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Attorneys for Plaintiff,
EMANUEL POLO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE
(UNLIMITED JURISDICTION)

EMANUEL POLO, on behalf of himself, and
as an “aggrieved employee” on behalf of
other similarly situated “aggrieved
employees” under the Labor Code Private
Attorneys General Act of 2004,

Plaintiff,

vs.

MSH ENTERPRISES, LLC, a California
limited liability company; MARCOS
SALIM HEREDIA, an individual; and
DOES 1 to 25, inclusive,

Defendant(s).

Case No.: 30-2024-01383903-CU-OE-CXC

**DECLARATION OF EMANUEL POLO IN
SUPPORT OF PLAINTIFF’S MOTION
FOR APPROVAL OF PAGA
SETTLEMENT**

*Assigned for All Purposes to
Hon. Randall J. Sherman, Department CX105*

Action filed: 03/05/2024
Hearing Date: 07/25/2025
Hearing Time: 10:00 a.m.
Hearing Dept: CX105

Reservation Number: 74527503

DECLARATION OF EMANUEL POLO IN SUPPORT OF
PAGA SETTLEMENT AND RELEASE

I, EMANUEL POLO, declare and state as follows:

1. I am a resident of the State of California and am over 18 years of age. I am the named Plaintiff in this action and am represented by Maralle Messrelian of MM Law, APC in this action. Except as otherwise stated, I have personal knowledge of all matters set forth in this declaration and could and would competently testify thereto if called upon to do so as a witness.

2. I first started working for Defendant MSH ENTERPRISES, LLC (“MSH” or “Defendant”) in or around November 2022 as a waiter/bartender at its Carmelita’s restaurant located at 34255 Pacific Coast Hwy, Unit 109 in Dana Point, California. My employment with Defendant ended on or around December 30, 2022.

3. I understand that this lawsuit is a Private Attorney General action, otherwise known as a PAGA lawsuit. I understand that I am the Plaintiff and that MSH ENTERPRISES, LLC is the Defendant. I understand that my name is on the cover of the lawsuit. I understand that I am the representative of other MSH employees. As the representative in this lawsuit, I have duties to the State of California and other employees like me who were not paid for all hours worked at the correct rates of pay, provided all required meal and rest periods, and reimbursed for necessary business expenses, such as personal mobile phones for work purposes. I also understand that my lawsuit is on behalf of the State of California. I have fairly represented the other employees and the State throughout this lawsuit.

4. I understand that the Court will decide whether to approve the Settlement if it is in the best interests of Defendant’s other hourly employees and the State. I don’t have any disagreements with the other MSH employees I represent. I am not aware of any reason why I can’t make the best decisions for them in this lawsuit.

5. I understand that my attorneys have asked the Court to pay me \$10,000.00 as a PAGA Representative Service Payment for my contribution to this case, as well as for providing Defendant with a general release of all claims, whether known or unknown, I may have against Defendant, not only PAGA claims. This is a significant sacrifice. I believe this amount is fair

1 for the time I have spent and my involvement in this lawsuit. As part of this Settlement, I am
2 giving up my right to sue Defendant for anything. I also believe it is fair because of the risk that
3 the Court could order me to pay MSH's court costs if I lose the case. I think it is fair that the
4 Court pay me the \$10,000 award for these reasons and others I list below.

5 6. When I agreed to hire my attorneys to file this lawsuit, I also agreed that I would
6 be the representative of the other employees and the State of California. In agreeing to be their
7 representative, I agreed that the interests of the other employees and the State in the lawsuit are
8 as important as my personal interests in suing MSH. I agreed that I would do what is in the best
9 interest of the other employees and the State when deciding whether or not to settle this lawsuit.
10 I also agreed to actively participate in the lawsuit. I also understand that there will only be a
11 settlement of the lawsuit if the Court allows it. As the representative of the other employees
12 and the State of California, I have agreed to follow the progress of the lawsuit. I have done this
13 since I hired my attorneys by reading the court documents they send me and by speaking with
14 them over the phone.

15 7. The PAGA statute does not forbid service awards. Courts frequently award them
16 in PAGA-only cases as well. The work I have done on this case includes hiring my attorneys,
17 speaking with my attorneys on many occasions by phone, explaining what my employment at
18 MSH was like, explaining what my employment at MSH had in common with other employees
19 who worked for MSH, explaining my claims to my attorneys, speaking with the mediator during
20 the mediation, and communicating with my attorneys about the settlement agreement and related
21 documents. I have also carefully reviewed the Settlement agreement and other documents to
22 make sure that the Settlement and other work my attorneys performed are in the best interests
23 of the employees I represent and the State of California.

24 8. Because I filed this lawsuit, there is a public record at the Court showing my
25 name on the cover of the complaint for anyone to see. Any potential employer who finds the
26 lawsuit will know I sued a former employer. This could hurt my reputation. This could prevent
27 a potential employer from choosing to hire me. An award of \$10,000.00 is not equal to the harm
28 I would suffer if I can't find another job in the future.

I declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Signed by: 
09D36132601A415...
EMANUEL POLO,
Declarant