

JAMIE SERB, ESQ. (SBN 289601)
jamie@crosnerlegal.com
SEPIDEH ARDESTANI (SBN 274259)
sepideh@crosnerlegal.com
ZACHARY M. CROSNER, ESQ. (SBN 272295)
zach@crosnerlegal.com
CROSNER LEGAL, PC
9440 Santa Monica Blvd. Suite 301
Beverly Hills, CA 90210
Tel: (866) 276-7637

Attorneys for Plaintiff Juan Carlos Barahona Murillo

BIBIYAN LAW GROUP, P.C.
David D. Bibiyan (Cal. Bar No. 287811)
david@tomorrowlaw.com
Vedang J. Patel (Cal. Bar No. 328647)
vedang@tomorrowlaw.com
1460 Westwood Boulevard
Los Angeles, California 90024
Tel: (310) 438-5555; Fax: (310) 300-1705

Attorneys for Plaintiff, Yvette Cherri Allison-Wright and all others
similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

YVETTE CHERRI ALLISON-WRIGHT, an
individual and on behalf of all other
similarly situated,

Plaintiff,

v.

APERTO PROPERTY MANAGEMENT,
INC., a California corporation; and DOES 1
through 100, inclusive,

Defendants.

Lead Case No. Case No. 30-2023-01312346-
CU-OE-CXC [*Wright* Action]
Consolidated with Case No. 30-2023-01327244-
CU-OE-CXC [*Barahona* Action]

Assigned for All Purposes to:
Hon. Lon Hurwitz
Dept. CX-103

DECLARATION OF JUAN CARLOS
BARAHONA MURILLO

Date: February 28, 2025
Time: 1:30 p.m.
Dept.: CX-103

1 I, JUAN CARLOS BARAHONA MURILLO, declare as follows:

2 1. I am an adult over the age of eighteen (18) years old. I am a plaintiff in the above-
3 captioned lawsuit. I have personal knowledge of the facts set forth in this declaration. I make this
4 declaration in support of Plaintiffs' Motion for Approval of Settlement under PAGA.

5 2. I worked for defendant from August 2021 through September 2022 as an hourly paid
6 Maintenance Technician. My duties included general upkeep of assigned apartment buildings, such
7 as painting, sweeping, cleaning common areas, and being responsive to emergency calls from
8 tenants at all hours of the day. I typically worked Monday through Friday, 7:00 a.m. to 4:00 p.m.,
9 but was expected to remain on-call including weekends. While I worked there I don't think I was
10 paid for all hours that I worked because when I was on call I had to respond to a request for
11 assistance within no more than 30 minutes, so it was very difficult for me to do things that I wanted
12 to do if didn't think I could get to the apartment building quickly enough. I never received any extra
13 pay for being on call. I also was always getting texts and calls on my personal phone about work
14 issues while I was on my lunch and breaks. I also don't think I received all of the meal and rest
15 breaks I was entitled to, as lunches and breaks would start late, last less than 30 minutes, or be
16 interrupted by work. I also had to use my own phone for company business. 

17 3. I decided to file this lawsuit because I did not feel that I was treated fairly as an
18 employee of Defendant, especially with regard to me not receiving all of the pay I believe I earned,
19 for not getting all of my lunches and other breaks, and not getting anything for using my own phone
20 and tools.

21 4. It is my understanding this lawsuit could not have been prosecuted or settled on
22 behalf of the other employees unless I or some other current or former employee decided to serve as
23 a named plaintiff and file this case. In deciding to serve as a named plaintiff in this case, I
24 understood that my name could be publicly attached to this lawsuit and that my work experiences to
25 some extent would be set forth in a public court file. I recognized I would need to devote a certain
26 amount of time that I could have spent otherwise. I also recognized my bringing the lawsuit carried
27 some degree of risk for defendants' legal costs among other things. Despite this, I decided to serve
28

1 as the named plaintiff without any promise of recovery or compensation.

2 5. I am familiar with the work involved in prosecuting this case. I have participated in
3 meetings, phone calls, and other communications with my lawyers regarding this case. I am
4 familiar with the allegations and defenses of the claims in this case. I am familiar with the major
5 events in this case, including the investigation performed by my lawyers, the mediation with
6 Defendant that resulted in this settlement, and the preparation of settlement papers and the need to
7 obtain court approval of the proposed settlement. I participated in the litigation and provided my
8 lawyers with information and documents regarding my employment with Defendant.

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

11 7. I believe I have fulfilled my duties as one of the named plaintiffs in the PAGA
12 action, 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: (a)
14 communicating with my attorneys to stay informed of ongoing developments in the case and to
15 discuss the proposed settlement ultimately negotiated; (b) searching for and providing documents
16 and other materials relating to my work experience; (c) responding to requests for information
17 relating 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 15 hours of
19 my time, which time I honestly could have spent on family, personal time, or work. My
20 understanding is that future tasks may require several more hours of my time. Further, at all times I
21 was ready, willing and able to testify at deposition and/or trial. I believe I have been diligent and
22 that I have acted above and beyond that of which is expected of a named plaintiff to date and will
23 continue to do so. To the best of my knowledge I have not conflicts of interest of any kind with any
24 other aggrieved employee.

25 8. It is my opinion that \$100.00 is a fair and adequate award for my service as the
26 named plaintiff and light of the fact that I have a separate wrongful termination and retaliation
27 lawsuit pending against Defendant. I believe that amount is fair and reasonable in view of the work
28 I have and will continue to perform on behalf of the aggrieved employees. I believe that my role as

1 the named plaintiff in this lawsuit has resulted in a valuable benefit to the aggrieved employees, and
2 I accepted the potential risk of being liable for the opposing parties' costs if we were unsuccessful
3 in this lawsuit. I believed in this case, so I was willing to be the named plaintiff to risk this and
4 pursue this PAGA action litigation. I also accepted the risk that news of this lawsuit could also
5 potentially impact my ability to secure other work.

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

8 I declare under penalty of perjury under the laws of California that the foregoing is true and
9 correct. Executed on _____, at _____, California.

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12 _____
13 Juan Carlos Barahona Murillo
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