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Attorneys for FRANCISCO RAMIREZ, on behalf of himself,
all others similarly situated, and on behalf of the general public

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF STANISLAUS

FRANCISCO RAMIREZ on behalf of
himself, all others similarly situated, and
on behalf of the general public,

Plaintiffs,

v.

MESSER LLC; and DOES 1-100,

Defendants.

Case No. CV-23-002006

**DECLARATION OF PLAINTIFF
FRANCISCO RAMIREZ IN SUPPORT OF
SETTLEMENT APPROVAL**

Complaint Filed: April 14, 2023

Trial Date: None Set

1 I, FRANCISCO RAMIREZ, 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 the 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 Messer LLC in the State of California as a non-exempt driver during the
8 Class Period.
- 9 4. I brought this action to redress certain employment claims that I had against Messer. On
10 April 14, 2024, I brought this lawsuit.
- 11 5. I had many meetings and conversations with my attorneys about my experience working
12 for Messer.
- 13 6. Since becoming a class representative, I diligently worked on this case.
- 14 7. Throughout the case, I regularly talked with my attorneys. I always answered phone calls
15 from my attorneys or called them back promptly when they called. I also promptly
16 responded to emails sent by my attorneys. On many occasions, I spoke with my attorneys
17 for case related purposes.
- 18 8. I have assisted my attorneys in investigating the case. I have worked diligently to help
19 progress the case. I have spent numerous hours on this case.
- 20 9. I was aware that, at some point in this case, I would have my deposition taken. I knew that
21 the deposition could take a full day and that I may have to meet with my attorneys prior
22 to my deposition. I was at all times ready and willing to sit for my deposition.
- 23 10. Although I did not attend the mediation in person, I was available by phone during the
24 mediation. I gave my consent to settle with Messer for the gross settlement amount of
25 \$450,000. I completely and carefully reviewed the Memorandum of Understanding and
26 the settlement agreement. I then signed the Memorandum of Understanding and settlement
27 agreement.

1 11. In light of the work I performed in this case and the duties associated with being a class
2 representative in a case of this magnitude, I believe the \$5,000 service payment award is
3 reasonable. I understand that this additional service award is not guaranteed and is subject
4 to Court approval.

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

7 13. My claims are typical of the Class Members because I am similarly situated to all persons
8 employed by Defendant in California as a non-exempt driver from April 14, 2019 through
9 August 15, 2024. Thus, my interests are the same as all members of the proposed Class.

10 14. I recognize that any resolution of this matter must be approved by the Court in terms of
11 whether the settlement is fair and reasonable, and that I am obligated to protect the
12 interests of all of Class Members for the Class Period.

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

15 Dated: 9/20/2024

By:  Signed by:
FRANCISCO RAMIREZ
ID: 55A218C0-D96D-448C-8A77-C0B9D1E9A824