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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

11 STEVEN REMINGTON, an individual, on
12 behalf of himself and on behalf of all
13 persons similarly situated,

14 Plaintiffs,

15 vs.

16 JIMBO'S NATURAL FAMILY, INC., a
17 California Corporation; and DOES 1
18 through 50, inclusive,
19 Defendants.

Case No.: 37-2023-00038108-CU-OE-CTL

**DECLARATION OF STEVEN
REMINGTON IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: August 2, 2024
Hearing Time: 8:30 a.m.

Judge: Hon. Blaine K. Bowman
Dept.: 74

Date Action Filed: August 31, 2023
Trial Date: Not set

28 DECLARATION OF STEVEN REMINGTON

1 I, Steven Remington, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary Approval
4 of Class Settlement and in support of my application for a class representative service payment.
5

6 2. I have personal knowledge of all the facts stated herein. I could and would competently
7 testify under oath to these facts in court if requested to do so.

8 3. I worked for the defendant Jimbo's Natural Family, Inc. ("Jimbo's") in California from
9 1996 to January 31, 2023 and during that time period I was classified by Jimbo's as a non-exempt
10 employee.

11 4. I retained my attorneys who are experienced in both class action and PAGA
12 representative action litigation and claims against employers for violations of the California Labor
13 Code. I have no personal relationship or family ties to my attorneys or any officer of the Court. I
14 am not aware of having any actual or potential conflicts of interest with another class member in
15 this case nor am I aware of having any actual or potential conflicts of interest with ILYM Group,
16 Inc., the settlement administrator. I am not aware of any other pending matter or action asserting
17 claims that will be extinguished or adversely affected by this settlement.
18

19 5. I decided to file this class action lawsuit and be a plaintiff/class representative
20 because I felt that my legal rights as an employee and others like me were violated. For example,
21 I earned several types of non-discretionary bonuses in pay periods where I worked overtime but
22 the bonus payments were not factored into my regular rate for purposes of calculating my
23 overtime rate. I was underpaid overtime during some pay periods as a result. I also did not always
24 receive compliant meal breaks which were sometimes late, short or missed entirely – and when
25 these violations occurred I did not receive all the meal break penalty payments I was entitled to.
26

27 6. I spoke to my attorneys several times and discussed how Jimbo's implemented its
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1 company policies and procedures. I also assisted my attorneys in their investigation into my
2 claims by providing them documents and answering their questions. I reviewed the complaint
3 before it was filed and was given access to an electronic file sharing program that alerted me via
4 email when important documents were filed so that I could review them and keep up with the
5 developments in the case which I understood was one of my duties as a class representative. I
6 could also access court filings from this case on my attorney's law firm website. Also, I was
7 informed that Jimbo's had the right to take my deposition, and that the preparation and deposition
8 itself could take multiple days. Although my deposition was not taken, I feel I would have been
9 adequately prepared and comfortable to give testimony on my experiences.
10

11 7. Even though this action is in the process of settling, I was and remain prepared to
12 perform all the duties of a class representative. I understand that as a class representative I have
13 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
14 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
15 benefit of the class members and surrender any right to compromise the group action for an
16 individual gain.
17

18 8. I understood that being a plaintiff/class representative in this case meant that I was
19 seeking damages not only for myself but also other current and/or former non-exempt employees
20 working for Jimbo's in California who make up the class. I felt that these individuals were not
21 aware of their labor law rights and even if they were they would probably be apprehensive about
22 speaking up or even simply because of the time, effort and risk involved in filing a class action
23 lawsuit.
24

25 9. I understood that being a part of this lawsuit involved risks. For example, my
26 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
27 pay for all or part of the attorney fees and costs paid by Jimbo's to defend this lawsuit. Also, I
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1 knew there was a risk that future employers, if they ever find out about this lawsuit, could hold it
2 against me or downgrade me as a potential hire. As the only named Plaintiff in this case it would
3 not be difficult for a future employer to become aware that I sued a former employer for labor law
4 violations. Ultimately I decided these risks were worth it and decided to fight for my rights and
5 the rights of others regardless of the risks, time and effort I spent on this case.
6

7 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
8 kept up to date on important developments by reviewing court filings that were made available to
9 me electronically as I described above.

10 11. A mediation took place on May 8, 2024 with Tripper Ortman, a well-respected and
11 experienced mediator of wage and hour class actions. After the mediation the parties were able to
12 come to an agreement to settle the action based on a mediator's proposal. I communicated with
13 my attorneys regarding the terms of the settlement which was reached between the parties and
14 understood that I was representing absent class members and therefore wanted the best possible
15 result to be obtained for the class members and I believe a very positive result was in fact achieved
16 via settlement.
17

18 12. I have been actively involved with this lawsuit performing the duties described above.
19 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
20 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
21 settlement process. I estimate that I spent approximately 30-40 hours working on this case up
22 until this point. I believe I have been diligent and have done what is expected of a named plaintiff
23 and a proposed class representative to date, and will continue to do so. I have and always will
24 maintain the best interest of the class members.
25

26 13. My attorneys explained to me that the settlement process involves a two-step
27 review by the Court to determine whether the settlement is fair before approving the settlement. I
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know this process also involves notifying all class members of the settlement terms and of their rights to make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

14. I believe I did the right thing by filing this case on behalf of the class members who, subject to court approval, are in line to receive monetary payments as a result of this case and settlement. This is money they may never have ever gotten if I did not pursue this action on their behalf. I feel significant personal satisfaction to know that I played a role in the class members being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the requested class representative service payment of \$10,000 from the settlement is fair compensation for the work I performed and the risks I undertook.

15. As part of the settlement it was necessary for me to sign a general release of claims I may have against Jimbo's. I believe the class representative service payment I have requested provides me with some compensation for this agreed release.

16. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying Jimbo's costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, the general release and in light of the size of the settlement, I believe the request for

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1 \$10,000 as a class representative service payment is fair and reasonable.

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

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5 Executed on Jul 4, 2024, at Carlsbad, ca.
6 (city, state)

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Steven Remington

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