

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Rachel Newman (State Bar #350826)
Jennifer Gerstenzang (State Bar #279810)
Jaclyn Joyce (State Bar #285124)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 255-9047
shani@zakaylaw.com
jackland@zakaylaw.com
rachel@zakaylaw.com
jenny@zakaylaw.com
jaclyn@zakaylaw.com

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 599-8292
jlapuyade@jcl-lawfirm.com

Attorneys for PLAINTIFF

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

SHANE ABBOTT, individually, and on behalf
of other members of the general public
similarly situated;

Plaintiff,

vs.

SAUNDERS CONSTRUCTION, INC., a
California corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No. 24CV428659

[Complaint Filed: January 5, 2024]

**DECLARATION OF SHANE ABBOTT IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Dept.: 7
Judge: Hon. Charles F. Adams

1 I, SHANE ABBOTT, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the named Plaintiff in the above
4 wage and hour class action filed against Saunders Construction, Inc. (hereinafter "Defendant").

5 2. This declaration is being submitted in support of Plaintiff's motion for Preliminary
6 Approval of Class Action and PAGA Settlement.

7 3. I believe that I am, have been and will continue to represent the interests of the class
8 fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking
9 to represent.

10 4. I worked for Defendant in California from approximately March 2023 to June 2023.
11 During my employment, I was not paid for all hours worked, denied legally mandated meal and rest
12 periods, minimum wages, and overtime compensation. Throughout my employment, I was subject to
13 Defendant's written policies and procedures contained in, among other documents, the "Saunders
14 Construction Code of Safe Practices" and Employee Handbook.

15 5. Generally, my lawsuit claims that Defendant failed to pay for all hours worked, failed
16 to provide compliant meal and rest periods, furnished facially non-compliant wage statements,
17 miscalculated the regular rate of pay for purposes of paying overtime compensation, and failed to
18 reimburse employees for mandatory business expenses.

19 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
20 to represent because I was subject to the same alleged unlawful employment policies and practices at
21 issue in this action, including but not limited to, Defendant's failure to provide complaint meal and
22 rest periods, failure to furnish accurate itemized wage statements, failure to pay overtime
23 compensation at the regular rate of pay, and failure to reimburse for mandatory business expenses.
24 Factually, Defendant's policies and practices apply class wide, and Defendant's liability can be
25 determined by facts common to all members of the Class.

26 7. Further, there is no conflict between my interests and the interests of the class that I am
27 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
28 I was injured by the same company-wide policies and practices to which the proposed Class was

1 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
2 of the Class by initiating this litigation, undertaking extensive class discovery, and evaluating the
3 proposed settlement to assure that it is fair.

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

13 9. I believe that the proposed settlement before the Court is fair, reasonable, and adequate,
14 and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and
15 humbly, ask the Court to grant preliminary approval of the Settlement and all of its terms.

16 I declare under the penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct. Executed 04/10/2025, at Pomona (city), California.

18
19 By:  Shane Abbott (Apr 10, 2025 17:05 PDT)
20 SHANE ABBOTT
21
22
23
24
25
26
27
28