

Lilit Tunyan (SBN 329351)
ltunyan@tunyanlaw.com
Artur Tunyan (SBN 349174)
atunyan@tunyanlaw.com
TUNYAN LAW, APC
535 N. Brand Blvd., Suite 285
Glendale, California 91203
Telephone: (323) 410-5050

Attorneys for Plaintiff JORGE L. VASQUEZ HERNANDEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

JORGE L. VASQUEZ HERNANDEZ,
individually, and on behalf of all others
similarly situated,

Plaintiff,

vs.

CALIBER AEROSPACE, LLC, a Texas
Limited Liability Company; EMPLOYER
SOLUTIONS STAFFING GROUP II, LLC,
a Minnesota Limited Liability Company;
and DOES 1 through 10, inclusive,

Defendants

Case No.: 23STCV20323

[Assigned for all purposes to Hon. Holly J. Fujie,
Department 56]

**CLASS AND PAGA REPRESENTATIVE
ACTION**

**DECLARATION OF PLAINTIFF JORGE L.
VASQUEZ HERNANDEZ IN SUPPORT OF
PLAINTIFF'S MOTION FOR APPROVAL
OF CLASS AND PAGA REPRESENTATIVE
ACTION SETTLEMENT**

Date: November 5, 2024
Time: 8:30 a.m.
Courtroom: Dept. 56
Judge: Hon. Holly J. Fujie

Complaint Filed: August 24, 2023
Trial: None Set

1
2 **DECLARATION OF JORGE L. VASQUEZ HERNANDEZ**

3 I, JORGE L. VASQUEZ HERNANDEZ, declare as follows:

4 1. I am a named Plaintiff in this case as an employee of the named defendants CALIBER
5 AEROSPACE, LLC and EMPLOYER SOLUTIONS STAFFING GROUP II, LLC ("Defendants"). As
6 such, I have personal knowledge of, or am informed and believe, the following facts herein stated. If
7 called as a witness. I could and would testify competently to the following:

8 **JOB DUTIES AND EXPERIENCES**

9 2. I worked for Defendants during the Settlement Class Period as an hourly-paid non-
10 exempt employee from July 11, 2022 to May 19, 2023. I was paid on hourly basis and classified as
11 non-exempt from overtime. Throughout my employment, I typically worked 5-6 days per workweek,
12 and typically in excess of 8 hours in a workday.

13 3. While working for Defendants, I did not receive all meal and rest periods. I was
14 also required to work off-the-clock without compensation. While working for Defendants, I
15 had to use my personal cellular phone for work purposes. I was not reimbursed for my personal cellular
16 phone usage.

17 **DUTIES OF A CLASS REPRESENTATIVE**

18 4. This lawsuit is not an individual lawsuit. It is a proposed class action. I understand that, if
19 approved as a class representative in this matter, I have an obligation to do my best to look out for the
20 interests of other class members, the current and former employees of Defendants who I am seeking to
21 represent. I understand that my obligations to the class exist even when the class is certified solely as
22 part of a class action settlement. It is my understanding that, as one part of this duty to the class, I
23 cannot agree to a settlement to benefit myself to the exclusion of the rest of the class members. I have
24 never asked my attorneys to simply settle this matter at any cost. Rather, I have asked them to obtain
25 the best settlement they could within reason, and I believe that they have attempted to do so.

26 5. I have been actively involved in this case since I first retained Tunyan Law, APC. I have
27 never asked to be relieved from my role as a proposed class representative. To the contrary, I have
28 made myself available whenever my attorneys wanted to discuss aspects of my employment at

1 Defendants, and I remain committed to seeing this matter through to the end.

2 6. I have conferred with my attorneys about the settlement proposed in this case. I am not an
3 accountant, but I understand the factors and risks that need to be considered when evaluating a
4 settlement. I believe that the Class Action Settlement obtained on behalf of the Class Members is fair and
5 reasonable in view of the issues and risks involved with the case.

6 7. I am asking to be stand-in for other employees of Defendants. Because of that, I cannot
7 quit on the Class, and I cannot put myself and my interests before the Class. I accept these duties and
8 request that I be approved as the class representative for purposes of this Settlement.

9 COMMUNITY OF INTEREST: TYPICALITY AND ADEQUACY

10 8. I was an hourly non-exempt employee of Defendants and was subject to the same pay
11 structure and rules as all the other hourly non-exempt employees of Defendants.

12 9. I am not aware of anything special about me that would raise unique defenses to my claims, as
13 opposed to the claims of the class. I am also not suing for anything unique to me. Rather, my claims are
14 based upon the same facts that relate to the rest of the Class.

15 10. I do not believe that I have any conflicts with Class Members included in this proposed
16 Settlement. I do not have any intention to take any action that would place me in a position that is
17 hostile to other Class Members.

18 SERVICE AS A CLASS REPRESENTATIVE

19 11. I believe if not for my stepping forward and taking on the duties of protecting the
20 interests all aggrieved former and current employees of Defendants, it is likely that the interests of the
21 Class would neither have been prosecuted, nor benefited. To my knowledge, other than the litigation
22 encompassed by this proposed Settlement, there is no other litigation concerning the claims in this
23 lawsuit. Nor has Defendants pointed to any.

24 12. I do not believe that I have any conflicts with Class Members included in this proposed
25 Settlement.

26 13. I have assumed some long-lasting risk in prosecuting this case. Because it is so easy to
27 search for information online these days, I will face an increased risk that future employers will
28 discover information about this lawsuit online and have a negative reaction to learning that I sued an

1 employer. This may make it harder for me to obtain future employment or change jobs for a better
2 opportunity.

3 14. I have devoted a substantial amount of my time, both before this lawsuit was filed and
4 also during its litigation, to ensure a fair result for the employee Class. This involved ongoing
5 communication and participation with my Counsel during the course of this case. My participation
6 began with bringing certain issues that are involved in this matter to my Counsel's attention and
7 explaining the factual background that was used to prosecute the claims in this case. For example, I
8 reviewed documents which I already had, I provided relevant documents to my Counsel, and I
9 explained those documents and related facts to my Counsel to assist them in their review during
10 multiple meetings with my attorneys.

11 15. My efforts continued after the suit was filed. For example, I have had many discussions
12 with the attorneys at Tunyan Law, APC regarding Defendants' wage and hour policies, my claims in
13 this case, litigation strategy, potential witnesses, discovery, updates on how the case was proceeding,
14 and how I could help the case. I also discussed strategy with my Counsel. I remained in regular
15 communication with my attorneys regarding discovery and settlement discussions that the parties had
16 during the course of litigation and mediation. I continued to identify employees and other witnesses to
17 counsel, along with other information as to how they could be of potential use in this matter. I also
18 provided substantial information and documents to my attorneys to assist them in preparing the case.

19 16. After the mediation, a long-form settlement agreement was negotiated, and I reviewed it
20 with my Counsel to ensure that its terms are likewise fair and adequate.

21 17. I believe that the Class Representative Service Payment of \$10,000 for me is fair and
22 reasonable. This enhancement takes into consideration the time, effort, risks, stress, and sacrifice of
23 signing a general release of all claims over just wage and hour claims, as well as the benefit provided to
24 all class members as a result of my involvement in this litigation. In sum, in addition to assuming the
25 risks that go along with being a class representative and named plaintiff in litigation, I believe I have
26 also provided well over 30 hours of my time during the course of this litigation to ensure a good
27 outcome for the best interests of the Class. I believe I have been diligent and acted above and beyond
28 that which is expected of a Class Representative throughout all stages of the litigation. I will continue to

1 diligently act as the Class Representative up to and including final approval of the Class Action
2 Settlement.

3 18. Furthermore, I risk the potential stigma of being a Class Representative in a Class
4 Action labor dispute, which may affect my future employment in this industry. A Google search with
5 my name and Defendants show that I am a Plaintiff in this Class Action case.

6 19. It is my opinion that the enhancement award is fair and reasonable because in addition
7 to the many hours spent participating in this case, I also accepted the potential risk of being liable for
8 the opposing parties' costs if we were unsuccessful in this lawsuit. My attorneys told me these costs
9 could be tens of thousands of dollars or more based on the extent of formal litigation. I believed in this
10 case and was willing to be a Class Representative Plaintiff knowing the risks involved.

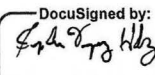
11 20. I signed a general release, so I am not only giving up my wage and hour claims, but I
12 am also giving up all claims beyond wage and hour claims I had against my former employer. Since I
13 have signed a general release for any and all claims related to my employment with Defendants, I
14 cannot pursue any other claims against Defendants while Class Members can still pursue other claims
15 not released in this Class Action.

16 21. This litigation has also resulted in a valuable benefit to the Class Members who will
17 participate in the monetary payout of this Settlement because of my involvement. As a result of this
18 Settlement, Class Members are receiving thousands of dollars in Settlement checks.

19 22. Based on the time, risk, stress, sacrifice of signing of a general release, and the great outcome
20 of this case, I believe that the requested enhancement for me is fair and reasonable.

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

23
24 Executed 4/20/2024 | 5:24 PM PDT at San Pedro, California.

25
26 DocuSigned by:


27 **JORGE L. VASQUEZ HERNANDEZ,**
28 **"Declarant"**

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)

3) ss

4 COUNTY OF LOS ANGELES)

5 I am employed in the county of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action; my business address is 535 N Brand Blvd. Suite 285
7 Glendale, California 91203.

8 On the date indicated below, I served the document described as: **DECLARATION OF
9 PLAINTIFF JORGE L. VASQUEZ HERNANDEZ IN SUPPORT OF PLAINTIFF'S
10 MOTION FOR APPROVAL OF CLASS AND PAGA REPRESENTATIVE ACTION
11 SETTLEMENT** on the interested parties in this action by sending a true copy thereof to interested
12 parties as follows and as stated on the attached service list:

13 John R. Carrigan, Jr.

14 jcarrigan@cozen.com

15 Sarah Fan

16 HFan@cozen.com

17 **COZEN O'CONNOR**

18 401 Wilshire Blvd., #850

19 Santa Monica, CA 90401

20 Telephone: 310-943-4819

21 **Attorneys for Defendant CALIBER AEROSPACE, LLC**

22 David Fishman

23 dfishman@brgslaw.com

24 Keith Rossman

25 krossman@brgslaw.com

26 Darla Salter

27 dsalter@brgslaw.com

28 Lisa Aguilar

laguilar@brgslaw.com

BALLARD ROSENBERG GOLPER & SAVITT, LLP

15760 Ventura Boulevard, Eighteenth Floor

Encino, CA 91436

Telephone: (818) 508-3700

Attorneys for Defendant EMPLOYER SOLUTIONS STAFFING GROUP II, LLC

21 ☒ **BY ELECTRONIC SERVICE:** Based on an agreement of the parties to accept electronic service,
22 I caused the documents to be sent to the persons at the electronic service addresses listed above
23 via electronic mail. I did not receive an error message.

24 ☒ **BY E-MAIL:** I hereby certify that this document was served from Glendale, California,
25 by e-mail delivery on the parties listed herein at their most recent known e-mail address
26 or e-mail of record in this action.

27 I declare under penalty of perjury under the laws of the State of California that the
28 above is true and correct. Executed on October 10, 2024 at Glendale, California.

Lilit Tunyan

