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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF KERN

TYLER KRUG & FERNANDO JARAMILLO,
individually, and on behalf of those similarly
situated and members of the general public; and
FRANCISCO BALBUENA, individually, and
on behalf of those similarly situated,

Plaintiffs,

vs.

EKC ENTERPRISES, INC., a California
Corporation; and DOES 1 through 25, inclusive,

Defendants.

Case No.: BCV-23-103975

Honorable Bernard C. Barmann
Division H

**DECLARATION OF PLAINTIFF FERNANDO
JARAMILLO IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: July 7, 2025
Time: 8:30 a.m.
Division: H
Address: 1215 Truxton Ave.
Bakersfield, CA 93301

Complaint Filed: November 28, 2023
FAC Filed: January 18, 2024
SAC Filed: February 20, 2025
Trial Date: Not Set

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DECLARATION OF FERNANDO JARAMILLO

I, Fernando Jaramillo, state and declare:

1. I am one of the named Plaintiffs in the above-captioned action and have personal knowledge of all matters stated herein, and could competently testify thereto. I make this declaration in support of the motion for preliminary approval of the class action settlement.

2. I believe the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged.

3. During my employment with Defendant, several issues concerned me, which I thought did not comply with California law, such as not getting paid minimum and overtime wages, not being provided proper meal periods and rest breaks, failure to timely pay wages; wage statement violations, waiting time penalties, failure to reimburse necessary business expenses, unfair competition; and PAGA penalties. Even though I was unsure if I wanted to bring a lawsuit because of the risk of stepping forward as a whistle-blower (since this could jeopardize my livelihood in the industry and make it difficult to find future jobs), I retained my attorneys to proceed with this class action because I did not think that myself or the other employees were being treated correctly.

4. When I first retained my attorneys and chose to pursue this case on a class action basis, I understood that I had specific burdens as the “Class Representative,” which included: (a) representing the interests of all class members, (2) considering the interests of all class members above my own personal interests, (3) participating actively in the lawsuit, including deposition, and keeping generally aware of the status and progress of the lawsuit. Moreover, I understood that any resolution of the lawsuit is subject to court approval and must be designed in the best interests of the class as a whole.

5. I respectfully request that the court approve the service award for the following reasons.

6. First, I have spent substantial time working on this case and have performed substantial services for the Class to help obtain a highly beneficial settlement for my fellow employees.

1 7. Since initiating this action, I estimate I have spent approximately 35-40 hours
2 engaging in activities to benefit the class. I have assisted my attorneys in numerous ways, including
3 helping to explain and discuss the company's practices and their general practices and procedures,
4 locating and analyzing company documents, and communicating with other class members. These
5 efforts occurred through numerous meetings with Class Counsel, telephone conferences, letters,
6 emails, and text communications. I also spent substantial time assisting with the preparation for
7 mediation.

8 8. My work also continued after mediation, as I reviewed settlement agreements and
9 other settlement documents and continued communication with my lawyers during the settlement
10 approval processes.

11 9. Second, I respectfully request that the Court approve the agreed-upon service award
12 because I agreed to set aside my personal interests and put the class's interests ahead or on par with
13 my own. In doing so, and by successfully bringing this case as a class action, I helped to obtain a
14 highly beneficial settlement for the class members.

15 10. Third, as a condition of this class action settlement, I was required to release and
16 waive all possible individual claims against the company – something that none of the other class
17 members were required to give up.

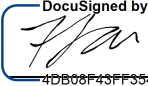
18 11. Fourth, by bringing this case as a class action, I undertook significant risks and
19 stresses at a high emotional cost without any guarantee of success. For example, filing this lawsuit
20 and being a whistle-blower was stressful daily as I constantly worried about the risk that this case
21 could impact my ability to find future jobs. This stress/risk lasted for the entire case, and I'm worried
22 it may make it hard to find a job in the future since the case information is all available online.

23 12. Fifth, bringing this case also came with a major financial risk because, if I lost the
24 case, I would be required to pay the company's costs, which could be over \$10,000, and there was
25 a chance they could try to make me pay their attorneys' fees as well.

26 13. I affirm my unwavering dedication to representing the interests of the putative class
27 and aggrieved employees. I voluntarily assumed considerable risks and expended considerable effort
28 to secure a favorable outcome. I trust that the Court will duly consider my request for a Service

Award in recognition of these contributions.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 3/24/2025, at 3/24/25, California.

DocuSigned by:

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Fernando Jaramillo