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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

GENARO RODRIGUEZ NORIEGA,
individually, and on behalf of all others
similarly situated,

Plaintiff,

vs.

EL TOREO, INC.; EL TOREO; CAFÉ EL
TOREO, LLC; EL TOREO CAFÉ, LLC; EL
TOREO CAFÉ PASADENA, LLC; and DOES
1 through 10, inclusive,

Defendants.

Case No.: 24STCV02094

CLASS AND REPRESENTATIVE ACTION

[Hon. David S. Cunningham III, Dept. 11]

**DECLARATION OF PLAINTIFF
GENARO RODRIGUEZ NORIEGA IN
SUPPORT OF APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

*[Filed with Plaintiff's Notice of Motion and
Memorandum of Points and Authorities, the
Declaration of Kane Moon, the Declaration
of Jodey Lawrence, and [Proposed]
Preliminary Approval Order]*

PRELIMINARY APPROVAL HEARING:

Date: June 20, 2025

Time: 10:00 a.m.

Dept.: 11

Complaint filed: January 26, 2024

FAC Filed: April 5, 2024

Trial date: Not set

1 **DECLARATION OF GENARO RODRIGUEZ NORIEGA**

2 I, GENARO RODRIGUEZ NORIEGA, declare as follows:

3 1. I am the named Plaintiff in this case. I am a former employee of the named Defendant El
4 Toreo, Inc. (“Defendant”). As such, I have personal knowledge, or am informed and believe, of the
5 following facts herein stated. If called as a witness, I could and would testify competently to the
6 following:

7 **BACKGROUND OF EMPLOYMENT**

8 2. I worked for Defendant in a non-exempt, hourly-paid position from approximately
9 January 2023 to March 2023 as a dish washer/food preparer. Throughout my employment, I typically
10 worked five days each week and in excess of eight hours each workday.

11 3. During my employment with Defendant, I realized that its wage and hour practices
12 placed employees, including me, at a disadvantage. For instance, I was not compensated for all hours
13 worked. Additionally, I regularly experienced problems taking full, timely, and uninterrupted meal
14 periods and rest breaks.

15 **COMMONALITY AND PREDOMINANCE**

16 4. I believe that Defendant’s illegal wage and hour practices that affected me also affected
17 all their non-exempt employees. For instance, the practice of not paying for all hours due to working
18 off-the-clock affected nearly all of Defendant’s non-exempt employees. Additionally, I believe that
19 other employees also experienced problems receiving reimbursement for necessary work expenses
20 as well as their full, timely, and uninterrupted meal and rest breaks.

21 5. As a result of Defendant failing to compensate for all time worked and failing to provide
22 legally compliant meal periods, and rest breaks, other employees and I were subjected to these illegal
23 wage and hour practices.

24 **TYPICALITY AND ADEQUACY**

25 6. I was employed by Defendant in a non-exempt position during the putative Class Period.
26 Accordingly, I have brought this class action case on behalf of all other employees who are also or
27 were at some point classified as non-exempt during their employment with Defendant. I believe my
28 alleged claims in this case impacted not only me but the entire putative Class.

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

4 8. I believe that I have no conflicts of interest with other putative Class Members or with
5 the proposed Administrator, and I have agreed to place Class interests above my own.

6 DUTIES AS CLASS REPRESENTATIVE

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

15 10. I have conferred with my attorneys about the Class Action and PAGA Settlement
16 Agreement and Class Notice (the “Settlement”) in this case. I am not an accountant, but I generally
17 understand the factors and risks that should be considered when evaluating a settlement. I believe the
18 Settlement is fair, adequate, and reasonable, and therefore, I would recommend the Court approve it.

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

25 12. I brought this class action in full recognition and acceptance of my responsibilities as the
26 Class Representative, and I continue to appreciate the importance of my responsibilities as the
27 litigation continues.

28 13. This case was filed about one and a half years ago, and since then, I have never asked to

1 be relieved from my role as a Class Representative. To the contrary, I have made myself available
2 whenever my attorneys wanted to discuss aspects of my employment by defendants, and I remain
3 committed to seeing this matter through to the end.

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

6 15. Summing it all up in the simplest terms, I asked to be a stand-in for other employees of
7 Defendant as the Class Representative. Because of that, I cannot quit on the Class, and I cannot put
8 myself and my interests before the Class. I accept these duties and respectfully request the Court
9 appoint me as a Class Representative.

10 SERVICE AS A CLASS REPRESENTATIVE

11 16. I believe that were it not for my stepping forward and taking on the duties of protecting
12 the interests of other Class Members in this case, it is likely that the interests of the Class would
13 neither have been prosecuted nor benefited.

14 17. I have assumed some long-lasting risk in prosecuting this case. Because it is so easy to
15 search for information online these days, I will face an increased risk that future employers will
16 discover information about this lawsuit online and have a negative reaction to learning that I sued an
17 employer. This may make it harder for me to obtain future employment or change jobs for a better
18 opportunity.

19 18. I have devoted a substantial amount of my time, both before this lawsuit was filed and
20 also during its litigation to ensure a fair result for the employee class. This involved ongoing
21 communications and participation with my counsel during the course of this case.

22 19. My participation began with bringing certain issues that are involved in this matter to
23 my attorneys' attention and explaining the factual background that was used to prosecute the claims
24 in this case.

25 20. 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
27 related facts to my attorneys to assist them in their review and analysis.

21. My efforts continued after the suit was filed. For example, I made myself available to answer questions from my attorneys during the mediation session that ultimately led to the proposed Settlement Agreement.

22. After the mediation, a long-form settlement agreement was negotiated, and I reviewed it with my attorneys as well as I was able to ensure that its terms are likewise fair and adequate.

23. In sum, I believe I have provided 25 to 30 hours of my time during the course of this litigation to ensure a good outcome for the best interests of the class.

24. I have been, and will continue to be, actively involved in assisting my attorneys to support this wage and hour action.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed this _____, at Lancaster, California.

Genaro Rodriguez Noriega