I co-represented with the Ladva Law Firm, over twenty-five
15 former employers in a wage and hour class action entitled *Ortiz v. All West Container Co.*, San
16 Mateo County Superior Court Case No. CIV 502267. We successfully litigated a class-wide and
17 court approved settlement pre-class certification that included payments for miss-meal breaks.

18 10. In 2017, I co-represented with the Ladva Law Firm, over thirty-four former
19 employers in a wage and hour PAGA action in *Carrillo v. Fante*, San Mateo County Superior
20 Court Case No. CIV CIV505477. We successfully litigated a class-wide and court approved
21 settlement pre-class certification that included payments for miss-meal breaks.

22 11. In 2015, I co-represented with the Ladva Law Firm, over seventy-five former
23 employees in a wage and hour class action entitled *Mineo v. Citysightseeing*, San Francisco
24 County Superior Court Case No. CGC-10-504804. We successfully litigated and certified a class-
25 wide and court approved settlement pre-class certification that included payments for owed
26 overtime.
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1 12. In 2023, I co-represented with the Ladva Law Firm, over one hundred and sixty-
2 five former employees in a wage and hour class action entitled *Pena v. JB Critchley*, Fresno
3 County Superior Court Case No. 17CECG03274. We successfully litigated and certified a class-
4 wide and court approved settlement pre-class certification that included payments for owed
5 overtime. The total amount of the settlement was in excess of \$300,000.00.

6 13. I graduated in 2008 from the Golden Gate School of Law.

7 14. In my last request for attorney fees in California Superior Court, the Court
8 approved a rate of \$500.00 per hour.

9 15. The common fund provides substantial monetary relief to Settlement

10 16. During the litigation, I conducted extensive discovery, including many discovery
11 disputes and review of over 10,000 pages of documents and substantial data relevant to the claims,
12 conducted extensive legal and factual research, including interviews with Plaintiff and declarants.

13 17. I took on the risk of recovering nothing and the reality of nonpayment for years.
14 Class Counsel accepted this case on a pure contingency basis and have received no compensation
15 for their time or expenses.

16 18. Performing this work for the benefit of the Class precluded Class Counsel from
17 accepting other work.

18 19. Class Counsel's lodestar will continue to increase as Class Counsel continues to
19 perform work for the Class overseeing the settlement.

20 20. I maintain my time and billing records contemporaneously.

21 21. Class Counsel managed the work by efficiently allocating tasks to individuals and
22 avoiding duplication of effort.

23 22. Our rates are consistent with the market for attorneys with comparable experience
24 in Fresno.

25 23. Class Counsel have also been awarded attorneys' fees at or near the rates they
26 request here.

1 24. The hourly rates of Class Counsel at Law Offices of Daniel Vega are rates that
2 comparable attorneys at charge paying clients.

3 25. We incurred litigation costs and expenses for legal research, filing, printing and
4 photocopying, postage for client documents, document management, and transcript services.

5 26. All of these costs were necessary in connection with the prosecution of this
6 litigation and were incurred for the benefit of the Class.
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9 I declare under penalty of perjury that the foregoing is true and correct, that I could testify
10 competently thereto if called upon to do so, and that I executed this Declaration on the
11 ____11____ day of ____September____, 2023, in the City and County of San Francisco,
12 California.

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14 Daniel Martinez de la Vega
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