

Cristina Molteni (Bar No. 244715)
cmolteni@moltenilaw.com
MOLTENI EMPLOYMENT LAW
100 Pine Street, Suite 1250
San Francisco, California 94111
Telephone: (415) 762-0270
Facsimile: (415) 762-0271

Adrian Byrne (Bar No. 304020)
adrian@thebyrnelawgroup.com
THE BYRNE LAW GROUP
8605 Santa Monica Boulevard, Suite 48497
West Hollywood, California 90069
Telephone: (800) 805-4002
Facsimile: (213) 805-6515

David Mara, Esq. (Bar No. 230498)
dmara@maralawfirm.com
Jill Vecchi, Esq. (Bar No. 299333)
jvecchi@maralawfirm.com
MARA LAW FIRM, PC
2650 Camino Del Rio North, Suite 302
San Diego, California 92108
Telephone: (619) 234-2833
Facsimile: (619) 234-4048

Attorneys for Plaintiffs, on behalf of themselves,
all others similarly situated, and on behalf of the general public

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF CONTRA COSTA

FERNANDO RAMOS and KEVIN
NIKAIDO, individuals; all others
similarly situated, and on behalf of the
general public,

Plaintiffs,

v.

DAVIDON HOMES a California limited
partnership; DAVIDON
CORPORATION; and
DOES 1-100, inclusive,

Defendants.

Case No. C23-01240

*[Assigned for All Purposes to the
Hon. Edward G. Weil, Dept. 39]*

**DECLARATION OF CRISTINA
MOLTENI IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND PAGA ACTION SETTLEMENT,
CONDITIONAL CERTIFICATION,
APPROVAL OF CLASS NOTICE,
SETTING OF FINAL APPROVAL
HEARING DATE**

Complaint Filed: May 24, 2023
Trial Date: None Set

1 I, Cristina Molteni, declare as follows:

2 1. I am a member of the Bar of the State of California and am admitted to practice
3 before this Court. I am the principal in the law firm of Molteni Employment Law (“MEL”),
4 counsel of record for Plaintiff Fernando Ramos and the proposed Class in this action. I submit
5 this declaration in support of Plaintiff’s Motion for Preliminary Approval of Class and PAGA
6 Action Settlement, Conditional Certification, Approval of Class Notice, Setting of Final
7 Approval Hearing Date. I have personal knowledge of the facts set forth in this declaration
8 and, if called upon to do so, could and would testify competently thereto, except where I make
9 a statement on information and belief, in which case I am informed and believe the statement
10 to be true.

11 2. I have had responsibility for the prosecution of this case on behalf of Plaintiff
12 Ramos and Aggrieved Employees along with my co-counsel Adrian Byrne since at least May
13 2023. In or around May 2024, we associated with Mara Law Firm, P.C. to jointly prosecute
14 this case on behalf of Plaintiff Ramos, Nikaido, and the purported class.

15 **Professional Background and Experience**

16 3. The following is a brief description of my professional background. I have
17 more than twenty-eight years of experience in the labor and employment field; twenty-two of
18 those years were as an attorney. I graduated from Facultad de Derecho y Ciencias Sociales,
19 Universidad de Buenos Aires, Argentina in May 1992, with a certification in Labor &
20 Employment Law. I received my LL.M. in Labor and Employment Law from Universidade de
21 São Paulo, Brazil in November 1998 and my LL.M. in International Law (with honors) from
22 Golden Gate University School of Law in 2009. Prior to coming to California, I was a law
23 clerk in the National Labor Court of Appeals in Buenos Aires, Argentina and an assistant
24 professor of Labor and Employment Law I and II (with tenure) in Faculdade de Direito,
25 Universidade Cândido Mendes, Rio de Janeiro, Brazil, the oldest private university in Latin
26 America. I obtained my license to practice law in Argentina in 1996, in Brazil in 1998, and in
27 California in 2006.

28

1 4. From April 2008 until December 2011, I was an associate at the Law Offices
2 of Ellyn Moscowitz, P.C. (currently closed) in Oakland, where I worked on more than 30
3 wage-and-hour class action cases, primarily representing Spanish-speaking workers in the
4 building trades. From January 2012 until July 2013, I was an associate at Rukin Hyland Doria
5 & Tindall LLP (currently Rukin Hyland & Riggin, LLP) in San Francisco, practicing
6 employment law and focused in class action litigation. From July 2013 to November 2015, I
7 was a partner in the employment practice at Albert G. Stoll, Jr., A Law Corporation in San
8 Francisco, mostly representing Spanish-speaking workers in wage-and-hour class action
9 litigation. From November 2015 to the present, I have been the principal at MEL, representing
10 clients exclusively in employment law matters, including litigating individual and class action
11 wage- and-hour claims, and providing advice in workplace issues. I was a contributing author
12 on the class action yearly issues in Plaintiff Magazine (Northern California) and I have been
13 named a Northern California “Super Lawyer” by Super Lawyers, a rating service of
14 outstanding lawyers who have attained a high-degree of peer recognition and professional
15 achievement. (2016 Rising Star; 2021-2025 Super Lawyer). I have been a member of
16 California Employment Lawyers Association (“CELA”) since 2008 and currently I am the co-
17 chair in the Immigrant Employee Rights Committee.

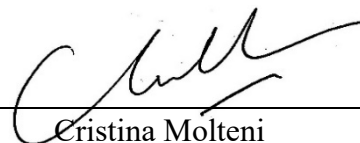
18 5. I have served as lead class counsel and co-lead counsel in various class action
19 employment cases in federal and state courts, including cases against AAA Fire Protection,
20 All Seasons Roofing & Waterproofing, Central Towing & Transport, Cool Roofing, CRC
21 Roofing, D7 Roofing Services, Davey Roofing, Legacy Roofing & Waterproofing, Lush, Inc.
22 dba Farmstead, Madsen Roofing, Monarch Roofing, NBC General Contractors, Royal
23 Electric, The Ryan Company, Swanson Landscaping, TIC, and Vernon Construction &
24 Roofing. I have been lead class counsel or co-counsel in several class actions in Contra Costa
25 County Superior Court against Applegate Johnston, Certified Safety, Gudgel Roofing,
26 Northern California Roofing (NIR West Coast), and Tecta America Sacramento. I am
27 currently lead counsel in pending class actions in California state courts against LaBella’s
28 Pool Services & Supply, Inc. and UCS Limo.

1 6. In reaching the Settlement, I assessed all of the risks of continued pursuit of
2 this litigation and a number of related factors, including the risk of failing to certify a class for
3 trial and the risk of failing to demonstrate one or more claims at trial. I also considered the
4 fact that litigating each of the class claims through trial would involve substantial additional
5 discovery, including depositions of Defendants' officers and management personnel and
6 further written discovery. Although Plaintiff's Counsel is more than willing to engage in such
7 discovery if the case requires us to do so, it would involve substantial additional time and
8 expense to complete.

9 7. Based on the disclosures that I have received, my calculation of the potential
10 damages at issue in this case, and my assessment of the risks that Plaintiffs and the proposed
11 Class might not prevail on one or more of their claims or certify the Class through trial, I
12 believe the parties have reached a fair, reasonable, and adequate settlement, and I fully
13 support it. Accordingly, I strongly recommend that the Court grant preliminary approval to
14 the settlement at issue in this motion.

15 8. Throughout the course of this litigation, Plaintiff Fernando Ramos has shown
16 his ability and willingness to prosecute this action vigorously on behalf of all individuals that
17 have worked for Defendants as construction workers. I am informed and believe that Mr.
18 Ramos has spent a reasonable amount of time on this case —preparing for litigation, giving
19 all the information and documents about his work experience at Davidon, following up on the
20 progress of this litigation with me, and staying informed of developments in the case through
21 communications by phone. Plaintiff Ramos also participated in the Zoom mediation session
22 on August 25, 2024. He has acted as a competent class representative and I am aware of no
23 conflicts between Plaintiff Ramos and other proposed class members that would render him
24 inadequate class representative in any way.

25 I declare under penalty of perjury under the laws of the United States and the State of
26 California that the foregoing is true and correct, executed on April 11, 2025.

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28 
Cristina Molteni