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Attorneys for Plaintiff JESUS GALVAN

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF KERN

JESUS GALVAN, as an individual and on
behalf of all employees similarly situated,

Plaintiff,

v.

WESTERN SKY DAIRY, LLC, a Limited
Liability Company; and DOES 1 through 50,
inclusive,

Defendant.

Case No.: BCV-23-100992

[Assigned for all purposes to Hon. Thomas S.
Clark, Department 17]

CLASS ACTION

**DECLARATION OF PLAINTIFF JESUS
GALVAN IN SUPPORT OF MOTIONS FOR
APPROVAL OF CLASS AND PAGA
REPRESENTATIVE ACTION
SETTLEMENT**

Date: September 9, 2024
Time: 8:30 a.m.
Courtroom: Dept. 17
Judge: Hon. Hon. Thomas S. Clark

Action Filed: March 30, 2023
Trial Date: Not Set

DECLARATION OF JESUS GALVAN

I, JESUS GALVAN, declare as follows:

1. I am a named Plaintiff and Class Representative in this case. I am a former employee of the named Defendant WESTERN SKY DAIRY, LLC ("Defendant"). As such, I have personal knowledge of, or am informed and believe, the following facts herein stated. If called as a witness, I could and would testify competently to the following.

JOB DUTIES AND EXPERIENCES

2. I worked for Defendant during the Settlement Class Period as an hourly-paid employee from April 30, 2019 to March 25, 2023. I was paid on hourly basis and classified as non-exempt from overtime.

3. During my employment, I experienced problems with taking all uninterrupted, 30-minute meal periods, taking all of my rest breaks, receiving reimbursement for work-related expenditures, and receiving all pay for all hours that I worked.

DUTIES OF A CLASS REPRESENTATIVE

4. This lawsuit is not an individual lawsuit. It is a proposed class action. I understand that, if approved as a class representative in this matter, I have an obligation to do my best to look out for the interests of other class members, the current and former employees of Defendant who I am seeking to represent. I understand that my obligations to the class exist even when the class is certified solely as part of a class action settlement. It is my understanding that, as one part of this duty to the class, I cannot agree to a settlement to benefit myself to the exclusion of the rest of the class members. I have never asked my attorneys to simply settle this matter at any cost. Rather, I have asked them to obtain the best settlement they could within reason, and I believe that they have attempted to do so.

5. I have been actively involved in this case since I first retained Tunyan Law, APC. I have made myself available whenever my attorneys wanted to discuss aspects of my employment by Defendant, and I remain committed to seeing this matter through to the end.

6. I have conferred with my attorneys about the settlement proposed in this case. I am not an accountant, but I understand the factors and risks that need to be considered when evaluating a settlement. I believe that the Class Action Settlement obtained on behalf of the Class Members is fair

1 and reasonable in view of the issues and risks involved with the case.

2 7. I am asking to be the stand-in for other employees of Defendant. Because of that, I
3 cannot quit on the Class, and I cannot put myself and my interests before the Class. I accept these
4 duties and request that I be approved as the class representative for purposes of this amended
5 Settlement.

6 COMMUNITY OF INTEREST: TYPICALITY AND ADEQUACY

7 8. I was an hourly non-exempt employee of Defendant and was subject to the same pay
8 structure and rules as all the other hourly non-exempt employees of Defendant.

9 9. I am not aware of anything special about me that would raise unique defenses to my
10 claims, as opposed to the claims of the class. I am also not suing for anything unique to me. Rather, my
11 claims are based upon the same facts that relate to the rest of the Class.

12 10. I do not believe that I have any conflicts with Class Members included in this proposed
13 Settlement. I do not have any intention to take any action that would place me in a position that is hostile
14 to other Class Members. I also do not believe I have any conflicts of interest with the selected class
15 action settlement administrator Phoenix Class Action Administration Solutions.

16 SERVICE AS A CLASS REPRESENTATIVE

17 11. I believe that were it not for my stepping forward and taking on the duties of protecting
18 the interests of other Defendant employees, it is likely that the interests of the class would neither have
19 been prosecuted, nor benefited. To my knowledge, other than the litigation encompassed by this
20 proposed Settlement, there is no other litigation on a class basis, concerning the claims in this lawsuit
21 nor have Defendant pointed to any.

22 12. I do not believe that I have any conflicts with Class Members included in this proposed
23 Settlement.

24 13. I have assumed some long-lasting risk in prosecuting this case. Because it is so easy to
25 search for information online these days, I will face an increased risk that future employers will
26 discover information about this lawsuit online and have a negative reaction to learning that I sued an
27 employer. This may make it harder for me to obtain future employment or change jobs for a better
28 opportunity.

1 14. I have devoted a substantial amount of my time, both before this lawsuit was filed and
2 also during its litigation to ensure a fair result for the employee class. This involved ongoing
3 communications and participation with my counsel during the course of this case. My participation
4 began with bringing certain issues that are involved in this matter to my counsel's attention, and
5 explaining the factual background that was used to prosecute the claims in this case. For example, I
6 reviewed documents which I already had, I provided relevant documents to my counsel, and I
7 explained those documents and related facts to my counsel to assist them in their review. I also
8 assisted in identifying potential witnesses, including other employees, who might likewise have been of
9 assistance.

10 15. My efforts continued after suit was filed. For example, I have had many discussions
11 with the attorneys at Tunyan Law, APC regarding Defendant' wage and hour policies, my claims in
12 this case, litigation strategy, potential witnesses, discovery, updates on how the case was proceeding,
13 and how I could help the case. I also discussed strategy with my counsel. I remained in regular
14 communication with my attorneys regarding discovery and settlement discussions that the parties had
15 during the course of litigation and mediation. I continued to identify employees and other witnesses to
16 counsel, along with other information as to how they could be of potential use in this matter. I also
17 provided substantial information and documents to my attorneys to assist them in preparing the case. I
18 also made myself available to answer questions during the settlement negotiations.

19 16. After the settlement negotiations, a long-form settlement agreement was negotiated, and
20 I reviewed it with my attorneys as well as I was able to ensure that its terms are likewise fair and
21 adequate.

22 17. I believe that the Class Representative service payment of \$10,000 for me is fair and
23 reasonable. This enhancement takes into consideration the time, effort, risks, stress, and sacrifice of
24 signing a general release of all claims over just wage and hour claims, as well as the benefit provided to
25 all class members as a result of my involvement in this litigation. In sum, in addition to assuming the
26 risks that go along with being a class representative and named plaintiff in litigation, I believe I have also
27 provided well over 25 hours of my time during the course of this litigation to ensure a good outcome for
28 the best interests of the Class. I believe I have been diligent and acted above and beyond that which is

1 expected of a Class Representative throughout all stages of the litigation. I will continue to diligently act
2 as the Class Representative up to and including final approval of the Class Action Settlement. Most
3 importantly, I believe this Service Payment is fair as I signed a general release, so I am not only giving
4 up my wage and hour claims, but I am also giving up all claims beyond wage and hour claims I had
5 against my former employers. For example, I am giving up my right to sue Defendant for non-wage-and-
6 hour related potential claims which other class members do not release in this action. Since I have signed
7 a general release for any and all claims related to my employment with Defendant, I cannot pursue any
8 other claims against Defendant while Class Members can still pursue other claims not released in this
9 Class Action.

10 18. Furthermore, the Class Representative service payment is fair and reasonable as I risk the
11 potential stigma of being a Class Representative in a Class Action labor dispute, which may affect my
12 future employment in this industry. A Google search with my name and Defendant show that I am a
13 Plaintiff in this Class Action case.

14 19. It is also my opinion that the service payment is fair and reasonable because in addition to
15 the many hours spent participating in this case, I accepted the potential risk of being liable for the
16 opposing parties' costs if we were unsuccessful in this lawsuit. My attorneys told me these costs could be
17 tens of thousands of dollars or more based on the extent of formal litigation. I believed in this case and
18 was willing to be a Class Representative Plaintiff knowing the risks involved.

19 20. This litigation has also resulted in a valuable benefit to the Class Members who will
20 participate in the monetary payout of this Settlement because of my involvement.

21 21. Based on the time, risk, stress, sacrifice of signing of a general release, and the great
22 outcome of this case, I believe that the requested service payment for me is fair and reasonable.

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

25 Executed on 3/15/2024 | 4:51 PM PDT, at Bakersfield, California

DocuSigned by:


JESUS GALVAN, "Declarant"

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

On the date indicated below, I served the document described as: **DECLARATION OF PLAINTIFF JESUS GALVAN IN SUPPORT OF MOTIONS FOR APPROVAL OF CLASS AND PAGA REPRESENTATIVE ACTION SETTLEMENT** on the interested parties in this action by sending a true copy thereof to interested parties as follows and as stated on the attached service list:

KLEIN, DENATALE, GOLDNER
10000 Stockdale Highway, Suite 200
Bakersfield, CA 93311
Telephone: 661-395-1000
Facsimile: 661-326-0418

JOINT STIPULATION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT; [PROPOSED] ORDER