

1 **JUSTICE FOR WORKERS, P.C.**

William C. Sung SB# 280792

2 E-Mail: william@justiceforworkers.com

Tiffany L. Luu SB# 335127

3 E-Mail: tluu@justiceforworkers.com

3600 Wilshire Boulevard, Suite 1815

4 Los Angeles, CA 90010

Tel: 323-922-2000

5 Fax: 323-922-2000

6 Attorneys for Plaintiff NORMA BORQUEZ

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF YOLO**

10 NORMA BORQUEZ, an individual and on
11 behalf of all others similarly situated;

12 Plaintiff,

13 vs.

14 SMART METALS RECYCLING LLC, a
15 Limited Liability Company; and DOES 1
through 50,

16 Defendants.

Case No.: CV2024-0050

[Assigned for All Purposes to:
Hon. David Rosenberg, Dept. 14]

**DECLARATION OF NORMAL
BORQUEZ IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

(Filed concurrently with Motion for
Preliminary Approval of Class Action
Settlement; Declarations of William C. Sung,
Tiffany L. Luu, and Jodey Lawrence; and
[Proposed] Order)

DATE: November 5, 2024

TIME: 9:00 a.m.

DEPT.: 14

Action Filed: January 3, 2024

Trial Date: Not Set

1 I, Norma Borquez, hereby declare as follows:

2 1. I am an individual over the age of 18 year and the named Plaintiff in the above-
3 captioned matter. This declaration is submitted in support of approval of the proposed class action
4 settlement (“Settlement”) reached in this case. I have personal knowledge of the facts contained in
5 this declaration, and if called as a witness, could and would testify as to their accuracy.

6 2. I worked for Defendant Smart Metals Recycling LLC (“Defendant”) an hourly-paid,
7 non-exempt employee from approximately February 2022 to October 24, 2023 as a “Materials
8 Handler,” where I wiped hard drives and harvested computer parts. During my employment with
9 Defendant, I was subject to Defendant’s wage and hour policies and practices that are at issue in
10 this case.

11 3. During my employment with Defendant, I was subjected to Defendant’s Alternative
12 Workweek Schedule (“AWS”) in which I believe I was not paid any overtime for the 8th to 9th hour
13 of work and I did not receive all of my meal and rest breaks due to Defendant’s operational needs. I
14 also believe I was not pay all wages due upon my separation of employment and was not issued
15 accurate itemized wage statements. I understand that Defendant denies these allegations, and that it
16 has asserted a number of affirmative defenses to the claims asserted in this matter.

17 4. I have been actively involved in this case since I first retained Justice for Workers,
18 P.C. (“JFW”) in December 2023. Without waiving the attorney-client privilege, prior to filing this
19 lawsuit, my attorneys explained my role and responsibilities as a Class Representative, and I
20 understand my responsibilities as a Class Representative. Since retaining my attorneys, I have had
21 many discussions with the attorneys and staff at JFW, including discussions regarding Defendant’s
22 wage and hour practices and my claims in this case, potential witnesses, litigation strategy, updates
23 on how the case was proceeding, the Settlement, and how I could help the case and potential Class
24 Members. I also gathered and reviewed documents for use in the lawsuit and reviewed relevant
25 documents with my attorneys. I estimate that I have spent at least 30 hours on this case from the
26 time I first spoke with my attorneys regarding this case until the present. I also understand that as
27 part of the Settlement, I have agreed to a general release of claims against Defendant, which is
28 broader than the release of claims agreed to by other Class Members.

5. When this lawsuit was filed, I understood that this lawsuit could benefit Defendant's former and current employees by helping to recover their unpaid wages, unpaid meal and rest period premiums, and other penalties. I knew there was a risk that I could be liable for Defendant's costs if we lost the case. I accepted this risk because I wanted Defendant to pay its current and former employees for their unpaid wages and penalties. Even though I understood that filing a lawsuit is a public record, I accepted that burden in order to help former, current, and future employees of Defendant. As far as I am aware, I have no actual or potential conflicts with any of the Class Members.

6. I understand that my attorneys will request that the Court approve a service award of \$7,500 for my efforts on behalf of the Class. I believe this amount is reasonable based on the amount of time and effort I have devoted to this case, the risks I have undertaken as a Class Representative, and my general release of claims, as described above. My support for the Settlement is not contingent on my receiving this service award.

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

Executed on October 07, 2024 at Woodland, California.

Norma Borquez

Norma Borquez

Title	[PLEASE SIGN] Declaration of Norma Borquez
File name	Borquez_-_Decl_Borquez_ISO_MPA_v.2.pdf
Document ID	c24099a614ceb51e5e8e952a85574de22adcf778
Audit trail date format	MM / DD / YYYY
Status	● Signed

Document History



SENT

10 / 07 / 2024

19:30:58 UTC

Sent for signature to Norma Borquez (normaborq68@gmail.com)
from signatures@marlispark.com
IP: 172.88.82.65



VIEWED

10 / 07 / 2024

19:32:03 UTC

Viewed by Norma Borquez (normaborq68@gmail.com)
IP: 172.56.169.103



SIGNED

10 / 07 / 2024

20:55:55 UTC

Signed by Norma Borquez (normaborq68@gmail.com)
IP: 71.195.183.238



COMPLETED

10 / 07 / 2024

20:55:55 UTC

The document has been completed.