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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

RICHARD SOTO, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

APPLIED BIOCODE, INC., a California
corporation; and DOES 1 through 100,

Defendants.

Case No. 23STCV20199

*[Assigned for all purposes to the Hon. Laura A.
Seigle, Dept. SSC-17]*

**DECLARATION OF RICHARD SOTO IN
SUPPORT OF APPROVAL OF CLASS
ACTION AND PAGA ACTION
SETTLEMENT**

Date: October 22, 2024

Time: 9:00 a.m.

Dept.: SSC-17

Action Filed: August 23, 2023

Trial Date: None Set

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I, RICHARD SOTO, declare as follows:

1. I am an individual over the age of 18 and the named plaintiff in this matter. This declaration is submitted in support of approval of the proposed class action and PAGA action settlement (“Settlement”) reached in this case. I have personal knowledge of the facts stated in this declaration and could testify competently to them if called upon to do so.

2. I worked for Applied BioCode, Inc. (“Defendant”) as a non-exempt employee in the position of Receiving Clerk from approximately September 2020 to June 2023. Throughout my employment with Defendant, my duties included receiving incoming products, verifying and logging inventory, and dispersing products.

3. During my employment with Defendant, I would need to first turn on a computer terminal, navigate to the correct screen, and input multiple passwords before I was able to clock in for my shifts. Similarly, at the end of my shifts and after clocking out, I was required to shut down the computer system, close and lock doors, and occasionally receive after-hours shipments from FedEx. I believe that I was not paid for all the time I worked because of this practice. Additionally, due to work demands imposed on me by Defendant, I was frequently not provided with meal periods until *after* I had completed five hours of work, and my meal periods were regularly interrupted by work-related phone calls or I was required to return to work before the end of my 30 minutes. Similarly, because of the same work demands and pressure from Defendant's supervisors, I was frequently denied 10-minute rest periods. Finally, Defendant required me to use my personal cell phone to receive daily phone calls from Defendant's supervisors regarding work-related questions or updates. Despite using my personal cell phone for work purposes, Defendant did not reimburse me for any portion of my monthly cell phone bill.

4. When I first filed my lawsuit, I understood that it had the chance to benefit Defendant's other workers by helping them recover money and penalties they were owed. I felt that Defendant was not following the law, and I wanted Defendant to comply with the law and treat its employees fairly. I feel that I have taken on a greater burden than any of the other

1 settlement class members because I have been actively involved in the litigation since it began,
2 and because it is my name that is attached to the lawsuit. Although I was aware that I would be
3 filing a public lawsuit, I chose to move forward with the case anyway. Through my efforts,
4 Defendant has agreed to a settlement that will benefit current and former employees of
5 Defendant, and I believe that I should be compensated for carrying the burden of this litigation
6 for the benefit of the other employees.

7 5. I have been actively involved in this case since before it was even filed. Among
8 other things, I searched for relevant documents for use in the lawsuit, provided factual
9 information and relevant documents to my attorneys, had many phone calls with my attorneys to
10 discuss the claims in the lawsuit and Defendant's practices, discussed the status of the case and
11 general case strategy with my attorneys on multiple occasions, provided valuable input to assist
12 my attorneys in preparing for mediation, made myself available during the mediation that lead
13 to this settlement, reviewed and provided input regarding the settlement in this case, and
14 otherwise assisted my attorneys in moving this case towards resolution. I estimate that I have
15 spent approximately 10-15 hours in total on these activities.

16 I declare under penalty of perjury under the laws of the state of California and the
17 United States that the foregoing is true and correct. Executed on Jul 3, 2024 at Rock
18 Hill, South Carolina.

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Richard Soto (Jul 3, 2024 06:36 EDT)

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