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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

DARYOUSH NEJATI and JOEL CALIMLIM,
individually, on behalf of themselves, and on
behalf of all persons similarly situated,

Plaintiff,

v.

I.P.S. GROUP, INC., a corporation; and Does 1
through 50, inclusive,

Defendants.

Case No. 37-2023-00053220-CU-OE-CTL

**DECLARATION DARYOUSH NEJATI
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: September 12, 2025

Hearing Time: 9:00 AM

Judge: Hon. Joel L. Wohlfeil

Dept: C-73

Complaint Filed: December 8, 2023

Trial Date: Not Set

1 I, Daryoush Nejati, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary
4 Approval of Class Settlement and in support of my application for a Class Representative
5 Service Payment.
6

7 2. I have personal knowledge of all the facts stated herein. I could and would competently
8 testify under oath to these facts in court if requested to do so.

9 3. During the class period I worked as a Repair Depot Technician for Defendant I.P.S.
10 Group, Inc. ("Defendant" or "IPS") in California and during that time period, I was classified by
11 IPS as a non-exempt employee.
12

13 4. I retained my attorneys who are experienced in both class action and PAGA
14 representative action litigation and claims against employers for violations of the California
15 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
16 Court. I am not aware of having any actual or potential conflicts of interest with another class
17 member in this case nor am I aware of having any actual or potential conflicts of interest with
18 Apex Class Action, LLC, the settlement administrator. I am not aware of any other pending
19 matter or action asserting claims that will be extinguished or adversely affected by this
20 settlement.
21

22 5. I decided to pursue this class action lawsuit and be a plaintiff/class representative because
23 I felt that my legal rights as an employee and others like me were violated. For example, I often
24 did not receive compliant meal and rest breaks which were late, interrupted or missed entirely. I
25 also did not receive all the meal and rest break premiums I was entitled to and when I did receive
26 premium payments, they were often an incorrect amount. Also, from time to time I worked off
27

1 the clock without compensation for my time worked. As another example, I received non-
2 discretionary compensation from time to time, such as bonuses, but these payments during
3 certain pay periods when I worked overtime were not factored into my regular rate. I was
4 underpaid overtime as a result.

5
6 6. I spoke to my attorneys several times and discussed how IPS implemented its company
7 policies and procedures. I also assisted my attorneys in their investigation into my claims by
8 providing them documents and answering their questions. I reviewed the complaint before it
9 was filed and after it was filed I was given access to an electronic file sharing program that
10 alerted me via email when important documents were filed so that I could review them and keep
11 up with the developments in the case which I understood was one of my duties as a class
12 representative. I would also contact my attorneys from time to time if I had any questions about
13 the case.
14

15 7. Even though this action is in the process of settling, I was and remain prepared to
16 perform all the duties of a class representative. I understand that as a class representative I have
17 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
18 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
19 benefit of the class members and surrender any right to compromise the group action for an
20 individual gain.
21

22 8. I understood that being a plaintiff/class representative in this case meant that I was
23 seeking damages not only for myself but also other current and/or former non-exempt employees
24 working for IPS in California who make up the class. I felt that these individuals were not aware
25 of their labor law rights and even if they were they would probably be apprehensive about
26 speaking up or even simply because of the time, effort and risk involved in filing a class action
27

lawsuit.

9. I understood that being a part of this lawsuit involved risks. For example, my attorneys explained to me that if the case went to trial and we lost, I could be held responsible to pay for all or part of the attorney fees and costs paid by IPS to defend this lawsuit. Also, I knew there was a risk that future employers, if they ever find out about this lawsuit, could hold it against me or downgrade me as a potential hire. As one of only two named Plaintiffs in this case, it would not be difficult for a future employer to become aware that I sued my employer for labor law violations. Ultimately, I decided these risks were worth it and decided to fight for my rights and the rights of others regardless of the risks, time and effort I spent on this case.

10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up to date on important developments by reviewing court filings that were made available to me electronically as I described above.

11. A mediation took place on January 23, 2025 with Marc Feder, a well-respected and experienced mediator of wage and hour class actions. After the mediation the parties were able to reach an agreement to settle the action. I communicated with my attorneys regarding the terms of the settlement which was reached between the parties and understood that I was representing absent class members and therefore wanted the best possible result to be obtained for the class members and I believe a very positive result was in fact achieved via settlement. I reviewed and signed the Memorandum of Understanding on February 5, 2025 and when the final settlement papers were ready, I closely reviewed the Class Action and PAGA Action Settlement Agreement, which I signed on July 17, 2025.

12. I have been actively involved with this lawsuit performing the duties described above. Although I did not keep time records, I was in regular contact with my attorneys, reviewed court

1 filings, and spent a significant amount of time on the issues presented during the lawsuit and in
2 the settlement process. I estimate that I spent approximately 50-60 hours working on this case
3 up until this point. I believe I have been diligent and have done what is expected of a named
4 plaintiff and a proposed class representative to date and will continue to do so. I have and always
5 will maintain the best interest of the class members.
6

7 13. My attorneys explained to me that the settlement process involves a two-step review by
8 the Court to determine whether the settlement is fair before approving the settlement. I know
9 this process also involves notifying all class members of the settlement terms and of their rights
10 to make a claim for their settlement share, to opt out of the settlement or to object to the
11 settlement.
12

13 14. I believe I did the right thing by filing this case on behalf of the class members who,
14 subject to court approval, are in line to receive monetary payments as a result of this case and
15 settlement. This is money they may never have ever gotten if I did not pursue this action on their
16 behalf. I feel significant personal satisfaction to know that I played a role in the class members
17 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
18 the requested Class Representative Service Payment of \$15,000 from the settlement is fair
19 compensation for the work I performed and the risks I undertook.
20

21 15. In light of all the time and effort I have spent on this case, the risk I undertook by suing
22 my employer, the exposure to being responsible for paying IPS's costs in the event we did not
23 win the case, the reputational risk that future employers may hold this lawsuit against me, and in
24 light of the size of the settlement, I believe the request for \$15,000 as a Class Representative
25 service payment is fair and reasonable.
26

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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.

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4 Executed on 08/07/2025, at San Diego, CA
5 (city, state)

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7 [Daryoush Nejati \(Aug 7, 2025 16:03:39 PDT\)](#)
8 Daryoush Nejati
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