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16 *Attorneys for Plaintiff*

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **FOR THE COUNTY OF SOLANO**

19 ZOEY SMITH, individually, and on behalf of all
20 others similarly situated,

21 *Plaintiff,*

22 *v.*

23 RECYCLING ZONE, INC., a California
24 corporation, and DOES 1 through 10, inclusive,

25 *Defendants.*

Case No.: FCS059572

Assigned for all purposes to:
Hon. Christine A. Carringer
Dept. 12 – Fairfield Room 1

**DECLARATION OF JOHN G. YSLAS IN
SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

FINAL APPROVAL HEARING

Date: April 23, 2025

Time: 8:30 a.m.

Dept: 12 – Fairfield Room 1

DECLARATION OF JOHN G. YSLAS

I, John G. Yslas, declare as follows:

1. I am an attorney at law licensed to practice before all of the courts of the State of California. I am a Senior Partner at Wilshire Law Firm, PLC (“WLF”), counsel of record for Plaintiff Zoey Smith (“Plaintiff”). I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I submit this declaration in support of Plaintiff’s Motion for Final Approval of Class Action and PAGA Settlement.

3. Plaintiff is represented by WLF. The attorneys at WLF performed significant work and expended litigation costs in prosecuting this matter with no guarantee of payment.

4. WLF was selected by Best Lawyers and U.S. News & World Report as one of the nation’s Best Law Firms since 2020 and is comprised of more than 100 attorneys and over 600 employees. WLF is actively and continuously practicing in employment litigation, representing employees in both individual and class actions in both state and federal courts throughout California.

5. WLF is qualified to handle this Litigation because its attorneys are experienced in litigating Labor Code violations in individual, class action, and representative action cases. WLF has handled, and is currently handling, numerous wage and hour class action lawsuits, as well as class actions involving consumer rights and data privacy litigation.

6. I graduated from the University of California, Santa Barbara with High Honors in 1991 with Bachelor of Arts degrees in Psychology. I received my Juris Doctor from UCLA Law School in 1996.

7. Upon graduating from law school in 1996, I worked for a boutique law firm practicing general litigation which included employment law matters. Since 2000 (that is, the last 23 years) my practice has been exclusively focused on labor and employment matters including handling wage and hour class, collective and representative actions (including the California Private Attorneys General Act, or “PAGA”), including in the international law firms

1 of Morgan, Lewis & Bockius LLP (where I was a senior associate), Foley & Lardner LLP
2 (where I was a partner and a national Vice Chair of the Labor and Employment Group), Norton
3 Rose Fulbright LLP (where I was a partner) and Seyfarth Shaw (where I was a partner and
4 member of the Wage and Hour Practice Group). During my time at these law firms, I was the
5 primary attorney or took a major leading role in defending employers on numerous wage and
6 hour class, collective and representative actions.

7 8. In late June 2022 I left Seyfarth Shaw and joined my current firm, The Wilshire
8 Law Firm, PLC, to represent plaintiff employees. I have been and am handling many wage and
9 hour class and representative actions litigating such matters on behalf of plaintiff employees in
10 numerous Superior Courts and District Courts. From matters representing both plaintiffs and
11 defendants, I have successfully mediated the resolution of many wage and hour class,
12 collective, and representative actions. Just since starting to settle cases in late April 2023 I have
13 already successfully mediated matters in which I have been counsel or co-counsel resulting in
14 **over \$100 million** in settlements which are in the process of being finalized, and with numerous
15 upcoming mediations scheduled. In those and numerous other matters, I have managed and
16 assisted with the litigation and settlement of many wage and hour PAGA and class actions. In
17 those actions, I performed similar tasks as those performed in the course of prosecuting this
18 action.

19 9. I have received numerous awards for my legal work. For example, from 2015
20 to 2018, I was listed in Los Angeles Super Lawyers for Employment Litigation (Thomson
21 Reuters). have also served on numerous prominent boards and in other leadership positions,
22 including currently serving as Southern California Regional President for the Hispanic National
23 Bar Association and on the board of directors of the Mexican American Bar Foundation. I also
24 previously served on the 5-member Los Angeles Civil Service Commission, which generally
25 oversees the personnel decisions for the City of Angeles.

26 10. I have also published numerous blogs on labor and employment issues including
27 on wage and hour issues. For example, I published "Headline News: Wal-Mart v. Dukes-
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1 Impact on Class Action Litigation” (while a partner with Foley & Lardner LLP) and “Are You
2 Really Protected From Wage-and-Hour Successor Liability in an Asset Purchase” (while a
3 partner with Seyfarth Shaw LLP). I have also been a presenter at numerous conferences,
4 including being a presenter involving the “Employment Law Update” at a National
5 Employment Law Council conference. I currently bill at an hourly rate of \$1,500.00.

6 11. Samantha A. Smith is a Senior Attorney at WLF where her practice is focused
7 on managing wage and hour class action and PAGA settlements. Ms. Smith was admitted to
8 the California Bar in December of 2004, and received a J.D. from University of California,
9 Hastings College of the Law and a B.A. from University of California, Davis. Ms. Smith has
10 dedicated her 20-year career to plaintiffs’-side class action litigation. Her wealth of experience
11 includes successful work on all stages of class action litigation, including class action appeals,
12 class certification motions, and class settlements. See, e.g., Blue Diamond Growers Product
13 Labeling Cases, JCCP No. 4822 (Los Angeles County Superior Court) (false advertising of
14 Blue Diamond food products); Adam vs. eHealth, Inc., Case No. 17CV309050 (Santa Clara
15 Superior Court) (employee data breach); Overton v. Armour-Eckrich Meats, LLC, Case No.
16 CIVDS1501325 (San Bernardino County Superior Court) (unpaid wages, meal period and rest
17 break claims, and PAGA violations for nonexempt employees); DeLeon et al. v. Westlake
18 Services, LLC, Case No. BC 526750 (Los Angeles County Superior Court) (unpaid overtime,
19 meal period and rest break claims for call center employees); Sawyer v. Retail Data, LLC, Case
20 No. 30-2014-00753767-CU-OE-CXC (Orange County Superior Court) (unpaid wage and rest
21 break claims for piece rate workers); Nguyen v. Pharmerica Corporation et al., Case No. 30-
22 2014-00716072-CU-OE-CXC (Orange County Superior Court) (unpaid wages and
23 unreimbursed expenses for pharmacists); Laumea v. Performance Food Group, Inc., Case No.
24 CIVDS1407509 (San Bernardino Superior Court) (unpaid wages, meal and rest break claims
25 for non-exempt employees); Durroh v. East West Bank, Case No. BC528860 (Los Angeles
26 Superior Court) (overtime claims for failure to include bonuses in regular rate of pay for bank
27 workers); Gonzalez et al. v. SFFI Company, Inc. et al., Case No. CIVDS1504287 (San
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1 Bernardino Superior Court) (unpaid wages, meal period and rest break claims for non-exempt
2 employees). Ms. Smith currently bills at an hourly rate of \$1,000.00.

3 12. Jeffrey C. Bils is a tenth-year Senior Attorney at Wilshire Law Firm. He
4 graduated from the University of Wisconsin–Madison with a Bachelor of Arts in Journalism
5 and German, and received his Juris Doctor from the University of California, Los Angeles
6 School of Law in 2014. During law school, he was a Senior Editor on the UCLA Law Review
7 and an Articles Editor on the Entertainment Law Review. He served as a Judicial Extern for
8 the Hon. Consuelo Bland Marshall in United States District Court for the Central District of
9 California, and also for the Hon. Sandra R. Klein of United States Bankruptcy Court for the
10 Central District of California. He graduated ranked No. 7 in his graduating class from UCLA
11 School of Law. He was admitted to practice law in the State of California in 2014. Since
12 graduating from law school, he has focused his legal work primarily on employment matters,
13 including wage-and-hour class action and PAGA representative action litigation, and he has
14 helped obtain dozens of settlements on behalf California workers, as well as on behalf of
15 California employers during his years on the defense bar. He is a member of the Beverly Hills
16 Bar Association (BHBA), where he serves as a current member of the Board of Governors and
17 is a past Chair of the Labor & Employment Law Section Executive Committee. He is also a
18 member of the California Employment Lawyers Association (CELA). Mr. Bils currently bills
19 at an hourly rate of \$850.00.

20 13. Aram Boyadjian is a fourth-year Associate Attorney at Wilshire Law Firm, PLC.
21 He was admitted to practice law in the State of California in 2021. Aram graduated from the
22 University of California, Los Angeles, with a Bachelor of Arts in Political Science. He received
23 his Juris Doctor from Loyola Law School. During law school, he was a member of the student
24 editorial board for the International and Comparative Law Review. Since January 2021, his
25 practice has mainly been focused on wage and hour class action litigation. Mr. Boyadjian
26 currently bills at an hourly rate of \$600.00.

27 14. Andrew Sandoval is a first-year Associate Attorney at Wilshire Law Firm, PLC.
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1 He was admitted to practice law in the State of California in 2022. Andrew graduated from
2 Azusa Pacific University with a Bachelor of Arts in Economics. He received his Juris Doctor
3 from Loyola Law School. During law school, he was a Vice-President of La Raza de Loyola.
4 Since graduating, his practice has mainly been focused on wage and hour class action litigation.
5 Mr. Sandoval currently bills at an hourly rate of \$500.00.

6 15. WLF's requested fees have been approved by other courts in California. *See*,
7 *e.g.*, *Matthew Veliz v. DrinkPak, LLC*, Los Angeles County Superior Court, Case No.
8 22STCV37384, *Ismael Villegas-Sanchez v. COE Orchard Equipment, Inc.*, Sutter County
9 Superior Court Case No. CVCS22-0002261; *Jessica Bronsal v. PTI Technologies Inc.*, Ventura
10 County Superior Court, Case No. 202200570361CUOE; *Miguel A. Vigil Ruiz v. The De Ruosi*
11 *Group, LLC*, San Joaquin Superior Court, Case No. STK-CV-UOE-2022-8780; *Gutierrez v.*
12 *Top Drawer Merch, LLC et al*, Los Angeles Superior Court, Case No. 23STCV04299; *Wing v.*
13 *Road Machinery, LLC et al*, Kern County Superior Court, Case No. BCV-22-102896;
14 *Hernandez v. SGPS Showrig Los Angeles, Inc.*, Los Angeles Superior Court, Case No.
15 22STCV28155; *Azevedo v. Tulare Nursing & Rehabilitation Hospital, Inc.*, Tulare County
16 Superior Court, Case No. VCU293325; *Haser v. Universal Chain of California, Inc.*,
17 Sacramento Superior Court, No. 34-2022-00332268; *Caldera v. Performance Online, Inc. et*
18 *al*, Riverside Superior Court, No. CVRI2306013; *Rooks v. Hot Cakes Restaurant Group, Inc.*,
19 San Joaquin Superior Court, No. STK-CV-UOE-2022-11056. The total hours expended on this
20 action are reasonable and in line with comparable cases.

21 16. WLF has performed significant work and incurred litigation costs in prosecuting
22 this matter with no guarantee of any payment. The efforts expended by Plaintiff's counsel to
23 achieve this result include, but are not limited to, the following:

24 a. the investigation of the matter, including meeting with Plaintiff, reviewing
25 Defendant's policies, and requesting and reviewing Plaintiff's time and pay records, personnel
26 files, and exploring the corporate structure of Defendant;

27 b. filing the Action;

1 c. attending status conferences and meeting and conferring with Defendant
2 regarding the case;

3 d. meeting and conferring with Defendant regarding mediation, exchange of
4 informal discovery beforehand, and negotiating with opposing counsel regarding the
5 parameters thereof;

6 e. selecting a mediator and mediation date;

7 f. working with opposing counsel and expert consultants for the receipt of a
8 representative sampling and analyzing the same with the aid of expert consultants and Plaintiff
9 to perform analyses of liability and exposure prior to attendance of the mediation in this matter;

10 g. reviewing policy documents from Defendant and researching applicable
11 defenses;

12 h. preparation of the mediation brief and damages model for use at mediation;

13 i. attendance at the mediations by all Parties and Counsel;

14 j. communicating with Plaintiff who requested updates or other information
15 regarding this matter;

16 k. negotiating, finalizing and fully executing the initial settlement agreement;

17 l. preparing and filing the Motion for Preliminary Approval and supporting
18 documents;

19 m. negotiating, finalizing and fully executing the amendments to the initial
20 settlement agreement pursuant to the Court's request, which are ultimately encompassed within
21 the Settlement Agreement;

22 n. preparing the supplemental memorandum in support of the Motion for
23 Preliminary Approval and supporting documents;

24 o. attending the hearings on Motion for Preliminary Approval;

25 p. communicating with class members who sought additional information
26 regarding the settlement, including answering questions regarding the settlement and obtaining
27 updated addresses from class members for purposes of receiving the class notices and
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administering the settlement checks; and

q. preparing the instant Motion for Final Approval and supporting documents.

17. WLF's current lodestar reflects the efficiencies achieved by attorneys experienced in this field with 223.5 hours of work resulting in \$208,645.00 in fees. The chart below shows the calculation of hours spent by each of WLF's attorneys on this case:

Attorney	Hours	Hourly Rate	Total
John G. Yslas	58	\$1,500.00	\$87,000.00
Samantha A. Smith	25	\$1,000.00	\$25,000.00
Jeffrey C. Bils	63.7	\$850.00	\$54,145.00
Aram Boyadjian	41	\$600.00	\$24,600.00
Andrew Sandoval	35.8	\$500.00	\$17,900.00
TOTAL	223.5		\$208,645.00

18. This amount surpasses the requested fee award of \$173,333.33, resulting in a negative multiplier. This amount does not include the time Class Counsel will spend at the final approval hearing and assisting the Settlement Administrator following final approval. This time could have been spent on other potentially lucrative cases. WLF dedicated significant resources to this case by dividing the tasks required according to skill level. The hours expended by each attorney were not duplicative and reflect the extensive investigation and analysis that was required to achieve this Settlement. WLF's lodestar reflects the efficiencies achieved by attorneys experienced in this field.

19. In litigation costs, WLF has spent \$18,306.39 on items such as filing fees, service fees, mediation fees, and expert fees. Since Class Counsel's cost did not reach the maximum of \$22,000.00 the remaining \$3,693.61 will revert to and increase the Net Settlement Amount. A true and correct copies of WLF's cost reports in this matter are attached hereto as **Exhibit 1**. All of the costs incurred were reasonable and necessary for the prosecution of this case.

20. Class Counsel has negotiated a settlement here that they believe is fair,

1 reasonable, and adequate based on their prior experience litigating these type of cases.

2 21. On March 27, 2025, a copy of the Stipulation of Class Action Settlement and
3 Release of Claims was submitted to the LWDA. A true and correct copy of the confirmation of
4 submission to the LWDA are attached hereto as **Exhibit 2**.

5 22. To date, the LWDA has not responded to or objected to the Settlement in this
6 matter.

7 23. Attached hereto as **Exhibit 3** is a true and correct copy of the Declaration of
8 Plaintiff Zoey Smith in Support of Plaintiff's Motion for Preliminary Approval of Class Action
9 and PAGA Settlement.

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct. Executed on April 2, 2025 at Los Angeles, California.

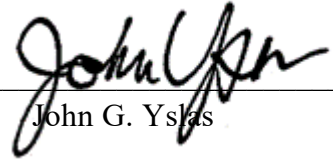
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14 _____
15 John G. Yslas
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EXHIBIT 1

03/27/25

Accrual Basis

Wilshire Law Firm, PLC

Client Costs Detailed Report

All Transactions

Type	Date	Num	Class	Source Name	Memo	Amount	Balance
500000 · COS							
501500 · Court Filing Fees							
Credit Card Charge	12/08/2023	21747182	RecyclingZone(Smith).W&H	One Legal LLC	21747182-CCCS,Comp,Summ-Atty Svc for Court Filing-238871 Zoey Smith v...	1,590.58	1,590.58
Credit Card Charge	12/28/2023	21905958	RecyclingZone(Smith).W&H	One Legal LLC	21905958-POS of Summ-Atty Svc for Court Filing-238871 Zoey Smith V Rec...	92.66	1,683.24
Credit Card Charge	12/29/2023	21747183	RecyclingZone(Smith).W&H	One Legal LLC	21747183-CCCS,Summ,Comp-Atty Svc for Court Filing-238871 Zoey Smith v...	133.84	1,817.08
Credit Card Charge	02/01/2024	22139765	RecyclingZone(Smith).W&H	One Legal LLC	22139765-CMS-Atty Svc for Court Filing-238871 Zoey Smith vs Recycling Zo...	92.66	1,909.74
Credit Card Charge	04/02/2024	22583713	RecyclingZone(Smith).W&H	One Legal LLC	22583713-CMCS-Atty Svc for Court Filing-238871 Smith, Zoey vs Recycling ...	18.43	1,928.17
Credit Card Charge	07/08/2024	23274436	RecyclingZone(Smith).W&H	One Legal LLC	23274436-238871-Atty Svc for Court Filing-POS,Declaration-RecyclingZone(...	89.46	2,017.63
Credit Card Charge	07/09/2024	23274437	RecyclingZone(Smith).W&H	One Legal LLC	23274437-238871-Atty Svc for Court Filing-POS,Declaration-RecyclingZone(...	77.21	2,094.84
Credit Card Charge	08/02/2024	23446215	RecyclingZone(Smith).W&H	One Legal LLC	23446215-Atty Svc for Court Filing-CMCS-RecyclingZone(Smith).W&H	27.69	2,122.53
Credit Card Charge	08/05/2024	23455862	RecyclingZone(Smith).W&H	One Legal LLC	23455862-238871-Atty Svc for Court Filing-Stip & Ord,CMCS-RecyclingZone...	49.31	2,171.84
Credit Card Charge	08/06/2024	23455863	RecyclingZone(Smith).W&H	One Legal LLC	23455863-238871-Atty Svc for Court Filing-Stip & Ord,CMCS-RecyclingZone...	61.77	2,233.61
Credit Card Charge	08/26/2024	23594628	RecyclingZone(Smith).W&H	One Legal LLC	23594628-238871-Atty Svc for Court Filing-Compl Amended First-Recycling...	27.23	2,260.84
Bill	02/01/2023	55095	RecyclingZone(Smith).W&H	Valpro Attorney Services, LLC	55095-RecyclingZone(Smith).W&H-New Case Filing	1,764.50	4,025.34
Bill	03/14/2023	56439	RecyclingZone(Smith).W&H	Valpro Attorney Services, LLC	56439 RecyclingZone(Smith).W&H File POS	95.00	4,120.34
Bill	06/02/2023	59821	RecyclingZone(Smith).W&H	Valpro Attorney Services, LLC	59821-RecyclingZone(Smith).W&H-File CMS and Notice of Jury Fees	300.00	4,420.34
Bill	09/21/2023	65238	RecyclingZone(Smith).W&H	Valpro Attorney Services, LLC	65238-RecyclingZone(Smith).W&H-File CMS and CC to dept 1	135.00	4,555.34
Total 501500 · Court Filing Fees						4,555.34	4,555.34
502500 · Legal Expenses							
Credit Card Charge	03/03/2023		RecyclingZone(Smith).W&H	Department of Industrial Relati...	ORD-000212108 (238871) RecyclingZone(Smith).W&H	75.00	75.00
Bill	11/27/2023	8003214a	RecyclingZone(Smith).W&H	Kyriacou Mediation	8003214a-RecyclingZone(Smith).W&H-50% Mediation Fees sked 01/18/24	10,500.00	10,575.00
Bill	01/11/2023	847619313	RecyclingZone(Smith).W&H	Thomson Reuters-West Publis...	Legal Research-RecyclingZone(Smith).W&H	22.07	10,597.07
Total 502500 · Legal Expenses						10,597.07	10,597.07
503200 · Process Service Fees							
Bill	03/08/2023	56374	RecyclingZone(Smith).W&H	Valpro Attorney Services, LLC	56374 RecyclingZone(Smith).W&H Served: Recycling Zone, Inc S&C	101.00	101.00
Bill	01/23/2024	70415	RecyclingZone(Smith).W&H	Valpro Attorney Services, LLC	70415-RecyclingZone(Smith).W&H Served:Zoey Smith - Client Contact Letter	135.00	236.00
Total 503200 · Process Service Fees						236.00	236.00
503300 · Professional Fees							
Bill	01/31/2024	9637	RecyclingZone(Smith).W&H	Berger Consulting Group, LLC	9637-RecyclingZone(Smith).W&H-6.40 hrs of work	2,880.00	2,880.00
Total 503300 · Professional Fees						2,880.00	2,880.00
Total 500000 · COS						18,268.41	18,268.41
TOTAL						18,268.41	18,268.41

Wilshire Law Firm, PLC
Client Costs Detailed Report

03/27/25

Accrual Basis All Transactions

Type	Date	Num	Class	Source Name	Memo	Amount	Balance
500000 · COS							
501500 · Court Filing Fees							
Credit Card Charge	08/02/2024	23446249	RecyclingZone(Smith).PAGA	One Legal LLC	23446249-Atty Svc for Court Filing-CMCS-RecyclingZone(Smith).PAGA	24.61	24.61
Total 501500 · Court Filing Fees						24.61	24.61
Total 500000 · COS						24.61	24.61
TOTAL						24.61	24.61

Expenses Subtotals - Filtered Exp. Type

As of 2025-03-27 16:48:26 Pacific Standard Time/PST • Generated by Stefani Franco

Filtered By
Show: All matters
Matter: ID equals a0L5G00000XwF5A
Expense Type equals E127 — DTF,DTF,E108 — Postage,E102 — Printing

Display Name ↑	Expense Type ↑	Date	Expense: Expense ID	Provider Name	Note	Amount	Reduction Amount	Amount Paid	Amount Due.
Zoey Smith - Wage & Hour: 12/9/2022	E102 — Printing	3/6/2023	E-3027580			\$4.00			\$4.00
		3/2/2023	E-3016913			\$2.25			\$2.25
		2/25/2023	E-3014066			\$2.25			\$2.25
		2/14/2023	E-3006268			\$1.00			\$1.00
		12/20/2022	E-2990123			\$3.00			\$3.00
	Subtotal	Sum				\$12.50	\$0.00	\$0.00	\$12.50
		Count	5						
	E108 — Postage	9/20/2023	E-3145493			\$0.87			\$0.87
	Subtotal	Sum				\$0.87	\$0.00	\$0.00	\$0.87
		Count	1						
Subtotal		Sum				\$13.37	\$0.00	\$0.00	\$13.37
		Count	6						
Total		Sum				\$13.37	\$0.00	\$0.00	\$13.37
		Count	6						

EXHIBIT 2



Thank you for your Proposed Settlement Submission

From DIR PAGA Unit <no-reply@formassembly.com>

Date Thu 3/27/2025 11:44 PM

To Lisa Iturriaga, Esq. <lisa.iturriaga@wilshirelawfirm.com>

[You don't often get email from no-reply@formassembly.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

03/27/2025 11:44:12 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: [https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Flabor.ca.gov%2FPrivate Attorneys General Act.htm&data=05%7C02%7Clisa.iturriaga%40wilshirelawfirm.com%7C3498aba304364fa6e0b608dd6dc3ff51%7C9ada260a4f194da187b814d372333753%7C1%7C0%7C638787410774455662%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOljoitWFBpbGlldUljoyfQ%3D%3D%7C0%7C%7C%7C&data=6GWCXmaAsToYXKsLr%2FDgfkUoLqnL9%2FcMGWqqqymb0YWM%3D&reserved=0](https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Flabor.ca.gov%2FPrivate%20Attorneys%20General%20Act.htm&data=05%7C02%7Clisa.iturriaga%40wilshirelawfirm.com%7C3498aba304364fa6e0b608dd6dc3ff51%7C9ada260a4f194da187b814d372333753%7C1%7C0%7C638787410774455662%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOljoitWFBpbGlldUljoyfQ%3D%3D%7C0%7C%7C%7C&data=6GWCXmaAsToYXKsLr%2FDgfkUoLqnL9%2FcMGWqqqymb0YWM%3D&reserved=0)

EXHIBIT 3

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Facsimile: (213) 381-9989

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SOLANO**

ZOEY SMITH, individually, and on behalf of all
others similarly situated,

Plaintiff,

v.

RECYCLING ZONE, INC., a California
corporation, and DOES 1 through 10, inclusive,

Defendants.

Case No.: FCS059572

CLASS ACTION

*[Assigned for all purposes to:
Hon. Christine A. Carringer, Dept. 12]*

**PLAINTIFF ZOEY SMITH'S
DECLARATION IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed with Notice of Motion and Motion;
Declaration of John G. Yslas; and Proposed
Order]*

PRELIMINARY APPROVAL HEARING

Date: November 13, 2024

Time: 8:30 a.m.

Dept.: 12

Complaint filed: January 31, 2023

Trial date: None set

DECLARATION OF ZOEY SMITH

I, ZOEY SMITH, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I am the proposed class representative in this action and submit this declaration in support of Plaintiff's Motion for Preliminary Approval of Class & Representative Action Settlement. I believe I have provided invaluable assistance during the course of this case, and I respectfully hope the Court will approve my request of a \$15,000 service payment for my role as the Class Representative.

3. I am a former employee of Defendant Recycling Zone, Inc. I worked for Defendant from approximately May 12, 2022 to approximately December 10, 2022 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to Defendant's patterns and practices that have been alleged as unlawful in the Class & Representative Action Complaint and Private Attorneys General Action Notice sent to Defendant and the Labor & Workforce Development Agency.

4. I have pursued this lawsuit because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all my meal and rest breaks. While working for Defendant, my coworkers and I were asked to work long hours because of the amount of work, sometimes without taking meal and rest breaks. My meal and rest breaks were often interrupted by supervisors and co-workers asking me to perform work tasks. I frequently performed work tasks while off-the-clock before the start of my shift and after the end of my shift. I also observed my co-workers working long hours without taking breaks. I was not reimbursed for necessary business-related expenses.

5. By participating in this lawsuit as a proposed Class Representative, I hoped that I might be able to change Defendant's practices to better protect the working conditions of my co-workers. I also understood it was my duty as the Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

6. Prior to commencing this case, I provided Wilshire Law Firm with a detailed account

1 of the facts related to my employment with Defendant. Based on our conversations, my attorneys
2 and I were able to identify instances when I was not paid correctly.

3 7. I have invested a lot of personal time and energy while this lawsuit has been pending.
4 I made it a priority to be actively involved because I wanted to do everything I could to help my
5 attorneys in prosecuting this case. I regularly communicated with my attorneys to discuss updates on
6 the case and to provide information. I communicated with my attorneys via phone calls. Some of
7 these phone calls lasted up to 30 minutes.

8 8. I made myself available during the mediation for this case, and I kept in regular
9 contact with my attorneys before and after the mediation to ensure that any questions the attorneys
10 had could be answered.

11 9. I also reviewed pleadings filed in this case, including the settlement-related
12 documents.

13 10. I believe the settlement is a good settlement, and I would recommend that the Court
14 approve it, because I believe it is fair, adequate, and reasonable. I am glad that I have had the
15 opportunity to represent the Class in this lawsuit, and that I was able to recover money through a
16 settlement for the Class. I have also observed my attorneys' work throughout this case, and I believe
17 they have been thorough, diligent, prompt, courteous, and professional.

18 11. Standing up for myself and the rights of others was not an easy decision, and I am
19 relieved that this is coming to an end. I estimate that I spent at least 45 hours on this case.

20 12. I did not make the decision to file a class action lightly. I was concerned by the
21 attention a publicly filed lawsuit, and especially a class action, would attract. My name would be
22 associated with a lawsuit that I filed against my former employer. I was aware that it is possible to
23 perform background checks of publicly filed documents on the Internet, sometimes with nothing
24 more than a simple Google search. I am mindful that employers might find out that I sued a former
25 employer, and this could hurt my employability.

26 13. I respectfully ask that the Court award me a \$15,000 service payment. I am receiving
27 no additional compensation other than the compensation provided for in the settlement. Based on
28 my involvement in this case and the benefits provided to my former co-workers, I can say I helped

1 stand up for the other workers who may have been too afraid to say anything to management because
2 they did not want to risk losing their jobs or risk the stigma of suing an employer. I was not afraid
3 to take that risk, because I strongly care about helping my current and former co-workers. I also
4 continue to fear that any employer may find out that I participated in this lawsuit and hold it against
5 me. In a competitive job market, this factor may weigh heavily against me. Nevertheless, I felt that
6 important rights were at stake that hurt myself and other employees.

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

9 Executed on the 26th day of June, 2024, at Fairfield, California.

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DocuSigned by:
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ZOEY SMITH