

1 BRANDON BROUILLETTE
brandon@crosnerlegal.com
2 ZACHARY M. CROSNER (SBN 272295)
Zach@crosnerlegal.com
3 JAMIE SERB (SBN 289601)
jamie@crosnerlegal.com
4 **CROSNER LEGAL, P.C.**
9440 Santa Monica Blvd., Suite 301
5 Beverly Hills, CA 90210
Telephone: 866-276-7637
6 Facsimile: 310-510-6429

7 Attorneys for Plaintiffs Eliseo De La Torre,
Jose Noriega, Nicasio Andrade, and Mario
8 Castro

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF SAN DIEGO**

12 ELISEO DE LA TORRE, JOSE NORIEGA,
13 NICASIO ANDRADE, and MARIO CASTRO,
individually and on behalf of all similarly-
14 situated employees,

15 Plaintiffs,

16 v.

17 UNIQUE BUILDING GROUP, INC., a
California Corporation; and DOES 1-100,
18 inclusive,

19 Defendants.
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Case No.: 37-2023- 00011128-CU-OT-CTL

Assigned for All Purposes to:
Hon. Matthew C. Braner
Dept. C-60

**DECLARATION OF NICASIO
ANDRADE**

Date: May 24, 2024
Time: 9:00 a.m.
Department: C-60

1 I, NICASIO ANDRADE, declare as follows:

2 1. I am an adult over the age of eighteen (18) years old. I am the Named Plaintiff
3 who filed the above-captioned lawsuit. I have personal knowledge of the facts set forth in this
4 declaration. I make this declaration in support of Plaintiffs' Motion for Preliminary Approval
5 of Class Action Settlement.

6 2. I was employed by Unique Building as an hourly paid employee until I was
7 terminated in around December 2021. I was always a full-time employee and usually worked
8 40 or more hours per week. While working for Defendant I don't think I was properly
9 compensated for all hours worked, and I also don't think I got all of the lunch breaks and rest
10 breaks I was supposed to get, and didn't clock out for lunch and I always understood that 30
11 minutes was deducted automatically. I also had to use my own phone on company business
12 and never received any reimbursement.

13 3. I decided to participate in this lawsuit because I did not feel that I was treated
14 fairly as an employee of Defendant, especially with regard to not being paid properly for all
15 the hours I worked, as well missed meal and rest breaks and not getting any expense
16 reimbursement. As a result, I believe the class members and myself are owed additional
17 compensation for all of the time we worked that was not paid for by Unique, as compensation
18 for not getting all our breaks, and to pay for our expenses.

19 4. It is my understanding this lawsuit could not have been prosecuted or settled
20 unless I or some other employee decided to serve as a named plaintiff and pursue the case. In
21 deciding to serve as a named plaintiff, I understood that my name would be publicly attached
22 to this lawsuit and that my work experiences to some extent would be set forth in a public
23 court file. I recognized that I would need to devote a certain amount of time that I could have
24 spent otherwise. I also recognized that my bringing the lawsuit carried some degree of risk.
25 Despite this, I decided to serve as the named plaintiff without any promise of recovery or
26 compensation.
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1 5. I am familiar with the work involved in prosecuting this case. I have
2 participated in numerous meetings and communications with my lawyers regarding this case. I
3 am familiar with the allegations and defenses of the claims in this case. I am familiar with the
4 major events in this case, including the investigation performed by my lawyers, the mediation
5 with Defendant that resulted in this settlement, and the preparation of settlement papers and
6 the need to obtain court approval of the proposed settlement. I participated in all stages of the
7 litigation and provided my lawyers with information and documents regarding my
8 employment with Defendant.

9 6. I believe that the proposed settlement obtained on behalf of the other employees
10 is excellent in view of the issues and risks involved with the case.

11 7. I believe I have fulfilled my duties as a named plaintiff and class representative,
12 which required a significant amount of time and effort during the course of this case. These
13 efforts required dedicating numerous hours to lawsuit activities including, but not limited to:
14 (a) communicating with my attorneys to stay informed of ongoing developments in the case
15 and to discuss the proposed settlement; (b) searching for and providing documents and other
16 materials relating to my work experience; (c) responding to requests for information relating
17 to my work experience; and (d) reviewing filings and key documents including drafts of the
18 complaint and the settlement agreement. These tasks required my dedication of at least 20
19 hours of my time, which time I honestly could have spent on family, personal time, or work.
20 My understanding is that future tasks may require several more hours of my time. I believe I
21 have been diligent and that I have acted above and beyond that of which is expected of a
22 named plaintiff to date and will continue to do so.

23 8. It is my opinion that \$10,000.00 is a fair and adequate award for my service as
24 the named plaintiff and class representative for the unpaid wage and missed lunch/rest breaks
25 claims that were brought in the lawsuit. I believe that amount is fair and reasonable in view of
26 the work I have and will continue to perform on behalf of the class members. I believe that my
27 role in this lawsuit has resulted in a valuable benefit to the other employees, and I accepted
28 the potential risk of being liable for the opposing parties' costs if we were unsuccessful in this

lawsuit. I believed in this case, so I was willing to be the named plaintiff to risk this and pursue this class action. I also accepted the risk that news of this lawsuit could also potentially impact my ability to secure other work.

9. Based on the time, service, risk, stress, potential stigma, loss of benefits and excellent outcome of this case, I believe the enhancement for me is fair and reasonable.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct. Executed on 05 / 01 / 2024, at Nicasio andrade, California.



NICASIO ANDRADE