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[counsel continued on next page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

ISAAC DELGADO, on behalf of himself and all others similarly situated, and the general public,

Plaintiff,

v.

OLDCASTLE INFRASTRUCTURE, INC., a Washington corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No.: STK-CV-UOE-2023-11312

[*Assigned for all purposes to the Hon. Robert T. Waters, Dept. 11B*]

DECLARATION OF MICHAEL ELKIN IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT

Hearing:

Date:
Time:
Dept.:

E | G
ELKIN GAMBOA LLP

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DECLARATION OF MICHAEL ELKIN

I, Michael Elkin, declare as follows:

1. I am an attorney duly licensed to practice law in the state of California. I am a founding and managing partner at Elkin Gamboa, LLP, counsel of record for Plaintiff Rene Serrano (hereafter "Plaintiff") in this action. The facts stated herein are of my personal knowledge and I could competently testify thereto if called upon to do so.

2. I am an experienced employment and class action attorney with a successful track record in litigating class actions.

3. I graduated *Magna Cum Laude* with a Bachelor of Arts degree from the University of California, Los Angeles in 2004.

4. I received my Juris Doctorate from the University of California, Los Angeles in 2012. I am admitted to practice law before the following courts: United States District Court, Northern, Central, Eastern, and Southern Districts of California, and all of California's state courts.

5. I have been practicing law full time for over 12 years. 90% of my and my firm's practice has been devoted to individual and complex class, collective and representative action employment litigation. Currently, half of my firm's practice involves class action and representative action prosecution of wage and hour laws in state and federal courts and on appeal.

6. I am an active member of the California Employment Lawyers' Association ("CELA") and I have attended numerous Continuing Legal Education courses pertaining to advocacy on behalf of employees and employment class actions.

7. Currently, my firm is acting as counsel in tens of wage and hour class actions and representative PAGA actions. I have been appointed Class Counsel on multiple wage and hour class actions including:

   a. *Walters, et al. v. Total Renal Care, Inc., et al.* (Sacramento Sup. Ct. Case No. 34-2022-00319163-CU-OE-GDS) ($7,400,000 class settlement on behalf of employees of dialysis centers);

   b. *Martinez, et al. v. Kenyon Plastering, Inc., et al.* (San Bernardino Sup. Ct. Case No.

CIVSB2216155) ($5,000,000 class settlement on behalf of plaster workers);

c. *Gonzalez, et al.* v. *Golden State Supply, LLC* (San Bernardino Sup. Ct. Case No. CIVSB2331657) ($1,380,000 class settlement on behalf of auto part retail store employees);

d. *Moreno Gutierrez, et al.* v. *GHP Management Corp., et al.* (Los Angeles Sup. Ct. Case No. 23STCV26618) ($805,000 class settlement on behalf of property management employees);

e. *Hodge, et al. v. Ceryx Management LLC, et al.* (Los Angeles Sup. Ct. Case No. 25STCV01194) ($205,000 class settlement on behalf of employees of housing facility);

f. *Palos, et al. v. Stearns, Conrad and Schmidt, Consulting Engineers, Inc.* (Los Angeles Sup. Ct. Case No. 24STCV02270) ($850,000 class settlement on behalf of employees of environmental consulting firm); and

g. *Ramirez Serpas, et al. v. Vogue Recovery California, LLC* (Los Angeles Sup. Ct. Case No. 24STCV00852) ($290,000 class settlement on behalf of employees of recovery centers).

8. Each of the attorneys at my firm and I have considerable experience handling complex wage and hour class action cases with claims similar to those asserted in this action and have successfully represented tens of thousands of employees in state and federal court cases throughout California.

9. Class Counsel believe no conflicts, disabling or otherwise, exists between Plaintiff and Class Members because Plaintiff alleges to have been damaged by the same alleged conduct of Defendants (i.e., Plaintiff classified as a non-exempt, hourly-paid employee, not paid premium pay, etc.) and thus has the incentive to fairly represent all Class Members' claims to achieve the maximum possible recovery.

10. After a thorough investigation and settlement discussions, Class Counsel arrived at terms that they viewed were in the best interest of both the Class Members and the Parties.

11. Should the Court refuse to grant preliminary approval of this Settlement, many of

the Class Members may be denied any recourse for Defendant's alleged violations.

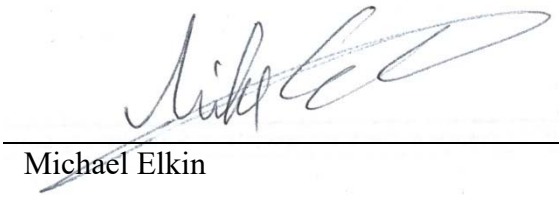
12. For these reasons, as well as the reasons provided in the additional declarations filed in support of this motion, I believe that Class Counsel are sufficiently experienced and qualified to evaluate the Class Members' claims and viability of Defendants' defenses

13. I believe, and as further set out in the additional declarations filed in support of this motion, the settlement presented here only resulted after having engaged in extensive informal discovery and investigation and is the product of hard-fought litigation and extensive arm's-length negotiations.

14. I believe, based on my experience as class counsel that the settlement is fair, reasonable, adequate and in the best interests of the Class Members.

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

Executed on November 4, 2026, in Burbank, California.

By: 

Michael Elkin