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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS**

DANIEL BARNWELL, individually, and on
behalf of other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the
California Private Attorneys General Act;

Plaintiff,

vs.

GILTON SOLID WASTE MANAGEMENT,
INC., a California corporation; GILTON
RESOURCE RECOVERY, INC., an
unknown business entity; and DOES 1
through 100, inclusive,

Defendants.

PATRICIO GARCIA, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

GILTON RESOURCE RECOVERY/
TRANSFER FACILITY, INC., a California
corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No. CV-24-000287 (Lead Case)

Consolidated Case No. CV-24-003479

Honorable Clifford Tong

Department 23

CLASS ACTION

**DECLARATION OF PLAINTIFF
PARTICIO GARCIA IN SUPPORT OF
PLAINITFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

Hearing Date: January 12, 2027
Hearing Time: 8:30 a.m.
Department: 23

Barnwell Complaint

Filed: January 10, 2024

Garcia Complaint

Filed: May 7, 2024

Garcia FAC Filed: July 12, 2024

Trial Date: None Set

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Attorneys for Plaintiff Patricio Garcia

DECLARATION OF PATRICIO GARCIA

I, PATRICIO GARCIA, declare as follows:

1. I am a named Plaintiff in this case. I am a former employee of the named Defendants Gilton Solid Waste Management, Inc. and Gilton Resource Recovery/Transfer Facility, Inc. (together, the “Defendants”). As such, I have personal knowledge, or am informed and believe, of the following facts herein stated. If called as a witness, I could and would testify competently to the following:

BACKGROUND OF EMPLOYMENT

2. I worked for Defendants in a non-exempt, hourly-paid position during the statutory period. Throughout my employment, I typically worked five days each week and in excess of eight hours each workday.

3. During my employment with Defendants, I believe that its wage-and-hour practices placed employees, including me, at a disadvantage. For instance, I believe I was not paid for all the hours I worked. Also, due to the nature of my work, I occasionally experienced problems with receiving full and uninterrupted rest and meal breaks. Also, I did not receive reimbursement for all necessary business expenses, including for the purchase box cutters, steel toe boots, face masks and use of personal cellphone for work purposes.

4. As a result of Defendants’ wage-and-hour practices, I believe I have suffered unpaid wages and unreimbursed business expenses.

COMMONALITY AND PREDOMINANCE

5. I believe Defendants’ wage-and-hour practices that affected me also affected its other non-exempt employees. For instance, I believe Defendant’s failure to compensate employees for all wages owed affected all or most of its employees. I also believe other employees experienced problems with receiving full and uninterrupted meal breaks and rest breaks, receiving premium wages for non-compliant breaks, or receiving reimbursements for necessary business expenses incurred.

6. As a result of Defendant’s wage-and-hour practices, I believe other employees and I were harmed and are therefore owed wages and reimbursements.

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TYPICALITY AND ADEQUACY

7. I was employed by Defendants in California in an hourly paid, non-exempt position during the proposed Class Period and was subject to the same pay structure and rules as all the other non-exempt employees of Defendants. Accordingly, I have brought this class action case on behalf of all other employees who are also or were at some point classified as non-exempt during their employment with Defendant. I believe my alleged claims in this case impacted not only me but the entire Class.

8. I am not aware of anything special about me that would raise unique defenses to my claims, as opposed to the claims of the Class. I am also not suing for anything unique to me; rather, my claims are based upon the same facts that relate to the rest of the Class.

9. I do not believe I have any conflicts of interest with other Class Members and have agreed to place Class interests above my own. I do not intend to take any action that would place me in a position that is hostile to other Class Members.

10. I also do not believe I have any conflicts of interest with the proposed Settlement Administrator.

DUTIES AS CLASS REPRESENTATIVE

11. This lawsuit is not an individual lawsuit; rather, it is a proposed class action. I understand that as a Class Representative in this matter, I have an obligation to do my best to look out for the interests of other Class Members. I understand my obligations to the Class exist even when the Class is certified solely as part of a class action settlement. It is my understanding that, as one part of this duty to the Class, I cannot agree to a settlement to benefit myself to the exclusion of the rest of the Class Members. I have never asked my attorneys to simply settle this matter at any cost; rather, I have asked them to obtain the best settlement they could, within reason, and I believe that they have attempted to do so.

12. I have conferred with my attorneys about the Joint Stipulation of Class and PAGA Settlement and Release (the "Settlement Agreement") in this case. I am not an accountant, but I generally understand the factors and risks that should be considered when evaluating a settlement. I believe the Settlement Agreement is fair, adequate, and reasonable, and therefore, I would

1 recommend the Court approve it.

2 13. I understand the obligations of being an adequate Class Representative include
3 significant responsibilities and a fiduciary duty to represent the Class, which means responding
4 truthfully, completely, and promptly to any information requests made by my attorneys; reviewing
5 facts and claims in the case to make certain the alleged Labor Code violations are redressed;
6 participating dutifully in the litigation; making myself available for any meetings, proceedings, and
7 court hearings at which I am needed; and, above all, putting Class interests above my own.

8 14. I brought this class action in full recognition and acceptance of my responsibilities as the
9 Class Representative, and I continue to appreciate the importance of my responsibilities as the
10 litigation continues.

11 15. This case was filed over two years ago, and since then, I have made myself available
12 whenever my attorneys wanted to discuss aspects of my employment by Defendants, and I remain
13 committed to seeing this matter through to the end.

14 16. My goal in bringing this lawsuit was to obtain a recovery on behalf of the Class, and,
15 even more importantly, to put an end to what I believe are illegal practices on the part of Defendant.

16 17. Summing it all up in the simplest terms, I asked to be the stand-in for other employees
17 of Defendants as a Class Representative. Because of that, I cannot quit on the Class, and I cannot put
18 myself and my interests before the Class. I accept these duties and request that I be appointed as a
19 Class Representative, for settlement purposes.

20 18. I believe that were it not for me stepping forward and taking on the duties of protecting
21 the interests of other Class Members in this case, it is likely that the interests of the Class would
22 neither have been prosecuted nor benefited.

23 19. My participation began with bringing certain issues that are involved in this matter to my
24 attorneys' attention and explaining the factual background that was used to prosecute the claims in
25 this case. For example, I provided to my attorneys and reviewed with them documents from my
26 employment by Defendants that I had in my possession, and I explained those documents and related
27 facts to my attorneys to assist them in their review and analysis.

28 20. My efforts continued after the suit was filed. For example, I continued to provide

information to my attorneys and explained how they could be of potential use in this matter. I also made myself available to answer questions from my attorneys in preparation for and during the mediation that ultimately led to the proposed Settlement Agreement.

21. I have been, and will continue to be, actively involved in assisting my attorneys to support this wage and hour action. Based on the foregoing reasons, I respectfully request the Court appoint me, for settlement purposes only, as the Class Representative.

REASONABLENESS OF ENHANCEMENT PAYMENT

22. I understand the Settlement Agreement provides as Enhancement Payment to me in the amount of up to \$10,000.00, subject to the Court's approval, as a Class Representative. I also understand that this service payment is in addition to the individual settlement payment I will receive as a Class Member. I believe this award is fair compensation to me for initiating and helping to prosecute this case, for my effort and time on this case, and for the substantial risks I undertook with respect to agreeing to be the named Plaintiff in this case, including the negative impact this role may have on my future employability. I estimate that to date I have spent approximately 30 hours working on this case, and I expect that I will continue to put in additional hours of my own time for settlement approval, including during the class notice process, to prepare for final settlement approval, to monitor the status of funding and disbursement following any entry of final approval, and to answer any questions that other class members might have. In addition, under the Settlement Agreement, I have signed a general release of any and all claims I have against Defendant, including a waiver of my rights under California Civil Code section 1542.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed this 9/9/2026 at Riverbank, California.

Signed by

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PATRICIO GARCIA