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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF KERN

ANDY K. FRANCO JR. and GUSTAVO G.
AYALA, individually, and on behalf of the State
of California and other aggrieved persons,

Plaintiffs,

v.

GOLDEN QUEEN MINING COMPANY, LLC,
a California limited liability company; and
DOES 1 through 10, inclusive,

Defendants.

Case No. BCV-23-102813

Assigned for all purposes to:

Hon. T. Mark Smith

Dept. T2

**DECLARATION OF PLAINTIFF
GUSTAVO G. AYALA IN SUPPORT OF
MOTION FOR APPROVAL OF PAGA
SETTLEMENT**

Date: May 8, 2025

Time: 8:30 a.m.

Dept.: T2

I, Gustavo G. Ayala, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness. I submit this declaration in support of my Motion for Approval of PAGA Settlement.

2. I worked as a non-exempt, hourly employee for the Defendant Golden Queen Mining Company, LLC (“Defendant”) in California, from approximately January 2023 through May 2023. I worked as a Plant Operator for Defendant. My responsibilities included, but not limited to, controlling water tank valves, maintaining purifiers, maintaining water currents, and maintaining tanks, among other tasks.

Risks, Both Financial and Otherwise, Faced in Bringing the Suit

3. When I decided to become involved in this lawsuit as a private attorney general for the State of California, I understood that I was not only seeking civil penalties on behalf of myself and the State of California, but also for other aggrieved employees who worked for Defendant.

4. I was also made aware that being a private attorney general in an action filed on behalf of others would subject me to a stigma that is sometimes associated with those who bring these kinds of lawsuits. I was aware that, as a private attorney general, I might be responsible for some or all of Defendant’s legal costs if the case was not successfully concluded. Even with knowledge of these risks, I was willing to go forward and to act on behalf of the other employees and the State of California, but I was nervous about losing and having a judgment filed against me for costs or losing job opportunities in the future.

5. I understood that there were risks involved in representative action lawsuits. I understood that the lawsuit could continue for several years and require my services and attention throughout the entire length of the lawsuit. I learned that even if we won at trial, the case could be further delayed by appeals.

Notoriety and Personal Difficulties Encountered

6. As one of the named plaintiffs, I am the face of the litigation. Additionally, a settlement letter will be mailed to over 330 current and former employees of Defendant. The settlement letter informs all of these employees that I filed a representative action against Defendant.

1 Exposing myself to this kind of publicity creates a risk for my future career prospects, since current
2 and former employees of Defendant may move to different companies within the industry or may
3 know people at other companies within the industry who may not want to hire someone who sued an
4 employer.

5 **Amount of Time and Effort Spent and Duration of the Litigation**

6 7. I have spent a substantial amount of time and effort on this litigation. My work on
7 this case has included, among other things, gathering and providing my payroll records, discussing
8 potential witnesses, assisting my attorneys prepare for mediation, making myself available to my
9 attorneys whenever they needed me and similarly related tasks, and participating in settlement
10 discussions. After mediation, I remained actively involved by reviewing the settlement papers and
11 regularly contacted my counsel for updates. I estimate that since I retained my counsel, on or around
12 June 2023, I have spent at least approximately 30 hours on the activities described above.

13 **Personal Benefit Received as a Result of the Litigation**

14 8. Aside from the requested PAGA Representative Service Payment related to this
15 PAGA action, the personal benefit I will receive in this case is the same as all other employees. But
16 unlike the other employees, I have signed a broader release as explained in section 5.1 and 5.1.1 of
17 the settlement agreement. The other employees are only releasing their claim for civil penalties under
18 PAGA as asserted in the lawsuit.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed on 4/14/2025, at Quartz Hill, California.

21 DocuSigned by:

22 

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24 Gustavo G. Ayala