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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

ROGEBERTO BENITEZ, an individual, on
behalf of himself, and on behalf of all persons
similarly situated,

Plaintiff,

v.

HYATT CORPORATION, a Corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 37-2023-00028524-CU-OE-CTL

**DECLARATION OF ROGEBERTO
BENITEZ IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: September 6, 2024
Hearing Time: 9:30 a.m.

Judge: Hon. Marcella O. McLaughlin
Dept.: C-72

Action Filed: July 07, 2023
Trial Date: Not set

1 I, Rogeberto Benitez, declare as follows:

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

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

7 3. I worked for the defendant Hyatt Corporation (“Hyatt”) in California from March of 2022
8 to May of 2023 and during that time period I was classified by Hyatt as a non-exempt employee.

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

16 5. I decided to file this class action lawsuit and be a plaintiff/class representative because I felt
17 that my legal rights as an employee and others like me were violated. For example, I did not always
18 receive compliant meal breaks which were sometimes late, short or missed entirely – and when
19 these violations occurred, I did not receive all meal break penalty payments I was entitled to. I was
20 forced to work off the clock due to waiting time punching in at limited clock in stations, and was
21 forced to don and doff my uniform while off the clock. Further, I was not properly reimbursed for
22 all necessary business expenses I incurred while performing my job duties, and I was underpaid my
23 sick pay during many pay periods.

24 6. I spoke to my attorneys several times and discussed how Hyatt implemented its company
25 policies and procedures. I also assisted my attorneys in their investigation into my claims by
26 providing them documents and answering their questions. I reviewed the complaint before it was
27 filed and was given access to an electronic file sharing program that alerted me via email when
28 important documents were filed so that I could review them and keep up with the developments in

1 the case which I understood was one of my duties as a class representative. I could also access court
2 filings from this case on my attorney's law firm website. Also, I was informed that Hyatt had the
3 right to take my deposition, and that the preparation and deposition itself could take multiple days.
4 Although my deposition was not taken, I feel I would have been adequately prepared and
5 comfortable to give testimony on my experiences.

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

11 8. I understood that being a plaintiff/class representative in this case meant that I was seeking
12 damages not only for myself but also other current and/or former non-exempt employees working
13 for Hyatt in California at the La Jolla Hyatt location who make up the class. I felt that these
14 individuals were not aware of their labor law rights and even if they were they would probably be
15 apprehensive about speaking up or even simply because of the time, effort and risk involved in
16 filing a class action lawsuit.

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

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

28 11. A mediation took place on March 15, 2024, with David A. Rotman, a well-respected and

1 experienced mediator of wage and hour class actions. After the mediation the parties were able to
2 come to an agreement to settle the action based on a mediator's proposal. I communicated with my
3 attorneys regarding the terms of the settlement which was reached between the parties and
4 understood that I was representing absent class members and therefore wanted the best possible
5 result to be obtained for the class members and I believe a very positive result was in fact achieved
6 via settlement. I reviewed and signed the Memorandum of Understanding on April 23, 2024. When
7 the final settlement agreement was ready, I reviewed it closely and signed it on July 10, 2024.

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

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

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

26 15. As part of the settlement, it was necessary for me to sign a general release of claims I may
27 have against Hyatt. I believe the class representative service award I have requested provides me
28 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 Hyatt 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 \$10,000 as a class representative service payment is fair and reasonable.

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

Executed on Jul 27, 2024, at San Diego, CA.
(city, state)

1 
Rogeberto Benitez (Jul 27, 2022)

Rogeberto Benitez (Jul 27, 2024 12:46 PDT)

Rogeberto Benitez