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Attorneys for Plaintiff Bryan Zuniga

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

BRYAN ZUNIGA, individually and on behalf
of others similarly situated,

vs.

INOVA DIAGNOSTICS, INC., a California
corporation; WERFEN USA LLC, a
Massachusetts limited liability company; and
DOES 1 through 25, inclusive,

Defendants.

Case No. 37-2023-00055201-CU-OE-CTL
(Consolidated With Case No.: 37-2024-
00007407-CU-OE-CTL)

Honorable Katherine Bacal
Department C-63

**DECLARATION OF PLAINTIFF
BRYAN ZUNIGA IN SUPPORT OF
MOTION FOR APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Complaint Filed: December 21, 2023
Trial Date: Not Set

1 **DECLARATION OF BRYAN ZUNIGA**

2 I, Bryan Zuniga, declare and state as follows:

3 1. I am over the age of eighteen (18) and a resident of the State of California. I am the
4 named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements
5 set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

6 2. I was employed by Defendants Inova Diagnostics, Inc. and Werfen USA LLC
7 (Together "Defendants") as an hourly-paid, non-exempt Shipper from approximately November 2020
8 to approximately October 2023.

9 3. Because I thought the practices at Defendants may not be lawful, I decided to seek legal
10 advice about my work experiences at Defendants and about filing a lawsuit to obtain relief for my
11 grievances. I contacted Blackstone Law, APC and spoke with their attorneys. I wanted to take steps
12 to make sure Defendants were held accountable for not properly compensating their employees for all
13 hours worked and for non-compliant meal and rest breaks. After speaking with the attorneys, I also
14 investigated class and representative action lawsuits on my own. Thereafter, I further consulted with
15 the attorneys at Blackstone Law, APC about my situation, class actions, representative action lawsuits
16 under the Private Attorneys General Act ("PAGA"), and what it meant to bring a class and PAGA
17 action so that I understood what I was considering doing.

18 4. I have regularly conferred with my attorneys regarding the case as part of my
19 responsibilities as a class and PAGA representative. This process included searching for and providing
20 documents concerning my employment with Defendants, answering any questions my attorneys had
21 about the documents, providing information regarding the company's practices and the duties of other
22 hourly-paid and/or non-exempt employees, and helping my attorneys develop a strategy as to what
23 additional documents and information they could seek to obtain from Defendants.

24 5. I routinely checked in with my attorneys and their staff to make sure that they had all
25 of my most current information and any additional information that I had obtained. I made myself
26 available to answer any questions my attorneys had about Defendants' practices and treatment of their
27 employees whenever my attorneys needed me. I responded to them as quickly as possible and gave
28 them as much information as I could.

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, the PAGA Employees, and the State of California.
17 I have spent approximately 45-50 hours participating in this case as described above. I believe my
18 efforts helped get the result obtained in this case.

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

23 11. I understand that incentive or enhancement awards are discretionary and intended to
24 compensate named plaintiffs for: the quality and quantity of the work done on behalf of the class and
25 other employees, the financial and/or reputational risk undertaken in bringing the class and/or PAGA
26 action, and an acknowledgment of the benefits resulting from the representative's actions. I believe
27 my work in this 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 \$10,000.00 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 Defendants 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 am not related to anyone associated with Blackstone Law, APC.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 05/07/2025, at San Diego, California.

Bryan Zuniga

Bryan Zuniga