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Attorneys for Plaintiff, on a representative basis and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

DUSTIN REISCHMAN, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

MERCHANTS METALS LLC, a
Delaware Limited Liability Company; and
DOES 1 through 20, inclusive;

Defendants.

Case No.: CVRI2301910
*[Assigned to Hon. Harold Hopp, Dept 1, for all
purposes]*

**DECLARATION OF PLAINTIFF DUSTIN
REISCHMAN IN SUPPORT OF MOTION
FOR FINAL APPROVAL**

I, Dustin Reischman, state and declare:

1. I am the Plaintiff in the above captioned action and have personal knowledge of
all matters stated herein and could competently testify thereto.

2. I make this declaration in support of the motion for final approval of the class
action settlement. I believe that the settlement is fair and reasonable and constitutes a fair
resolution of the claims alleged.

3. During my employment with Merchants Metals, there were several issues that
concerned me and which I thought did not comply with California law, such as not being paid
properly and not getting proper meal periods and rest breaks. Even though I was unsure if I

1 wanted to bring a lawsuit because of the risk of stepping forward as a whistle blower (since, as a
2 current employee, this could jeopardize my job and livelihood in the industry and make it
3 difficult to find future jobs), I retained Lauby, Mankin & Lauby LLP to proceed with this class
4 action because I did not think that myself or the other employees were being treated correctly.

5 4. When I first retained my attorneys (Lauby, Mankin & Lauby) and chose to pursue
6 this case on a class action basis, I understood that I had specific burdens as the “Class
7 Representative,” which included: (a) representing the interests of all class members, (2)
8 considering the interests of all class members above my own personal interests, (3) participating
9 actively in the lawsuit, including potential testimony at deposition and trial, and keeping
10 generally aware of the status and progress of the lawsuit. Moreover, I understood that any
11 resolution of the lawsuit is subject to court approval and must be designed in the best interests of
12 the class as a whole.

13 5. The settlement administrator advised that my current estimated shares of this
14 settlement are as follows: \$2,321.77 as my Individual Class Payment, and \$182.15 as my
15 Individual PAGA Payment. The Parties have also agreed to a service award (subject to this
16 Court’s approval) of \$10,000. I respectfully request that the Court approve the full service award
17 requested for the following reasons.

18 6. First, by bringing this case (and doing so as a class action), I undertook significant
19 risks and stresses at a high emotional cost without any guarantee of success. After all, I brought
20 this case while I was still employed at Merchants Metals. For that reason, filing this lawsuit and
21 being a whistle blower was stressful on a day-to-day basis as I have constantly worried about the
22 risk that this case could impact my job. Yet I still agreed to step forward to bring these claims,
23 hoping to make a positive change and recover what my coworkers and I were owed, all while
24 knowing that the company might retaliate against me for doing so. And, unfortunately, that is
25 exactly what happened as I was terminated as this case was pending, and I believe it was in
26 retaliation for filing this lawsuit. As such, the risk/stress of bringing this lawsuit did not only last
27 up until we settled – the risk/stress is ongoing even now, and I’m worried that the fact I filed this
28

1 case may make it hard to find a job in the future since the case information is all available online.

2 7. Second, as outlined above, I have spent substantial time working on this case and
3 have performed substantial services for the Class to help obtain a highly beneficial settlement for
4 my fellow employees. Since first initiating this action, I estimate that I have spent at least 60
5 hours engaged in activities to benefit the class. I have assisted my attorneys in numerous ways,
6 including helping to explain and discuss the company's practices and their general practices and
7 procedures, locating and analyzing company documents, and communicating with other class
8 members. These efforts occurred through numerous meetings with Class Counsel, telephone
9 conferences, letters, emails, and text communications. I also assisted in preparation for mediation
10 helped obtain a positive result for the class and reviewed all settlement documents.

11 8. Third, I respectfully request that the Court approve the agreed-upon service award
12 because I agreed to set aside my personal interests and to put the interests of the class ahead or
13 on par with my own. In doing so, and by successfully bringing this case as a class action, I
14 helped to obtain a highly beneficial settlement for the class members.

15 9. Fourth, as a condition of this class action settlement, I was required to release and
16 waive all possible individual claims against the company – something that none of the other class
17 members were required to give up. And this was especially difficult given the retaliation I faced
18 for bringing this lawsuit.

19 10. Fifth, bringing this case also came with a major financial risk because, if I lost the
20 case, I would be required to pay the company's costs, which could be over \$10,000.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct. Executed on Mar 13, 2025, at Nuevo, California.

23
24
25 By:


Dustin Reischman (Mar 13, 2025 16:08 PDT)
Dustin Reischman