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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

AVEON GOOSBY and AMERICO PENA, as
private attorneys general,

Plaintiff,

vs.

PANDA RESTAURANT GROUP, INC., a
California corporation; PANDA EXPRESS, INC.,
a California corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 23STCV15228

[Hon. Timothy Patrick Dillon, Department 15]

**DECLARATION OF AMERICO PENA IN
SUPPORT OF PLAINTIFFS' MOTION FOR
APPROVAL OF PAGA SETTLEMENT**

Date: August 19, 2026
Time: 9:00 a.m.
Department: 15

Complaint Filed: June 29, 2023
FAC Filed: December 28, 2023
SAC Filed: June 3, 2024
TAC Filed: June 2, 2026

1 I, Americo Pena, declare as follows:

2 1. I am an individual over the age of 18. I am a named plaintiff in the above-reference
3 action. I have personal knowledge of the facts set forth below, except as to those matters stated on
4 information and belief and, as to those matters, I believe them to be true. If called as a witness, I could
5 testify competently as to the matters stated in this declaration.

6 2. From about November 2021 to about June 2023, I worked at Panda Express. I was paid
7 on an hourly basis as a non-exempt employee. Despite being scheduled for work shifts and showing up
8 for such shifts, I was routinely told to go home as my shifts were cancelled due to reasons such as
9 overstaffing. Sometimes I was not paid for the time that I spent in showing up for these shifts. As a
10 result, I was not timely paid all due wages during employment or upon separation of employment and
11 also was not provided with accurate itemized wage statements. Moreover, while under the age of 18, I
12 also was required to work hours more than four hours on schooldays and to work after 10:00 p.m. on
13 days preceding schooldays. I am informed and believe that I was not issued any work permits that would
14 permit such work hours.

15 3. I understand that this action is being prosecuted on behalf of the State of California and
16 that I am acting as a private attorney general. I have taken all necessary steps to represent the interests of
17 the State, including by providing information and documents to my counsel, participating in the
18 discovery process, discussing the claims and lawsuit with my counsel, and answering any questions that
19 have come up, including about how I was paid or what my wage statements show or meant. I also made
20 myself available to participate in a full-day mediation. During the time that this lawsuit has been
21 pending, I have easily spent at least 1.0 hour per month, on average in progressing the claims.

22 4. I understand that I am responsible to the State with respect to trying the case, appearing
23 in court, and working with my counsel. I remain willing to devote my time to this lawsuit for the benefit
24 of the State. I do not believe I have any interests that are adverse to the interests of the State. I also am
25 unaware of any such issues having been raised or presented by anyone else.

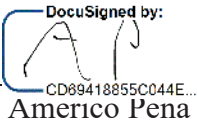
26 5. I believe many employees would not sue their employer out of fear. I took on risks by
27 bringing this lawsuit, and I understand that the State and others will benefit because of the actions that I
28

1 have taken. I feel that it is a positive accomplishment, am proud of the result, and believe that the
2 settlement is fair, adequate, and reasonable.

3 6. I am informed and believe that there are other individual claims that I could have pursued
4 against the company. Nonetheless, I am executing a general release of any and all claims, including a
5 waiver of any rights I have under Civil Code section 1542. I understand the proposed settlement does
6 not require similar releases of the other employees.

7 7. I understand that the attorneys' fees awarded in this action will be split 66 $\frac{2}{3}$ % to
8 Diversity Law Group, P.C. and 33 $\frac{1}{3}$ % to D. Law, Inc.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct. Executed this 4th day of June 2026, at Las Vegas, Nevada.

11
12  DocuSigned by:
CD89418855C044E...
Americo Pena