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Attorneys for Plaintiff Carol Martinez

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO**

LETICIA HAYNES, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

TOWER WAV LLC, a California limited
liability company; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: CGC-22-603761

CLASS ACTION

**DECLARATION OF CAROL
MARTINEZ RE ADEQUACY IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Complaint Filed: December 30, 2022
FAC Filed: June 23, 2025
Trial Date: None Set

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I, **CAROL MARTINEZ**, hereby declare as follows:

1. I am over eighteen (18) years old and am a resident of California. I make this declaration based on my personal knowledge. If called to testify, I could and would testify to the facts contained herein.

2. I am a former employee of Defendant Tower Wav, LLC (“Defendant”). I worked for Defendant as an hourly-paid, non-exempt employee during the relevant time period.

3. During my employment, I worked one (1) or more shifts over three and one-half (3.5) hours in length.

4. During my employment, I worked one (1) or more shifts between six to ten (6-10) hours in length.

5. During my employment, I was paid on an hourly basis and classified as a non-exempt employee.

6. During my employment, it was often the case that I was prevented from taking compliant breaks, as detailed below. But Defendant did not have a policy or practice of paying me premium wages for noncompliant breaks.

7. During my employment, Defendant failed to compensate me for all hours worked, described in detail below.

8. During my employment, Defendant failed to reimburse me for all business-related expenses, detailed below.

9. After I left, I sought legal advice regarding my time with Defendant to explore the possibility of filing a lawsuit to redress my grievances. Pursuant to this, I contacted Justice Law Corporation and spoke with the attorneys there, including Douglas Han, Esq., to receive legal consultation about my work experience.

10. Mr. Han explained the possibility of starting a class action and/or Private Attorneys General Act of 2004 (“PAGA”) lawsuit. Mr. Han also indicated that I may have to sacrifice my potential individual claims in exchange for pursuing claims on behalf of all the employees. I was even informed of the risks and sacrifices associated with serving as a

DECLARATION OF CAROL MARTINEZ

1 representative (*e.g.*, risking a judgment of attorneys' fees and costs entered against me, agreeing
2 to a broader release). I struggled with the decision to bring my own claims versus bringing
3 claims on behalf of the Class and informed Mr. Han that I would be in touch.

4 11. After my initial consultation, I investigated class action and PAGA
5 lawsuits and did some research of the leading class action and employment law firms in
6 California for about two and one-half (2.5) hours. I then spoke with the attorneys at Justice Law
7 Corporation for around one and one-half (1.5) hours to further discuss my situation, class action
8 and PAGA lawsuits, and what it meant to be a representative.

9 12. I know that I am a proposed class representative for this lawsuit and that I
10 have the following duties as a class representative:

- 11 a. Represent the interests of all members of the Class;
- 12 b. Follow the progress of the lawsuit and provide all relevant facts to my
13 attorneys;
- 14 c. Serve as the fiduciary of the Class Members, meaning that I cannot
15 "sell out" the Class Members for my own personal gain;
- 16 d. Always consider the interests of the Class Members just as I would
17 consider my own interests and put the interests of the Class Members
18 before my own; and
- 19 e. Always actively participate in the lawsuit by, amongst other things,
20 searching for documents, keeping in contact with my attorneys, and
21 answering their questions and inquiries as needed.

22 13. I have spent over thirty (30) hours meeting with my attorneys regarding
23 the case and performing my responsibilities as a class representative. These responsibilities
24 included: (a) gathering my employment documents (*e.g.*, personnel records) to give my attorneys
25 an idea of the policies, practices, and procedures that I was exposed to; (b) reviewing documents
26 with my attorneys and answering any pertinent questions and inquiries; (c) providing the names
27 and contact information of the putative class members for my attorneys to locate and interview to
28 corroborate the allegations; (d) speaking with other current and former employees of Defendant

1 to gather support for my claims; (e) providing guidance regarding other employees' duties and
2 responsibilities to help determine commonality and typicality; (f) discussing my employment
3 experience (and work environment); (g) reviewing the operative complaints and Settlement
4 Agreement (and exhibit); (h) reviewing the written notices sent to the California Labor and
5 Workforce Development Agency and Defendant; (i) assisting my attorneys review the answer to
6 the operative complaint; (j) helping my attorneys develop strategies to obtain additional
7 documents from Defendant and other sources; (k) looking over the formal discovery requests
8 before propounding them; and (l) preparing for and making myself available all day to
9 participate in and provide my input for the settlement negotiations. I routinely checked in with
10 my attorneys and their staff to ensure that they had my most current information and any
11 additional material that I obtained.

12 14. I have made myself available to meet and speak with my attorneys
13 whenever they needed me. I have responded to my attorneys' questions and inquiries as quickly
14 as possible and have given them as much information as I could gather (*e.g.*, names and contact
15 information of the putative class members, various violations that I experienced and witnessed,
16 policy documents that I was given during my employment). I also spent at least four to five (4-5)
17 additional hours discussing the case with my attorneys (*e.g.*, applicable legal theories to explore,
18 pertinent information to request, importance of the documents produced) and sending them
19 relevant documents and information.

20 15. The description of my work experience coupled with authorizing the
21 receipt of my employment documents helped my attorneys develop their legal theories and
22 determine the extent and frequency of the alleged day-to-day violations. By providing the names
23 and contact information of the putative class members, my attorneys located and interviewed
24 them, allowing my attorneys to corroborate existing legal theories. The collection of this
25 information refined my attorneys' understanding of the policies, practices, and procedures in
26 place and informed them of the legal theories to further develop and emphasize at mediation.
27 Even if a similar settlement had been reached down the line, it would have been undercut by the
28 costs and expenses incurred.

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1 16. During discovery, I spent over an entire day digging through emails
2 seeking documents and information that would be responsive to potential discovery requests.
3 Discovery was another essential component that contributed to the settlement of this case. For
4 example, the several consultations with my attorneys assisted them with determining the relevant
5 documents to gather from Defendant and other sources (e.g., personnel records, employee
6 handbooks, sampling of time and pay records). By extension, obtaining a correct sampling of
7 time and pay records aided my attorneys with accurately calculating potential damages for
8 mediation purposes, giving them the necessary information to negotiate a reasonable settlement.
9 I was also informed that I may be called in for a deposition at one point. While I was ultimately
10 not deposed, I was ready and willing to spend as much time as necessary to give my testimony
11 regarding the violations that I experienced and witnessed.

12 17. Regarding the settlement, I was available to answer any questions my
13 attorneys had. During the settlement negotiations, I made myself accessible all day via phone call
14 and Zoom to respond to any inquiries and to provide my input regarding the negotiations. When
15 my attorneys asked me to review the Settlement Agreement (and exhibit), I took about two (2)
16 hours to review it. I then spent around one and one-half (1.5) hours asking questions and
17 discussing the terms and provisions of the settlement with my attorneys before signing it.

18 18. During my employment, Defendant's improper, uniform practices
19 prevented me from taking compliant breaks. Due to the sheer volume of trips that I was expected
20 to complete, it was often the case that I was forced to work through my breaks. In fact, if I tried
21 to decline handling an upcoming trip, management would get upset with me and threaten to write
22 me up and/or suspend me. When I was able to take my breaks, they were sometimes cut short by
23 management instructing me to handle an upcoming trip, which left me with no choice but to
24 prematurely end my breaks. Finally, Defendant did not have a practice of always paying me
25 premium wages for noncompliant breaks.

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1 19. During my employment, Defendant failed to pay me for all hours worked.
2 Before I was allowed to clock in for the day using the work app, Defendant expected me to
3 perform a pre-trip inspection of the vehicle. Similarly, after I had completed my shift and
4 clocked out for the day using the work app, Defendant still required me to perform a post-trip
5 inspection of the vehicle (*e.g.*, checking for damage, scratches, tire pressure). Despite this,
6 Defendant did not pay me for this time worked off-the-clock.

7 20. During my employment, Defendant did not reimburse me for incurring
8 business-related expenses. Defendant expected me to use my personal cell phone to access the
9 work app and to receive messages and calls from management regarding my trips. Despite this,
10 Defendant did not reimburse me for this personal cell phone usage.

11 21. Finally, after my employment, Defendant still did not pay me all the
12 wages that I was owed, including premium wages and overtime wages. In other words,
13 Defendant has not paid me all the wages owed during and after my employment.

14 22. I believe that my interests in this lawsuit are aligned with the interests of
15 the Class Members, and I do not have any conflicts of interest. I believe that I am an adequate
16 class representative for this lawsuit.

17 23. I was advised by my attorneys that I might have difficulty finding
18 employment in the future compared to candidates who have not been a part of class action and/or
19 PAGA lawsuits against their employers. As a class representative, I was required to provide a
20 broader release compared to the other Class Members. This included a general release of all
21 known or unknown claims and expressly waiving and relinquishing the provisions, rights, and
22 benefits, if any, of section 1542 of the Civil Code. It was a serious risk being a part of a class
23 action and PAGA lawsuit, but I did not allow this to deter me from seeking justice.

24 24. I have done everything my attorneys have asked of me and have tried to
25 represent the Class Members to the best of my abilities. I believe that my efforts helped achieve
26 the results obtained herein. I request that the Court award me the Class Representative Service
27 Payment of \$5,000 for my active participation and sacrifices in this matter.

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25. Serving as a class representative is not something that I took lightly. Considering the time dedicated, benefits conferred to the Class Members, lack of personal benefits received, risking a judgment of attorneys' fees and costs entered against me, agreeing to a broader release, and losing a potential source of income, I believe that the Class Representative Service Payment is reasonable and justified.

26. I am not related to anyone associated with Justice Law Corporation, Wilshire Law Firm, and The Nourmand Law Firm, APC nor have I entered any undisclosed agreements or received any undisclosed compensation.

27. I do not have any actual or potential conflicts of interest with the Administrator.

I declare that under the penalty of perjury under the laws of California, the foregoing is true and correct to the best of my knowledge. Executed on 07/23/2026 in Newark, California.

Carol Martinez

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