JUSTICE FOR WORKERS, P.C.
William C. Sung SB# 280792
E-Mail: william@justiceforworkers.com
Tiffany L. Luu SB# 335127
E-Mail: tluu@justiceforworkers.com
Joseph C. Ramli SB# 339491
E-Mail: jramli@justiceforworkers.com
9575 Bolsa Ave,
Westminster, CA 92683
Tel: 323-922-2000
Fax: 323-922-2000

Attorneys for Plaintiff DAVID ISAAC TOBAR ORTIZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

DAVID ISAAC TOBAR ORTIZ, an individual and on behalf of all others similarly situated;

Plaintiff,

vs.

EPICUREAN GROUP, a California corporation; and DOES 1 through 50,

Defendants.

Case No.: 23CV424299

[Assigned for All Purposes to:
Hon. Beth McGowen, Dept. 22]

DECLARATION OF DAVID ISAAC TOBAR ORTIZ IN SUPPORT OF MOTION FOR PFINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT, ATTORNEY'S FEES AND COSTS, AND SERVICE PAYMENTS

(Filed concurrently with Motion for Final Approval; Supporting Declarations; and [Proposed] Order and Judgment)

DATE: December 17, 2026
TIME: 1:30 p.m.
DEPT: 22

Action Filed: October 17, 2023
Trial Date: Not Set

I, David Isaac Tobar Ortiz, hereby declare as follows:

1. I am an individual over the age of 18 year and the named Plaintiff in the above-captioned matter. This declaration is submitted in support of approval of the proposed class action settlement ("Settlement") reached in this case. I have personal knowledge of the facts contained in this declaration, and if called as a witness, could and would testify as to their accuracy.

2. I was employed by Epicurean Group as an hourly prep cook, barista, and cashier from approximately July 2023 to May 9, 2024 in San Rafael, California.

3. In August 2024, I retained Justice for Workers, P.C. ("JFW") in this action and I consented to substituting in as the named Plaintiff and proposed Class Representative in place of Luis Orlando Lainez. On September 8, 2024, Defendant's representative called me and informed me that the then-CEO of Defendant wanted to meet with me in person on September 19, 2024. I informed my attorney at JFW of this call and asked that all contact with Defendant to be through my attorneys.

4. During my employment with Defendant, I was subject to Defendant's wage and hour policies and practices that are at issue in this case. Specifically, I often worked off the clock during my meal breaks without pay, and I often did not receive compliant meal and rest breaks. As a result of the foregoing issues, I believe I received inaccurate wage statements and was not paid all wages when my employment with Defendant ended. I believe other non-exempt employees of Defendant were subject to the same policies and procedures discussed above and that my claims against Defendant for unpaid wages and statutory and civil penalties are typical of Class Members' claims.

5. I have been actively involved in this case since I first retained JFW. Without waiving the attorney-client privilege, prior to filing this lawsuit, my attorneys explained my role and responsibilities as a Class Representative, and I understand my responsibilities as a Class Representative. Since retaining my attorneys, I have had many discussions and meetings with the attorneys and staff at JFW, discussions regarding Defendant's wage and hour practices and my claims in this case, litigation strategy, updates on how the case was proceeding, the Settlement, and how I could help the case and potential Class Members. I also gathered and reviewed documents for use in the lawsuit and reviewed relevant documents with my attorneys. I estimate that I have spent

Doc ID: 88bf1452ea252ecee7386709560c08d7a4291d7d

at least 20 hours on this case from the time I first spoke with my attorneys regarding this case until the present. I also understand that as part of the Settlement, I have agreed to a general release of claims against Defendant, which is broader than the release of claims agreed to by other Class Members.

6. Furthermore, there is no conflict between my interests and the interests of the class that I am seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that I was injured by the same company-wide policies and practices to which the proposed Class was subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests of the Class by initiating this litigation, undertaking extensive class discovery, and evaluating the proposed settlement to assure that it is fair.

7. I understood that at the time I joined this action as a Class Representative, I owed a duty to the putative class members to faithfully prosecute this action with their best interests at the forefront of every decision. I understood that I could not make any decision in this action for the sole benefit of my personal interest. I understood that in executing this duty, I might have been asked to sacrifice my personal best interests for the benefit of the interests of the putative class members. Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible relief for my former co-workers for what I perceived to be Defendant's unlawful wage and hour practices. I believe that I faithfully executed the duties of a Class Representative throughout this litigation and will continue to do until this litigation is fully and finally resolved.

8. I understand that my attorneys will request that the Court approve a service award of $10,000.00 for my efforts on behalf of the Class. I believe this amount is reasonable based on the amount of time and effort I have devoted to this case, including stepping in to replace Mr. Lainez as the proposed Class Representative, the risks I have undertaken as a Class Representative, and my general release of claims, as described above. My support for the Settlement is not contingent on my receiving this service award.

/ / /

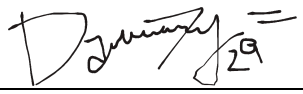
/ / /

/ / /

Doc ID: 88bf1452ea252ecee7386709560c08d7a4291d7d

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

Executed on May 26, 2026 at San Francisco, California.



David Isaac Tobar Ortiz

Doc ID: 88bf1452ea252ecee7386709560c08d7a4291d7d