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Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF PLACER**

CARMEN GARCIA, individually and on
behalf of the State of California, as a private
attorney general, CHANCE MACAIRE and
ARTURO SARMIENTO III, on behalf of the
State of California, as private attorneys
general,

Plaintiffs,

vs.

CALIBER HOLDINGS OF CALIFORNIA,
LLC; CALIBER HOLDINGS, LLC.;
CALIBER HOLDINGS CORPORATION;
PHILLIP TARIN, an individual; and Does 1
through 20, inclusive,

Defendants.

Case No. S-CV-0050365

**DECLARATION OF ARTURO
SARMIENTO III IN SUPPORT OF
MOTION TO APPROVE PAGA
SETTLEMENT**

Hearing Date: December 10, 2024
Hearing Time 8:30 a.m.

Judge: Hon. Todd Irby
Dept.: 6

Action Filed: April 24, 2024
Trial Date: Not Set

1 I, Arturo Sarmiento III, declare:

2 1. I am a competent adult, I have personal knowledge of the facts in this declaration, and I
3 am making this declaration on behalf of myself, as a named plaintiff, and in support of the Motion to
4 Approve Private Attorneys General Act Settlement.

5 2. I work in California as a non-exempt employee of Defendants Caliber Holdings of
6 California LLC, Caliber Holdings, LLC, and Caliber Holdings Corporation (collectively, "Caliber") and
7 have been employed by Caliber since 2021.

8 3. I retained my attorneys who are experienced in PAGA representative action litigation and
9 claims against employers for violations of the California Labor Code. I have no personal relationship or
10 family ties to my attorneys or any officer of the Court. I am not aware of having any actual or potential
11 conflicts of interest with another PAGA Member in this case.

12 4. I was subject to Caliber's policies and practices that have been alleged as unlawful in the
13 Complaint and the PAGA notice sent to the Labor and Workforce Development Agency. For example, I
14 often did not receive compliant meal and rest breaks, which were frequently late, short, or interrupted. I
15 often worked off the clock as I was forced to work on assignments while clocked out for many of my meal
16 and rest breaks. I also earned production bonuses and other remuneration, however when calculating
17 overtime, paid sick leave, and meal and rest break premiums, Caliber failed to include such bonuses and
18 remuneration in the calculation of my regular rate of pay. Further, I was not reimbursed for the use of my
19 personal cell phone which was an essential tool necessary to perform my job duties.

20 5. In bringing this case for myself, the State of California, and the other employees, I
21 understood a lot of work would be required and I was willing to, and did, do the work to keep the case
22 moving forward. For instance, before the complaint was filed I spoke to my attorneys several times and
23 discussed how Defendant implemented its company policies and procedures. I also assisted my attorneys
24 in their investigation into my claims by providing them documents and answering their questions. I
25 reviewed the complaint before it was filed and after it was filed, I was given access to an electronic file
26 sharing program that alerted me via email when important documents were filed so that I could review
27 them and keep up with the developments in the case. I was informed that the Defendant had the right to
28

1 take my deposition, and that the preparation and deposition itself could take multiple days. Although my
2 deposition was not taken, I feel I would have been adequately prepared and comfortable to give testimony
3 on my experiences.

4 6. My attorneys explained to me the risks and benefits of bringing a representative action. I
5 understood that I took on the risk, both professionally and financially, in pursuing the case as a
6 representative PAGA action.

7 7. A mediation took place on May 23, 2024 with Michael E. Dickstein, a former judge a
8 well-respected and experienced mediator. The mediation resulted in an agreement to settle the action. I
9 communicated with my attorneys regarding the terms of the settlement which was reached between the
10 parties and understood that the recovery in this case was for the benefit of my fellow coworkers, not just
11 for me, and therefore wanted the best possible result to be obtained for the PAGA Members. I reviewed
12 and signed the Memorandum of Understanding on June 10, 2024.

13 8. I have been actively involved with this lawsuit. Although I did not keep time records, I
14 was in regular contact with my attorneys, reviewed court filings, and spent a significant amount of time
15 on the issues presented during the lawsuit and in the settlement process. I estimate that I spent
16 approximately 30-40 hours working on this case up until this point.

17 9. I reviewed the final PAGA Settlement Agreement and I believe it is fair and reasonable
18 given the facts of the case.

19 Executed on 11/12/2024, at Riverside, California.
20 (city, state)

21 Arturo Sarmiento III
22 Arturo Sarmiento III (Nov 12, 2024 15:13 PST)
23 Arturo Sarmiento III
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