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16 Attorneys for Plaintiff JOSE ROBERTO COCA MOLINA,
17 individually and on behalf of all others similarly situated

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF ORANGE**

20 JOSE ROBERTO COCA MOLINA,
21 individually and on behalf of all others
22 similarly situated,

23 Plaintiff,

24 v.

25 AMM MARKET, INC. dba MISSION
26 RANCH MARKET, a California
27 Corporation,

28 Defendants.

Case No. 30-2023-01337256-CU-OE-CXC
Related with Case No. 30-2023-01351378-
CU-OE-CXC

ASSIGNED FOR ALL PURPOSES TO:
HON. RANDALL J. SHERMAN, DEPT. CX105

**DECLARATION OF PLAINTIFF JOSE
ROBERTO COCA MOLINA IN SUPPORT
OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND PAGA
SETTLEMENT**

Date: January 3, 2025
Time: 10:00 a.m.

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DECLARATION OF JOSE ROBERTO COCA MOLINA

I, JOSE ROBERTO COCA MOLINA hereby declare as follows:

1. I am over the age of eighteen and I submit this Declaration in support of the Plaintiff's Motion for Preliminary Approval of Class Action Settlement. The following is based upon my personal knowledge and if called as a witness, I could and would competently testify thereto.

2. I was employed by Defendant AMM MARKET, INC. dba MISSION RANCH MARKET ("Defendant") in January of 2022 until September of 2022 as a Non-Exempt Employee with the title of Baker and worked during the liability period for Defendant, at Defendant's Mission Viejo, California location until my separation from Defendant's employ in approximately September 11, 2022. My duties included but were not limited to baking the day's orders.

3. As a non-exempt employee, I suffered the same damages as other employees. These included not being paid all my wages, not provided accurate wage statements, not provide with meal and rest periods, not paid timely during my employment, and not timely paid wages upon my separation from Defendant's employ all in accordance with California law. As a result of these alleged violations, I sought consultation with my attorneys at James Hawkins, APLC.

4. Based upon my allegations, and after consultation and full disclosure from my attorneys about the potential risks I faced as a Plaintiff in a putative class action, I freely decided to pursue this lawsuit to try and vindicate my rights and the rights of others who also worked for Defendant and suffered similar harms due to Defendant's common practices and policies.

5. Prior to filing my action, my attorneys and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. During those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff.

6. My attorneys provided me with a draft of the complaint for my review and

1 approval. I closely reviewed the complaint to ensure accuracy and completeness. As a
2 result, I caused my attorneys to file the class action complaint alleging claims for the allegations
3 alleged therein. Thereafter, I have been fully involved in my case. Following the filing of the
4 complaint, I collaborated with my attorneys on the prosecution of my claims, and I regularly
5 contacted my attorneys to stay current on the status of the litigation, and to discuss my
6 attorneys' progress in prosecuting the claims.
7

8 7. Since I believe I was not accurately paid wages, not timely paid wages during my
9 employment, and therefore not provided accurate itemized wage statements, not provided meal
10 and rest periods, and not provided with all wages earned and owed upon my separation from
11 employment, I believe that I have been similarly injured as to all other class members in the
12 settlement who worked for Defendant during the class period. I believe the claims asserted in
13 the Complaint are also shared by the other Class Members. I worked with various other non-
14 exempt employees, and I believe we were all treated the same and subject to the same unlawful
15 policies.

16 8. On July 20, 2023, I, through my attorneys, filed this action against Defendant for
17 Defendant's alleged failure to: (a) pay wages including overtime, (b) provide meal periods for
18 every work period exceeding more than ten (10) hours per day and failure to pay an additional
19 hour's of pay or accurately pay an additional hour's of pay in lieu of providing a meal period;
20 (c) provide rest breaks for every four hours or major fraction thereof worked and failure to pay
21 an additional hour's of pay or accurately pay an additional hour's of pay in lieu of providing a
22 rest period; (d) pay all wages earned and owed upon separation from Defendant's employ, (e)
23 provide accurate itemized wage statements, (f) failure to timely pay wages during employment
24 and (g) for unfair competition ("UCL").

25 9. On July 20, 2023, I, through my attorneys, submitted a notice with the Labor &
26 Workforce Development Agency ("LWDA") alleging that Defendant violated Labor Code
27 sections 201-204, 226, 510, 512, 558, 226.3, 1174, 1174.5, 1175, 1194, 1197, 1197.1, 1198,
28 pursuant to Labor Code section 2699.

10. Since I agreed to become a Class Representative, I have worked every step of the

1 way with my attorneys. During the course of the litigation, I have always kept the best interest
2 of the Class Members on equal footing as mine. I have been, and I am willing to continue to
3 pursue the Class Members' claims vigorously on our collective behalf if the Settlement is not
4 finally approved. As a result, I firmly believe that I do not have any interests adverse to the
5 interests of the Class Members. I have maintained the Class Members best interest from the
6 inception of the case.
7

8 11. As the Class Representative, I have spent numerous hours consulting with my
9 attorneys, providing documentation, consulting with other Class Members, responding to
10 questions by my attorneys, providing documents to my attorneys, working with my attorneys to
11 review documents received, helping my attorneys in preparing for the mediation and attending
12 the mediation via telephone. I was consulted about the status of the case and provided constant
13 feedback about the case from my attorneys including the mediation, settlement negotiations and
14 eventual settlement. I estimate I have spent approximately 41 hours working on this case.

15 12. From the beginning of this case, I have freely chosen to accept the risks of
16 being the Class Representative in this class action lawsuit. I chose to assume these risks and
17 pursue the claims on behalf of the Class Members as I wanted to vindicate their rights. I believe
18 we have achieved that result with the settlement and the individual payments to the Class
19 Members. I believe the settlement is fair reasonable and adequate based on the numerous
20 defenses asserted by Defendant. I believe the efforts and work I put forth helped to achieve the
21 fair settlement that will benefit the Class Members. As a result of my efforts, I also believe the
22 Enhancement Award is reasonable, and I respectfully request the Court approve the amount of
23 \$10,000.00 to each named Plaintiff as fair and reasonable.

24 I declare under penalty of perjury under the laws of the state of California that the
25 foregoing is true and correct. Executed on April 5, 2024, at El Toro, California.

26
27 
28 **JOSE ROBERTO COCA MOLINA**