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Attorneys for Plaintiff URIEL OREGEL

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
CONTRA COSTA**

URIEL OREGEL, as an individual and on behalf
of all employees similarly situated,

Plaintiff,

v.

DIABLO RANGE FRAMING, INC., a
California Corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: C23-00697

[Assigned for all purposes to Hon. Charles S
Treat, Dept. 12]

**CLASS AND PAGA REPRESENTATIVE
ACTION**

**DECLARATION OF PLAINTIFF URIEL
OREGEL IN SUPPORT OF PLAINTIFF'S
MOTION FOR APPROVAL OF CLASS AND
PAGA REPRESENTATIVE ACTION
SETTLEMENT**

Date: _____, 2024

Time: _____a.m.

Courtroom: Dept. 12

Judge: Hon. Charles S Treat

Action Filed: March 29, 2023

Trial: Not Set

1
2 **DECLARATION OF URIEL OREGEL**

3 I, URIEL OREGEL, declare as follows:

4 1. I am a named Plaintiff in this case as an employee of the named defendant, DIABLO RANGE
5 FRAMING, INC. ("Defendant"). As such, I have personal knowledge of, or am informed and believe,
6 the following facts herein stated. If called as a witness. I could and would testify competently to the
7 following:

8 **JOB DUTIES AND EXPERIENCES**

9 2.I worked for Defendant during the Settlement Class Period as a laborer starting from
10 September 27, 2021. My last working day with Defendant was December 22, 2022. I was paid on
11 hourly basis and classified as non-exempt from overtime. Throughout my employment, I typically
12 worked 5 days per workweek, and typically in excess of 8 hours in a workday.

13 3.While working for Defendant, I was required to combine my first meal periods with first rest
14 periods. I was never authorised to take my second rest periods. Additionally, I was required to work off-
15 the-clock by arriving earlier than my scheduled shift start time to undergo COVID pre-screening and
16 sanitize my hands but was not paid for that time. I was not required to record my working hours and
17 meal periods. Defendant would record my scheduled time instead of actual time on the timesheets
18 instead of me. While working for Defendant, I was also required to purchase tools and materials
19 necessary to perform my work from Defendant, and Defendant deducted the costs of these tools from my
20 wages. While working for Defendant, I transported the tools and materials I purchased in my personal
21 vehicle. I also used my personal cellular phone to call, send and receive work related calls and text
22 messages from my supervisors. I was not reimbursed for my personal cell phone usage.

23 **DUTIES OF A CLASS REPRESENTATIVE**

24 4.This lawsuit is not an individual lawsuit. It is a proposed class action. I understand that, if
25 approved as a class representative in this matter, I have an obligation to do my best to look out for the
26 interests of other class members, the current and former employees of DIABLO RANGE FRAMING,
27 INC. who I am seeking to represent. I understand that my obligations to the class exist even when the
28 class is certified solely as part of a class action settlement. It is my understanding that, as one part of

1 this duty to the class, I cannot agree to a settlement to benefit myself to the exclusion of the rest of the
2 class members. I have never asked my attorneys to simply settle this matter at any cost. Rather, I have
3 asked them to obtain the best settlement they could within reason, and I believe that they have
4 attempted to do so.

5 5. I have been actively involved in this case since I first retained Tunyan Law, APC. I have
6 never asked to be relieved from my role as a proposed class representative. To the contrary, I have
7 made myself available whenever my attorneys wanted to discuss aspects of my employment at
8 DIABLO RANGE FRAMING, INC., and I remain committed to seeing this matter through to the end.

9 6. I have conferred with my attorneys about the settlement proposed in this case. I am not an
10 accountant, but I understand the factors and risks that need to be considered when evaluating a
11 settlement.

12 7. I am asking to be stand-in for other employees of DIABLO RANGE FRAMING, INC.
13 Because of that, I cannot quit on the Class, and I cannot put myself and my interests before the Class. I
14 accept these duties and request that I be approved as the class representative for purposes of this
15 Settlement.

16 COMMUNITY OF INTEREST: TYPICALITY AND ADEQUACY

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

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

22 10. I do not believe that I have any conflicts with Class Members included in this proposed
23 Settlement. I do not have any intention to take any action that would place me in a position that is
24 hostile to other Class Members.

25 SERVICE AS A CLASS REPRESENTATIVE

26 11. I believe if not for my stepping forward and taking on the duties of protecting the interests
27 all aggrieved former and current employees of Defendant, it is likely that the interests of the Class
28 would neither have been prosecuted, nor benefited. To my knowledge, other than the litigation

1 encompassed by this proposed Settlement, there is no other litigation, on a Class or individual basis,
2 concerning the claims in this lawsuit. Nor has Defendant pointed to any.

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

8 13. I have devoted a substantial amount of my time, both before this lawsuit was filed and also
9 during its litigation, to ensure a fair result for the employee Class. This involved ongoing
10 communication and participation with my Counsel during the course of this case.

11 14. My participation began with bringing certain issues that are involved in this matter to my
12 Counsel's attention and explaining the factual background that was used to prosecute the claims in this
13 case.

14 15. For example, I reviewed documents which I already had, I provided relevant documents to my
15 Counsel, and I explained those documents and related facts to my Counsel to assist them in their review
16 during multiple meetings with my attorneys.

17 16. My efforts continued after the suit was filed. For example, I have had many discussions
18 with the attorneys at Tunyan Law, APC regarding Defendant's wage and hour policies, my claims in this
19 case, litigation strategy, potential witnesses, updates on how the case was proceeding, and how I could
20 help the case. I also discussed strategy with my Counsel. I remained in regular communication with my
21 attorneys regarding discovery and settlement discussions that the parties had during the course of
22 litigation and mediation. I worked with my attorneys to respond to Defendant's discovery requests and
23 provided substantial information and documents responsive to the requests. I continued to identify
24 employees and other witnesses to counsel, along with other information as to how they could be of
25 potential use in this matter. I also provided substantial information and documents to my attorneys to
26 assist them in preparing the case.

27 17. After the mediation, a long-form settlement agreement was negotiated, and I reviewed it
28 with my Counsel to ensure that its terms are likewise fair and adequate.

1 18. In sum, in addition to assuming the risks that go along with being a class representative and
2 named plaintiff in litigation, I believe I have also provided well over 35 hours of my time during the
3 course of this litigation to ensure a good outcome for the best interests of the Class.

4 19. I do not believe that I have any conflicts with Class Members included in this proposed
5 Settlement.

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

9 Executed 12/20/2023 | 12:02 PM PST at Stockton, California.

10 DocuSigned by:

11 

12 **URIEL OREGEL, "Declarant"**

1 **PROOF OF SERVICE**

2
3 STATE OF CALIFORNIA)
4) ss
COUNTY OF LOS ANGELES)

5 I am employed in the county of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 535 N Brand Blvd. Suite 285
Glendale, CA 91203. On January 22, 2024, I served the foregoing document described as:

7 On the date indicated below, I served the document described as: **DECLARATION OF**
8 **PLAINTIFF URIEL OREGEL IN SUPPORT OF PLAINTIFF'S MOTION FOR**
9 **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:

10 Jeffery C. Long
11 Jeffery.Long@llg-law.com

12 Teresa Boyd
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14 Shawn C. Loorz
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24 **LEVANGIE LAW GROUP**
25 2969 Prospect Park Drive, Suite 125
26 Rancho Cordova, CA 95670
27 Telephone: (916) 443-4849

28 *Attorneys for Defendant DIABLO RANGE FRAMING, INC.*

[✓] **BY E-MAIL:** I hereby certify that this document was served from Glendale, California,
by e-mail delivery on the parties listed herein at their most recent known e-mail address
or e-mail of record in this action.

[✓] **BY ELECTRONIC SERVICE:** Based on an agreement of the parties to accept electronic
service, I caused the documents to be sent to the persons at the electronic service addresses listed
above via electronic mail. I did not receive an error message.

I declare under penalty of perjury under the laws of the State of California that the
above is true and correct. Executed on January 22, 2024 at Glendale, California.

Lilit Tunyan