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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF ORANGE**
11

12 ROBERTO TOSCANO HERRERA, an
13 individual and on behalf of all others similarly
situated;

14 Plaintiff,

15 vs.

16 180 SNACKS, INC., a California corporation;
17 MICHAEL KIM, an individual; and DOES 1
18 through 50,

19 Defendants.

Case No.: 30-2023-01346806-CU-OE-CXC

[Assigned for All Purposes to:
Hon. David A. Hoffer, Dept. CX103]

**DECLARATION OF ROBERTO
TOSCANO HERRERA IN SUPPORT OF
MOTION FOR APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

(Filed concurrently with Motion for
Preliminary Approval; Supporting
Declarations; and [Proposed] Order)

DATE: July 20, 2026
TIME: 1:30 p.m.
DEPT: CX103
Reservation ID: 74845682

Action Filed: September 5, 2023
Trial Date: Not Set

1 I, Roberto Toscano Herrera, hereby declare as follows:

2 1. I am an individual over the age of 18 year and the named Plaintiff in the above-
3 captioned matter. This declaration is submitted in support of approval of the proposed class action
4 settlement ("Settlement") reached in this case. I have personal knowledge of the facts contained in
5 this declaration, and if called as a witness, could and would testify as to their accuracy.

6 2. I was employed by Defendant 180 Snacks, Inc. ("Defendant") as an hourly-paid,
7 non-exempt employee from approximately 2020 to approximately September 28, 2022. During my
8 employment with Defendant, I was subject to Defendant's wage and hour policies and practices that
9 are at issue in this case. As a result of the foregoing issues, I believe I received inaccurate wage
10 statements and was not paid all wages when my employment with Defendant ended. I believe other
11 non-exempt employees of Defendant were subject to the same policies and procedures discussed
12 above and that my claims against Defendant for unpaid wages and statutory and civil penalties are
13 typical of Class Members' claims.

14 3. I have been actively involved in this case since I first retained Justice for Workers,
15 P.C. ("JFW") in July 2023. Without waiving the attorney-client privilege, prior to filing this lawsuit,
16 my attorneys explained my role and responsibilities as a Class Representative, and I understand my
17 responsibilities as a Class Representative. Since retaining my attorneys, I have had many
18 discussions and in-person meetings with the attorneys and staff at JFW, discussions regarding
19 Defendant's wage and hour practices and my claims in this case, litigation strategy, updates on how
20 the case was proceeding, the Settlement, and how I could help the case and potential Class
21 Members. I also gathered and reviewed documents for use in the lawsuit and reviewed relevant
22 documents with my attorneys. I estimate that I have spent at least 20 hours on this case from the
23 time I first spoke with my attorneys regarding this case until the present.

24 4. Furthermore, there is no conflict between my interests and the interests of the class
25 that I am seeking to represent. My interests are entirely coextensive with the interests of the Class. I
26 allege that I was injured by the same company-wide policies and practices to which the proposed
27 Class was subjected and seek the same relief. I have already demonstrated my ability to advocate
28 for the interests of the Class by initiating this litigation, undertaking extensive class discovery, and

1 evaluating the proposed settlement to assure that it is fair.

2 5. I understood that at the time I filed this action, as a Class Representative, I owed a
3 duty to the putative class members to faithfully prosecute this action with their best interests at the
4 forefront of every decision. I understood that I could not make any decision in this action for the
5 sole benefit of my personal interest. I understood that in executing this duty, I might have been
6 asked to sacrifice my personal best interests for the benefit of the interests of the putative class
7 members. Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the
8 broadest possible relief for my former co-workers for what I perceived to be Defendant's unlawful
9 wage and hour practices. I believe that I faithfully executed the duties of a Class Representative
10 throughout this litigation and will continue to do until this litigation is fully and finally resolved.

11 6. I understand that my attorneys will request that the Court approve a service award
12 of \$5,000.00 for my efforts on behalf of the Class. I believe this amount is reasonable based on the
13 amount of time and effort I have devoted to this case, the risks I have undertaken as a Class
14 Representative as described above. My support for the Settlement is not contingent on my
15 receiving this service award.

16 7. I do not have any conflict of interest with the proposed Administrator, Apex Class
17 Action LLC. I am not aware of any other pending matter or action asserting claims that will be
18 extinguished or affected by the Settlement.

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

21 Executed on February 24, 2026 at Anaheim, California.

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Roberto Toscano Herrera