

MAYALL HURLEY P.C.
WILLIAM J. GORHAM, III (SBN: 151773)
wgorham@mayallaw.com
ROBERT J. WASSERMANN (SBN: 258538)
rwasserman@mayallaw.com
VLADIMIR J. KOZINA (SBN: 284645)
vjkozina@mayallaw.com
112 S Church Street
Lodi, CA 95240
Telephone: (209) 477-3833
Facsimile: (209) 473-4818

Attorneys for Plaintiff Maria Gutierrez

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

MARIA GUTIERREZ,

Plaintiff,

vs.

**THE CHAINARY, INC. DBA VALLIANI
JEWELERS; and DOES 1-100, inclusive,**

Defendants.

Case No.: 23CV417695

**DECLARATION OF MARIA
GUTIERREZ IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

Date: March 19, 2025

Time: 1:30 pm

Dept: 19

I, Maria Gutierrez, declare:

1. I am a Plaintiff in the above-captioned action and am a former employee of Defendant The Chainary, Inc. dba Valliani Jewelers ("Defendant").

2. I have personal knowledge of the matters set forth herein and, if called upon to do so, could and would competently testify thereto under oath.

3. I worked for Defendant as a non-exempt sales associate from approximately November 2021 through August 2022.

4. I experienced what I believed to be violations of the Labor Code during my employment with Defendant, which included not being paid overtime, sick pay, and meal and rest break premium pay at the correct rate, not being afforded all meal and rest breaks I believed I was entitled to under California law due to being required to take care of customers' needs, being required to use my personal cell phone for work purposes, not being paid for all of the hours I knew I worked, and not receiving accurate wage statements.

5. Because of what I believed to have been Labor Code violations committed against me, I sought out and retained Mayall Hurley, P.C. to represent me in my claims against Defendant. It is my opinion that my attorneys are well-qualified to represent me and the class members in this action and have acted accordingly.

6. Throughout the course of this litigation, I have been an active participant. I estimate that I have spent approximately 63 hours to date reviewing documents in this case, looking for documents relating to the case and requesting documents from third parties, speaking with my attorneys and paralegal and providing input about the facts of the case, participating in mediation, reviewing documents from my attorneys relating to the case and providing my input, and helping to prepare and review this declaration in support of the motion for preliminary approval. A more detailed breakdown of these hours is as follows:

- a. Gathering information relating to my case – 16 hours;
- b. Obtaining and reviewing documents for my case, including from third parties like ADP – 8 hours;
- c. Communicating with my attorneys and paralegal Anita Gorham at Mayall Hurley, P.C. about my case, including discussing the facts and legal issues, class claims, and reviewing damage estimates – 34 hours;
- d. Participating in mediation – 5 hours.

7. I recognize that, as a named Plaintiff in this action, should Defendant ultimately prevail on its claims, I face the risk of shouldering responsibility for paying Defendant's costs in this matter, a risk not faced by any of the unnamed class members in this Action.

8. I understand and accept my role as class representative in this action, and I understand and accept my ongoing role as a representative for the other unnamed class members.

9. I understand and accept that I have a continuing responsibility to look out for the interests of the Class.

10. I have been, and continue to be, willing to have my name used in this lawsuit, despite the potential reputational risks it poses to me with respect to employers learning about this lawsuit. While I understand it is unlawful for employers to refuse to hire or to take action against me for having filed suit against Defendant, I am also aware of the reality that some employers nonetheless do take that into account.

11. I am not receiving any compensation for my claims against Defendant beyond what is requested in the Settlement Agreement presently before the Court, i.e., my own proportional share of the settlement fund and my requested \$10,000 service award.

12. I am fully informed about the settlement agreement, and the amounts proposed to be paid to the Class Members to resolve their claims against Defendant arising from the allegations in my pleadings. I believe that the amounts agreed to be paid are fair, adequate, and reasonable, and I fully support approval of the settlement agreement.

13. I am not aware of any other pending matter or action asserting claims that will be extinguished or adversely affected by the settlement agreement.

14. I am not aware of any actual or potential conflicts of interest between me and any of the Class Members in this action.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed on 2/18/2025 in San Jose, California.

DocuSigned by:

Maria Helena Gutierrez

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MARIA GUTIERREZ