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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE
CIVIL COMPLEX CENTER**

DAVID A. GREENE, individually and as
representative of the State of California on
behalf of all aggrieved employees,

Plaintiff,

v.

KHALID M. ASIMI and HAMID M. ASIMI,
individuals doing business as Alert Security
Services in Corona, California, and DOES 1 -
20, inclusive,

Defendants.

Case No. 30-2024-01377249-CU-OE-CXC

**DECLARATION OF PLAINTIFF DAVID
A. GREENE IN SUPPORT OF HIS
RENEWED *EX PARTE* APPLICATION
FOR AN ORDER SHORTENING THE
TIME FOR HEARING ON PLAINTIFF'S
UNOPPOSED MOTION FOR AN ORDER
(1) APPROVING THE SETTLEMENT OF
PLAINTIFF'S INDIVIDUAL PAGA
CLAIMS AND DISMISSING THOSE
CLAIMS WITH PREJUDICE AND (2)
DISMISSING PLAINTIFF'S PAGA
CLAIMS ON BEHALF OF THE OTHER
AGGRIEVED EMPLOYEES WITHOUT
PREJUDICE**

I, David A. Greene, declare:

1. I have personal knowledge of the facts stated in this declaration and, if I were called
to testify in this matter, I would be competent to testify to those facts.

2. I am the plaintiff in the above-captioned case against the defendants, Khalid M.
Asimi and Hamid M. Asimi, currently pending in the Superior Court of the State of California,
County of Orange, Case No. 30-2024-01377249-CU-OE-CXC.

3. I respectfully submit this declaration in support of my renewed *Ex Parte* Application
for an Order Shortening the Time for the Hearing on Plaintiff's Unopposed Motion for an Order (1)

1 Approving the Settlement of Plaintiff's Individual PAGA Claims and Dismissing Those Claims
2 With Prejudice and (2) Dismissing Plaintiff's PAGA Claims on Behalf of the Other Aggrieved
3 Employees Without Prejudice.

4 4. When my attorney, Daniel V. Santiago, filed my initial *Ex Parte* Application for an
5 Order Shortening the Time for Hearing on Plaintiff's Unopposed Motion, I was very reluctant to
6 disclose in the initial *Ex Parte* Application papers more details of my extreme financial difficulties
7 and corresponding adverse impacts on my wife and me due to, among other factors: (a) my
8 profound embarrassment that I find myself in this extremely difficult financial situation; and (b) my
9 understanding that those papers are publicly available filings in the Orange County Superior Court.
10 However, I am willing to make such disclosures in this declaration given the Court's denial of my
11 initial *Ex Parte* Application.

12 5. I am informed that the Court denied my initial *Ex Parte* Application on the basis (as
13 stated in its June 7, 2024 Minute Order) that I did not provide an affirmative factual showing in a
14 declaration containing competent testimony based on personal knowledge of irreparable harm or
15 immediate danger that would result from Plaintiff's Unopposed Motion not being heard until
16 October 3, 2024 (the date on which it was originally and is currently noticed).

17 6. I respectfully submit that I would suffer irreparable harm and/or immediate danger if
18 Plaintiff's Unopposed Motion were not heard until October 3, 2024 and, assuming the relief
19 requested therein was granted, I were required to wait until 7 days thereafter to be paid my share of
20 the settlement funds in this case per the terms of the parties' Settlement Agreement. Due to the
21 extreme financial hardships described more fully herein, I am quite literally desperate to receive my
22 share of the settlement funds in this case to support my wife and me.

23 7. The parties to this case have executed a Confidential Settlement Agreement and
24 Mutual Release of All Claims ("Settlement Agreement") reflecting the settlements of my individual
25 PAGA claims against the Defendants for \$2,000 and my non-PAGA claims against the Defendants
26 for \$23,000, for a Gross Settlement Amount of \$25,000.

27 8. Under the terms of the parties' Settlement Agreement, I anticipate receiving
28 settlement funds in the total amount of \$11,250 within 7 days of the Court's granting the relief

1 requested in Plaintiff's Unopposed Motion. That sum consists of the following: (a) \$500 to be paid
2 to me in connection with the settlement of my individual PAGA claims against the Defendants; (b)
3 a payroll check in the amount of \$3,000, less withholdings and deductions, for the settlement of my
4 individual unpaid wage claim; and (c) a settlement payment of \$7,750 for the settlement of my
5 individual non-PAGA claims other than my individual unpaid wage claim.

6 9. I am 56 years old and have been married for 24 years.

7 10. Since the inception of the Covid pandemic in March 2020, my wife and I have been
8 living paycheck-to-paycheck, struggling to make ends meet, continuously draining our modest
9 savings, and periodically borrowing from family members (which we can't rely on doing for too
10 much longer).

11 11. For the last two years (approximately), I have been the sole provider for my wife and
12 me. During that timeframe, my wife has been unable to work due to serious feminine/urological
13 health difficulties that she has been – and continues to be – undergoing.

14 12. As alleged in my Complaint in this case, on January 26, 2024, I notified Defendant
15 Khalid M. Asimi via WhatsApp message of my resignation, effective immediately, in order for me
16 to find new employment that provided more consistent hours and overtime pay when earned (both
17 of which would help me support my family).

18 13. Subsequent to the termination of my employment by the Defendants in early 2024, I
19 have been unable to find substantive, full-time employment (despite my ongoing efforts to find such
20 employment). My current part-time employment consists of earning \$17 per hour and working 18
21 hours per week as a gate attendant / courtesy officer at the Seabrook Apartment Community in
22 Dana Point, California. Such part-time employment is not sufficient to pay all of my wife's and my
23 monthly living expenses, let alone additional expenses of the kind described below.

24 14. The financial hardships that my wife and I are enduring are evidenced, in part, by
25 several Southern California Edison bills in the total amount of \$700+ that are currently overdue.
26 Given the Covid pandemic, Southern California Edison offered a program under which the deadline
27 for paying those bills was deferred. Unfortunately, that program has ended, and those bills are now
28

1 overdue. We are unable to pay those bills without being paid my share of the settlement funds
2 beforehand.

3 15. The financial hardships that my wife and I are enduring are exacerbated by the
4 expenses relating to the fumigation of our home in early July 2024. For the last 8+ years, my wife
5 and I have rented a condominium within the St. Tropez Community in Aliso Viejo, California, and
6 we have lived there as our sole residence. Next month, from July 7 through 11, 2024, my wife and I
7 have to empty out approximately 90% of our home due to upcoming tenting-termite fumigation of
8 our condominium building by T&P Solutions in Ontario, California. I estimate that the expenses
9 associated with finding temporary housing for my wife and me (e.g., a hotel), temporary housing for
10 my pets (e.g., a boarding facility), temporary storage of our household items (e.g., renting a truck
11 and securing a storage facility), and other miscellaneous expenses relating to the fumigation of our
12 home exceed \$3,500. Those expenses are beyond overwhelming for us.

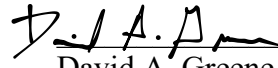
13 16. The financial hardships that my wife and I are enduring are evidenced, in part, by our
14 inability to travel to Michigan in August to attend the wedding of my wife's niece without being
15 paid my share of the settlement funds beforehand.

16 17. The financial hardships that my wife and I are enduring are evidenced, in part, by our
17 difficulty paying for basic motor vehicle maintenance-related expenses. More specifically, we've
18 elected not to do basic maintenance for our 2013 motor vehicle (we share one motor vehicle)
19 recommended by a mechanic in Laguna Niguel because, at this time, we simply cannot afford the
20 estimated costs of such maintenance of \$1,200.

21 18. The anxiety and stress associated with the financial hardships that my wife and I are
22 enduring are truly overwhelming to us.

23 19. I respectfully submit that the extreme financial hardships that my wife and I are
24 enduring would be exacerbated if I were required to wait until October 3, 2024 for the Court to hear
25 Plaintiff's Unopposed Motion and, assuming the Court grants the relief requested therein, to be paid
26 my share of the settlement funds in this case (\$11,250) within 7 days thereafter per the terms of the
27 parties' Settlement Agreement.

1 I declare under penalty of perjury under the laws of California that the foregoing is true and
2 correct, and that this declaration was executed on June 9, 2024.

3 
4 David A. Greene