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Attorneys for MANUEL BALUX OCH and
PEDRO GARCIA ALFEREZ, 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 ALAMEDA

MANUEL BALUX OCH and PEDRO
GARCIA ALFEREZ on behalf of
themselves, all others similarly situated, and
on behalf of the general public,

Plaintiffs,

v.

SAC PROFLOORS; and DOES 1-100,

Defendants.

Case No. 23CV031860
(Consolidated with Case No. 23CV039543)

*[Assigned for All Purposes to the
Honorable Tara Desautels; Dept. 23]*

**DECLARATION OF PLAINTIFF MANUEL
BALUX OCH IN SUPPORT OF
SETTLEMENT APPROVAL**

Action File: April 25, 2023
Trial Date: None Set

1 I, MANUEL BALUX OCH, hereby declare under penalty of perjury as follows:

- 2 1. I have personal knowledge of all matters stated herein, and if called as a witness, I could
3 and would competently testify thereto, except as to those matters stated upon information
4 and belief, and as to those matters, I believe them to be true.
- 5 2. I am a named Plaintiff and Class Representative in the above-captioned lawsuit, and I
6 submit this declaration in support of settlement approval.
- 7 3. I worked for Defendant Sac ProFloors as a non-exempt, hourly worker at in California
8 during the Class Period. I worked for Sac ProFloors as an installer from approximately
9 August 2022 to February 2023.
- 10 4. On April 25, 2023, I brought this class action lawsuit. Prior to filing, I understood that, if
11 this case was filed as a class action, I would not only be seeking compensation for myself,
12 but I would also be representing the interests of all other class members who, like myself,
13 were employed by Sac ProFloors in California.
- 14 5. I had many meetings and conversations with my attorneys about my experience working
15 for Sac ProFloors. Since becoming a class representative, I diligently worked on this case.
16 Throughout this litigation, I regularly conferred with my attorneys to discuss the status of
17 the case, to offer my input, and to assist my attorneys in gathering the evidence necessary
18 to prosecute the claims. I always answered phone calls from my attorneys or called them
19 back promptly when they called. I also promptly responded to emails sent by my attorneys.
20 On many occasions, I spoke with my attorneys for case related purposes. I assisted my
21 attorneys in investigating the case. I also looked for documents from my employment with
22 Sac ProFloors and provided my attorneys with all documents I found. I provided my
23 attorneys with wage statements. I have worked diligently to help progress the case.
- 24 6. I was aware that, at some point in this case, I would have my deposition taken. I knew that
25 the deposition could take a full day and that I may have to meet with my attorneys prior
26 to my deposition. I was at all times ready and willing to sit for my deposition.
- 27 7. Although I did not attend the mediation in person, I was available on the phone for all the
28 negotiations, which I was kept apprised of and assisted in. I gave my consent to settle with

1 Sac ProFloors for the gross settlement amount of \$942,500. I completely and carefully
2 reviewed the Memorandum of Understanding and settlement agreement. I then signed
3 them.

4 8. From the very beginning, I understood that I was participating not only for my own benefit,
5 but for the many past and present employees of Sac ProFloors. I understood that there
6 were risks involved in class action lawsuits. I understood that the lawsuit could continue
7 for several years and require my services and attention the entire length of the lawsuit.

8 9. In light of the work I performed in this case and the duties associated with being a class
9 representative in a case of this magnitude, I believe the \$7,500 class representative
10 enhancement payment is reasonable. I understand that this additional payment is not
11 guaranteed and is subject to Court approval.

12 10. I have and will continue to adequately represent all of the interests of the class. With my
13 status as class representative, I will treat the interests of the Class above my interests.

14 11. My claims are typical of the Class Members because I am similarly situated to all non-
15 exempt, hourly employees of Defendant in the State of California from April 25, 2019
16 through December 15, 2023. Thus, my interests are the same as all members of the
17 proposed Class.

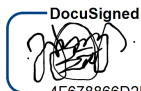
18 12. In summary, over the course of this litigation I have spent a significant amount of time
19 conferring and working with my attorneys on the prosecution of my claims and evaluating
20 the settlement and related documents. I have spent numerous hours of my time assisting
21 and providing information to my attorneys in the prosecution of this lawsuit.

22 13. I recognize that any resolution of this matter must be approved by the Court in terms of
23 whether the settlement is fair and reasonable, and that I am obligated to protect the
24 interests of all of class members for the Class Period.

25 I declare under penalty of perjury under the laws of the State of California that all the
26 foregoing is true and correct.

27 Dated: 3/7/2024

28 By: _____

DocuSigned by:

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MANUEL BALUX OCH