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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SANTA CLARA**

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

13 Plaintiff,

14 vs.

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

17 Defendants.
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Case No.: 23CV424299

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

**DECLARATION OF DAVID ISAAC
TOBAR ORTIZ IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

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

DATE: June 25, 2026

TIME: 1:30 p.m.

DEPT: 22

Action Filed: October 17, 2023

Trial Date: Not Set

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

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

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

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

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

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

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

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

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

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

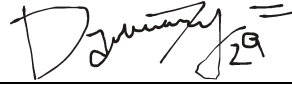
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1 I declare, under penalty of perjury under the laws of the State of California, that the
2 foregoing is true and correct.

3 Executed on May 26, 2026 at San Francisco, California.
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David Isaac Tobar Ortiz
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