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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
FRANCISCO BALBUENA 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

1 **BOKHOUR LAW GROUP, P.C.**

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13 Attorneys for Plaintiff Fernando Jaramillo

1 6. I understood that in the event this matter did not settle and proceeded with trial, I would
2 need to be in court to participate in the trial. I was ready to perform that role, as well as fulfill any
3 responsibilities that are necessary for this lawsuit.

4 7. I know that I took a sizeable risk by bringing and pursuing this lawsuit for several
5 reasons. First, I understood that if I lost, I would potentially have to pay the costs in the lawsuit. I
6 also understood there was a risk of losing any job and/or income due to the time that I would have to
7 spend fulfilling my responsibilities in this matter, including having to attend the trial, if needed. Most
8 importantly, I believe that by pursuing this case, I have taken a significant risk because future
9 employers can easily find out that I sued my prior employer, and that may negatively impact my ability
10 to find employment within this industry – and even outside of it – in the future. In contrast, the other
11 employees who will be receiving money from this lawsuit did not have to file a claim or take the risk
12 that I took in bringing this action.

13 8. I reviewed the settlement agreement, discussed the settlement agreement with my
14 attorneys, and asked them questions before signing it.

15 9. I believe that I have done everything that my attorneys have asked of me and tried, to
16 the best of my ability, to seek relief for the Class. I have spent approximately 44-51 hours participating
17 in this case as described above. I believe my efforts helped get the result obtained in this case.

18 10. I understand that any resolution of this lawsuit on a class wide basis is subject to court
19 approval, and any settlement must be designed in the best interest of the Class as a whole. At all times
20 throughout the course of this litigation I have considered the interests of the Class and put them before
21 my own personal interests.

22 11. I understand that incentive or enhancement awards are discretionary and intended to
23 compensate named plaintiffs for: the quality and quantity of the work done on behalf of the class and
24 other employees, the financial and/or reputational risk undertaken in bringing the class action, and an
25 acknowledgment of the benefits resulting from the representative's actions. I believe my work in this
26 matter is meritorious on these points for the reasons set forth above.

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12. I respectfully request that the Court approve and award me an Enhancement Payment in the amount of \$7,500 for my efforts and active participation in the case and for the broader, general release of all claims that I have or may have against EKC in connection with the settlement. Taking into consideration the time that I dedicated to this case, I believe that this amount is reasonable.

13. I understand that Blackstone Law, APC, Bokhour Law Group, P.C., and Falakassa Law P.C. will share the attorneys' fees in this matter. I agreed to this in writing. I understand that the amount of attorneys' fees will not increase as a result of this fee sharing.

14. I am not related to anyone associated with Blackstone Law, APC, Bokhour Law Group, P.C., or Falakassa Law P.C.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 05/22/2025, at Bakersfield, California.

Francisco Balbuena

Francisco Balbuena