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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

MARCELINO ORTUNO, in a
Representative capacity only, and on behalf
of other members of the general public
similarly situated; JOSE BRIAN DE LA
ROSA, in a Representative capacity only,
and on behalf of other members of the
general public similarly situated,

Plaintiffs,

vs.

DUNN EDWARDS CORPORATION, a
Delaware corporation; and DOES 1 through
10, inclusive,

Defendants.

Case No. 37-2023-00046612-CU-OE-CTL

Assigned for all purposes to:
Hon. Blaine K. Bowman, Department C-74

**DECLARATION OF PLAINTIFF JOSE
BRIAN DE LA ROSA IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Hearing Date: September 19, 2025
Hearing Time: 8:30 a.m.
Department: C-74

Complaint Filed: October 26, 2023
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Trial Date: October 10, 2025

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DECLARATION OF JOSE BRIAN DE LA ROSA

I, JOSE BRIAN DE LA ROSA respectfully declare as follows:

1. I am over 18 years of age and a resident of California. I am the PAGA Representative in *Marcelino Ortuno et al. v. Dunn-Edwards Corporation*, San Diego County Superior Court Case No. 37-2023-00046612-CU-OE-CTL (“*Ortuno Action*”). I have personal knowledge of the facts stated herein and if called as a witness I could and would competently testify thereto.

2. I was employed by Defendant Dunn-Edwards Corporation as (“Defendant”) from approximately August 2016 until June 2023. During my employment I worked as a Sales Associate, Senior Color Tech, and Customer Service Lead and I was classified as a non-exempt employee and was paid an hourly rate for the work I performed.

3. In or about July 2023, I decided to seek legal advice about my experiences working for Defendant and about pursuing my grievances against them.

4. After speaking with my attorneys, I initially agreed to serve as the Class and PAGA Representative in the action entitled *Jose Brian De La Rosa v. Dunn-Edwards Corporation*, San Diego County Superior Court Case No. 37-2023-00046612-CU-OE-CTL (“*De La Rosa Action*”), and then later when the case settled, as the PAGA Representative in the *Ortuno Action*. As part of becoming a PAGA representative, I understood that I had a responsibility to the State of California and the California Labor and Workforce Development Agency (“LWDA”) and the Aggrieved Employees.

5. My duties were explained to me by my attorneys. I understood that in representing the interests of the State, the LWDA and the Aggrieved Employees, I must consider their interests above my own interests in the Action. I am not aware of any interests that I have had that are contrary to the interests of the State, the LWDA or the Aggrieved Employees. I also do not know of any conflict of interests that would keep me from adequately representing the State, the LWDA or the Aggrieved Employees.

6. I was also aware that becoming a PAGA representative could involve additional work including searching for documents, my deposition being taken, and that I might have to take

1 time off to participate in the Action. I still agreed to serve as the PAGA representative in order to
2 help others recover these wages and penalties for what I believe were the Labor Code violations
3 that had been committed against us.

4 7. After agreeing to serve as a PAGA representative, I spoke with my attorneys,
5 extensively on a wide variety of subjects about my employment with Defendant including how
6 things were run on a day-to-day basis, Defendant's policies and practices relating to meal and rest
7 periods, how I was compensated, and the training I was provided, both with respect to my job
8 duties generally, and with respect to Defendant's employment practices.

9 8. In addition to these initial conversations, I had several follow up discussions with
10 my attorneys throughout the case when they encountered a problem or needed additional
11 information. I tried to make myself available and provide my attorneys with any additional
12 information they needed.

13 9. Prior to mediation I had an extensive discussion with my attorneys regarding
14 Defendant's employment policies and practices. I helped my attorneys prepare the mediation brief
15 by providing specific examples based on my experiences working for Defendant including times
16 I was unable to receive my meal and rest breaks and the reasons I was unable to take my breaks,
17 and the times I had to perform work before clocking-in and after clocking-out for the day.

18 10. After the case settled, I reviewed the Settlement Agreement and discussed its terms
19 with my attorneys. In addition, I kept in contact with my attorneys throughout the settlement
20 process and provided additional information when my attorneys reached out to me.

21 11. In total, between performing my own research, searching for and gathering
22 documents, communicating with my attorneys, reviewing the settlement and discussing its terms,
23 I estimate I spent at least 15 hours working on this matter.

24 12. I believe I took on a substantial risk agreeing to serve as the PAGA Representative
25 in this matter despite being made aware that there was no certainty regarding the outcome of the
26 case or how long the case would ultimately take to recover the wages owed to myself and the
27 State, the LWDA and Aggrieved Employees.

28 13. I am aware that the lawsuit is public and that my name would be associated with

1 the lawsuit. Although I was concerned and afraid about being the PAGA Representative in this
2 public lawsuit, I decided to put my own interests aside and bring a lawsuit that would be beneficial
3 not just for myself, but for all employees and the State.

4 14. I have not yet suffered any adverse consequences as a result of this lawsuit, but
5 neither have I received any benefit for representing the State, the LWDA or the Aggrieved
6 Employees, or for the help I provided my attorneys.

7 15. In addition to the substantial time that I have spent on this matter, I have also
8 agreed to a much broader general release of all claims I may have against Defendant, rather than
9 the more limited release by the State, the LWDA or the Aggrieved Employees.

10 16. Since initiating this Action, I have understood that I am representing the State, the
11 LWDA, and the Aggrieved Employees and considered the interests of the State, the LWDA and
12 the Aggrieved Employees just as I would consider my own interests. I understood that I must put
13 these interests before my own and that even if we were able to successfully recover any penalties
14 most of these penalties would be paid to the State.

15 17. I believe that I have done everything that my attorneys have asked of me and have
16 tried, to the best of my ability, to represent the State, the LWDA and the Aggrieved Employees.
17 I think that my efforts helped get the result obtained in this case. Accordingly, I respectfully
18 request that the Court award me a PAGA Representative Service Award Payment in the amount
19 of \$10,000.00 for my active participation in the Action. Taking into consideration the time I have
20 dedicated to the litigation, the risks I took in order to recover on behalf of not just myself but
21 others, and the general release I have entered on my own behalf, I believe that this amount is
22 reasonable.

23 18. I am not related to anyone associated with Protection Law Group, LLP or Sullivan
24 & Yaeckel Law Group, APC.

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