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Attorneys for Plaintiffs ANDREW CRUZ, and
LUIS SILVA, individually, and on behalf of all
similarly aggrieved employees and the putative
class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KERN

ANDREW CRUZ, and LUIS SILVA,
individually, and on behalf of all similarly
aggrieved employees and the putative class,

Plaintiffs,

vs.

MESA ENERGY SYSTEMS, INC., a California
corporation; EMCOR FACILITIES SERVICES,
INC., an Ohio corporation; and DOES 1 through
25, inclusive,

Defendants.

Case No. BCV-23-103858

*Assigned for all purposes to Hon. Gregory A.
Pulskamp. Div. J*

**DECLARATION OF ANDREW CRUZ IN
SUPPORT OF PLAINTIFFS' MOTION FOR
APPROVAL OF PAGA SETTLEMENT
AND AWARD OF ATTORNEYS' FEES
AND COSTS, GENERAL RELEASE FEE,
AND SETTLEMENT ADMINISTRATION
COSTS**

Date: April 18, 2025

Time: 8:30 a.m.

Division: J

[Filed Concurrently with Gold Declaration; Silva
Declaration; Hartcraft Declaration; and Motion
for Approval of PAGA Settlement]

Complaint Filed: November 19, 2023

Trial Date: Not Set

DECLARATION OF ANDREW CRUZ

I, Andrew Cruz, declare and state as follows:

1. I am over the age of eighteen (18) and a resident of the State of California. I am one of the named plaintiffs in the above-entitled action. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by Mesa Energy Systems, Inc. ("MESA") as an hourly-paid, non-exempt shop assistant from approximately August 2021 to approximately October 2022.

3. During my employment, I questioned whether MESA was paying its employees correctly and I believed that I, along with other employees, were not being allowed to take meal and rest breaks lawfully, among other things. I wanted to take steps to make sure MESA was held accountable for not properly compensating its employees for all hours worked, not providing employees with lawful meal and rest breaks, not reimbursing employees for business expenses, and other related violations.

4. As a result, I decided to seek legal advice about my experience working for MESA and to obtain information about filing a lawsuit to redress these grievances. In that regard, I contacted Blackstone Law, APC and spoke with their attorneys to gain a better understanding of what it meant to bring a lawsuit under the California Labor Code Private Attorneys General Act of 2004 ("PAGA"). After speaking with them, I decided to retain Blackstone Law, APC to proceed with this representative action pursuant to PAGA.

5. I have regularly communicated with my attorneys regarding the case and in order to fulfill my responsibilities as a PAGA representative. I have searched for and provided documents concerning my employment with MESA, reviewed documents with my attorneys and answered their questions, provided information and guidance regarding the duties of other non-exempt employees, and helped determine what other documents and information they could obtain from MESA. I routinely checked in with my attorneys and their staff to make sure that they had all of my current information so that they could always reach me, and to provide any additional information that I had obtained.

6. I was always available to answer any questions my attorneys had and to speak and meet with my attorneys whenever they needed me. I responded to them as quickly as possible and gave them

1 as much information as I could. I described MESA's policies, practices, and procedures and helped my
2 attorneys prepare for and participate in mediation.

3 7. I understood that in the event this matter did not settle and proceeded with trial, I would
4 need to be in court to participate in the trial. I was ready to perform that role, as well as fulfill any
5 responsibilities that are necessary for this lawsuit.

6 8. I know that I took a sizeable risk by bringing and pursuing this lawsuit for several
7 reasons. First, I understood that if I lost, I would potentially have to pay the costs in the lawsuit. I also
8 understood there was a risk of losing any current job and/or income due to the time that I would have
9 to miss work in order to fulfill my duties and responsibilities in this matter, including having to attend
10 the trial, if needed. Most importantly, I believe that by pursuing this case, I have taken a significant
11 risk because future employers can easily find out that I sued my prior employer, and that may negatively
12 impact my ability to find employment within this industry – and even outside of it – in the future. In
13 contrast, the other employees who will be receiving money from this lawsuit did not have to file a claim
14 or take the risk that I took in bringing this action.

15 9. I reviewed the settlement agreement in this matter and discussed it with my attorneys
16 before I signed it.

17 10. I believe that I have done everything that my attorneys have asked of me and tried, to
18 the best of my ability, to seek relief for the Aggrieved Employees and the State of California. In total,
19 I have spent approximately 44 to 49 hours participating in this case as described above. I think my
20 efforts helped to get the result obtained in this matter.

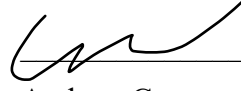
21 11. I understand that any resolution of this lawsuit on a representative basis is subject to
22 court approval. At all times throughout the course of this litigation I have considered the interests of
23 the Aggrieved Employees above my own personal interests.

24 12. I respectfully request that the Court approve and award me a General Release Fee in the
25 amount of \$10,000.00 for my efforts and active participation in the case and for the broader, general
26 release of all claims that I have or may have against MESA in connection with the settlement. Taking
27 into consideration the time that I dedicated to this case, I believe that this amount is reasonable.

28 13. I am not related to anyone associated with Blackstone Law, APC.

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

3 Executed on 02/20/2025 at Bakersfield, California.

4
5 
6 Andrew Cruz