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Attorneys for Plaintiff, the Proposed Class, and all aggrieved employees

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

RICHARD MICHAEL DE LA RIVA, an
individual, on behalf of himself, all others
similarly situated, and on behalf of the State
of California, as a private attorney general,

PLAINTIFF,

v.

CIRKS CONSTRUCTION, INC. DBA KDC
CONSTRUCTION, KDC SERVICE AND
MAINTENANCE; and DOES 1 thru 50,
inclusive,

DEFENDANTS.

CASE NO. 30-2023-01339825-CU-OE-CXC

[Case Assigned for All Purposes to Hon.
Melissa R. McCormick in Dept. CX-104]

**DECLARATION OF RICHARD MICHAEL
DE LA RIVA IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: October 16, 2025

Time: 2:00 P.M.

Dept.: CX-105

Reservation Number: 74637252

Complaint Filed: July 31, 2023

FAC Filed: February 6, 2025

Trial Date: None Set

1 **DECLARATION OF RICHARD MICHAEL DE LA RIVA**

2 I, Richard Michael De La Riva, state and declare as follows:

3 1. I am a competent adult, over the age of eighteen and the Class Representative
4 Plaintiffs in the matter of RICHARD MICHAEL DE LA RIVA, an individual, on behalf of himself,
5 all others similarly situated, and on behalf of the State of California, as a private attorney general,
6 v. Cirks Construction, Inc. dba KDC Construction, KDC Service and Maintenance; and DOES 1
7 thru 50, inclusive, Orange County Superior Court, Case No. 30-2023-01339825-CU-OE-CXC.

8 The foregoing is based upon my personal knowledge and, if called as a witness, I could and would
9 competently testify thereto. I am making this sworn declaration in support of my claims and the
10 claim of my co-workers, and in support of my qualifications as Class Representative. If called as
11 a witness, I could and would competently testify as to the truth of the matters set forth herein.

12 2. I worked as a Service Technician for Cirks Construction, Inc. dba KDC
13 Construction, KDC Service and Maintenance (“Defendant”).

14 3. In my role as a nighttime Service Technician, I did not receive proper wages and/or
15 overtime. Also, I regularly did not receive thirty (30) minute uninterrupted meal periods within the
16 first five (5) hours of my shift when working five hours or more. I also regularly was not provided
17 with ten-minute paid rest periods for every major fraction of four hours that I worked. I was not
18 provided reimbursement for business related expenses such as tools, cell-phone usage, and uniform
19 maintenance

20 4. I have spent significant time throughout this class action working with Class
21 Counsel. Before filing this action, in July 31, 2023, I researched and identified Counsel that I
22 believed could best represent the interests of the Class Members. I also assisted the attorneys with
23 investigation and gathering of information including discussing my work experience and the
24 experience of others that I had observed while working for Defendant and provided all relevant
25 employment documents in my possession. I worked closely with my attorneys to provide detailed
26 responses for formal written discovery issued in arbitration which also directly supported the
27 allegations for the Class and PAGA claims. I was also deposed for a full day on June 5, 2024. In
28 addition, I attended a full-day mediation on December 4, 2024. I actively participated in the

1 discussions with the Class Counsel and shared my knowledge and insights in order to help the
2 Class obtain a favorable settlement.

3 5. While I did not maintain contemporaneous time records, I estimate I have spent
4 approximately 40-45 hours on the activities above.

5 6. Throughout the entirety of this litigation, I have maintained regular contact with
6 Class Counsel and assisted in any way possible by providing information and making myself
7 available as needed.

8 7. I was aware that by helping to initiate this lawsuit, my name would become known
9 and it was possible that my involvement in this matter could make it more difficult for me to obtain
10 employment in this field. Regardless, I believed it was important to proceed with this matter on
11 my behalf and on behalf of all others who were subject to the same problems during their
12 employment with Defendant.

13 8. Based upon my participation in this case, I understand the merits of this settlement
14 and I strongly support the settlement and believe it is fair and reasonable, and in the best interest
15 of the class. I believe this Settlement will benefit the Class.

16 9. It is my opinion that a fair and adequate Class enhancement for me as a Class
17 Representative is \$7,500. I believe that it is fair and reasonable in view of all of the work I have
18 performed in my role as a Class Representative. As Class Representative, I actively participated
19 in all stages of the litigation as detailed above and have always maintained the best interest of the
20 Class while performing my Class Representative duties.

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

23 Executed this 7 day of August, 2025 at Orange,
24 California. (City)

25
26 

27 Richard Michael De La Riva
28 Declarant

(PROOF OF SERVICE)
[CCP 1013(a)(3)]
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On August 18, 2025, I served all interested parties in this action the following documents described as: **DECLARATION OF RICHARD MICHAEL DE LA RIVA IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

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Attorneys for Plaintiff

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/432>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] BY ELECTRONIC MAIL TRANSMISSION: I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 18, 2025, at Chino, California.



Leslie Sanchez