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13 Attorneys for Plaintiffs Michael Monteleone and Teresa Maciel

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF SAN JOAQUIN**

16 MICHAEL MONTELEONE, individually, and
on behalf of other members of the general public
17 similarly situated, and as an aggrieved employee
pursuant to the Private Attorneys General Act
18 ("PAGA"),

19 Plaintiff,

20 vs.

21 SCHELL & KAMPETER, INC., a Missouri
corporation, and DOES 1 through 10, inclusive,

22 Defendants.
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Case No.: STK-CV-UOE-2023-0011330

Assigned to the Hon. Jayne Lee

**DECLARATION OF MICHAEL
MONTELEONE IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: TBD
Time: TBD
Place: Department 10C

Complaint Filed: October 27, 2023

DECLARATION OF MICHAEL MONTELEONE

I, Michael Monteleone, hereby declare as follows:

1. I am over eighteen years old. Unless the context indicates otherwise, I have personal knowledge of the following facts, and if called as a witness, I could and would testify competently to them. I am the named plaintiff in the above-captioned action, and a representative for the proposed Settlement Class. I make this declaration in support of the Motion for Preliminary Approval of Class Action and PAGA Settlement.

2. I was employed by Defendant Schell & Kampeter, Inc. ("Defendant") as an UVA Machine Boxer, Bagger/Palletizer, and various other non-exempt positions at their facility in Lathrop, California from approximately September 2017 to January 2023. My primary job duties included operating forklifts and terminal tractors, running dryers and production machines, mixing and weighing products, completing delivery paperwork, loading trucks, and moving pallets.

3. I believed I was wrongfully terminated from my job and sought legal counseling from a law firm about my termination. After learning of my options I decided to retain another firm, Capstone Law APC, to pursue my individual wage and hour claims and similar claims on behalf of other hourly employees of Defendant in California.

4. I decided to file this lawsuit because I had a number of grievances against Defendant stemming from its labor policies. These grievances are set forth in detail in the operative Complaint and my letter to California Labor and Workforce Development Agency ("LWDA").

5. Prior to filing the action, my attorneys and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant.¹ During those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff. I also searched for and produced to my lawyers all documents in my possession that related to my employment with Defendant.

¹ Although the preservation of my attorney-client privilege requires that I refrain from revealing the specifics of my communications with my attorneys, I understand that the privilege is not waived by stating generally the matters that I have discussed with my attorneys.

1 6. After retaining my attorneys, I spent considerable time on the phone discussing the facts
2 of my case with my attorneys. I discussed the facts related to my employment with Defendant, including
3 discussing my job duties and responsibilities, my job position, the hours and days I worked, and how I
4 was compensated.

5 7. My attorneys provided me with a draft of the Complaint for my review and approval. I
6 closely reviewed the Complaint to ensure accuracy and completeness. Following the filing of the
7 Complaint, I collaborated with my attorneys on the prosecution of my claims, and I regularly contacted
8 my attorneys to stay current on the status of the litigation, and to discuss my attorneys' progress in
9 prosecuting the claims.

10 8. I have worked to the best of my ability to prosecute this action on behalf of the entire
11 class, always considering the interests of the class members just as I would consider my own interests. I
12 believe class actions are an important tool to assure compliance with the law even where an individual's
13 losses may be relatively small. I have no interests which are inconsistent with the interests of the class.

14 9. When I agreed to represent other non-exempt employees performing duties for
15 Defendant in the State of California, I understood it was my duty to be readily available and to participate
16 actively in this case. I knew that I would be required to review documents, search for documents and
17 produce them to my attorneys, answer written questions, potentially answer oral questions and testify
18 truthfully under oath, and be available to appear in court, if necessary.

19 10. I understood that I needed to maintain awareness of the status and progress of the
20 lawsuit.

21 11. Since initiating this lawsuit until now, I have kept aware of the status of the lawsuit and
22 provided my attorneys with information used by them in the litigation. I have spent large amounts of
23 time and effort pursuing my claims and the claims of the other employees from the time I retained my
24 attorneys to the present date.

25 12. I assisted my attorneys in preparing for mediation and made myself available to them
26 and the mediator throughout the day of mediation.

27 13. I have carefully reviewed the terms of the proposed settlement. My attorneys explained
28 the specifics of how the settlement would work and I accepted the settlement only after I had spent time

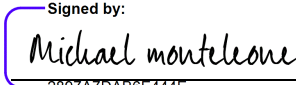
1 evaluating the proposed outcome to assure that it was fair. Based on my attorneys' evaluation and
 2 recommendation, and my own review, I believe the settlement is fair and reasonable and adequately
 3 compensates Class Members.

4 14. In summary, over the course of this litigation I have spent a significant amount of time
 5 conferring and working with my attorneys on the prosecution of my claims and evaluating the settlement
 6 and related documents. I estimate that I have spent between 35 and 45 hours assisting my attorneys in the
 7 prosecution of this lawsuit.

8 15. Throughout this case, I have not sought individual benefits from the lawsuit. Rather, I
 9 maintained this lawsuit because I wanted to hold Defendant accountable for its unlawful conduct. I
 10 believe that I have fulfilled my responsibilities, and I will continue to fulfill those responsibilities, to the
 11 best of my ability, until the conclusion of the case.

12 16. I am committed to this case and will continue to make myself available as needed in the
 13 settlement process.

14 I declare under penalty of perjury under the laws of the State of California that the foregoing is
 15 true and correct. Executed on [Date] 10/30/2025, at [City] Stockton, California.

Signed by:

 2897A7DAB6E444E
 Michael Monteleone

PROOF OF SERVICE

I, the undersigned, certify and declare as follows:

I am over the age of eighteen years and not a party to this action. My business address is 112 S. Church St., Lodi, California 95240, that is located in the county where the delivery below took place.

On November 5, 2025, I served the following document:

**DECLARATION OF MICHAEL MONTELEONE IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT**

addressed to:

Robert Drexler
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KAMPETER, INC.*

☒ **BY EMAIL:** In accordance with Code of Civil Procedure Section 1010.6, and per the agreement of the parties to accept service by email, on the date specified below, I caused a copy of the document described above to be sent to the person(s) at the e-mail address(es) listed above. My business e-mail address is jzeyen@mayallaw.com.

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

Executed on November 5, 2025, at Lodi, California.


JULIE ZEYEN