

1 ZACHARY M. CROSNER, ESQ. (SBN 272295)
zach@crosnerlegal.com
2 BRANDON BROUILLETTE, ESQ. (SBN 273156)
bbrouillette@crosnerlegal.com
3 CROSNER LEGAL, P.C.
4 9440 Santa Monica Blvd., Suite 301
Beverly Hills, CA 90210
5 Tel. (310) 496-5818
6 Fac. (818) 700-9973

7 Attorneys for Plaintiff ARTHUR QUESADA

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ALAMEDA**
10

11
12 ARTHUR QUESADA, as an individual and
on behalf of all others similarly situated,

13
14 Plaintiff,

15 v.

16 XPDEL, INC., a California Corporation
17 and DOES 1-100, inclusive, ADVATIX,
18 INC., a Delaware Corporation, and DOES
1-100, inclusive,

19 Defendants.
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Case No.: 23CV031688

Assigned for All Purposes to:
Hon. Michael Markman
Dept. 23

DECLARATION OF ARTHUR QUESADA

[Filed concurrently with Notice of Motion and
Motion; Memorandum of Points and Authorities;
Declarations of Brandon K. Brouillette, Arthur
Quesada, and Jodey Lawrence; [Proposed] Order

Date: January 14, 2025
Time: 10:00 a.m.
Dept. 23

Reservation No.: 143290025208

1 I, ARTHUR QUESADA, declare as follows:

2 1. I am an adult over the age of eighteen (18) years old. I am a plaintiff in the above-
3 captioned lawsuit. I have personal knowledge of the facts set forth in this declaration. I make this
4 declaration in support of Plaintiff's Motion for Final Approval of Class Action Settlement.

5 2. I worked for XPDEL as an hourly paid delivery associate from about May to
6 November 2021. While I worked there I don't think I was paid for all hours that I worked because
7 many times I had to work during my lunch break even though I was technically clocked out, and I
8 was never paid for that extra time. I also don't think I received all of the meal and rest breaks I
9 was entitled to since I sometimes had to work during lunch break, and also breaks would start
10 late, last less than 30 minutes for lunch or 10 minutes for a break, or be interrupted by work. I
11 also had to use my own phone for company business and I never received any reimbursement.

12 3. I decided to file this lawsuit because I did not feel that I was treated fairly as an
13 employee of Defendant, especially with regard to me not receiving all of the pay I believe I
14 earned, for not getting all of my lunches and other breaks, and not getting anything for using my
15 own phone.

16 4. It is my understanding this lawsuit could not have been prosecuted or settled on
17 behalf of the Class unless I or some other current or former employee decided to serve as a named
18 plaintiff and proposed class representative. In deciding to serve as a named plaintiff and proposed
19 class representative in this case, I understood that my name could be publicly attached to this
20 lawsuit and that my work experiences to some extent would be set forth in a public court file. I
21 recognized I would need to devote a certain amount of time that I could have spent otherwise. I
22 also recognized my bringing the lawsuit carried some degree of risk for defendants' legal costs
23 among other things. Despite this, I decided to serve as the named plaintiff and proposed class
24 representative, without any promise of recovery or compensation.

25 5. I am familiar with the work involved in prosecuting this case. I have participated
26 in meetings, phone calls, and other communications with my lawyers regarding this case. I am
27 familiar with the allegations and defenses of the claims in this case. I am familiar with the major
28 events in this case, including the investigation performed by my lawyers, the mediation with

1 Defendant that resulted in this settlement, and the preparation of settlement papers and the need to
2 obtain court approval of the proposed settlement. I participated in the litigation and provided my
3 lawyers with information and documents regarding my employment with Defendant.

4 6. I believe that the proposed class-wide settlement obtained on behalf of the Class
5 and other aggrieved employees is excellent in view of the issues and risks involved with the case.

6 7. I believe I have fulfilled my duties as a proposed class representative, which
7 required a significant amount of time and effort during the course of this case. These efforts
8 required dedicating numerous hours to lawsuit activities including, but not limited to: (a)
9 communicating with my attorneys to stay informed of ongoing developments in the case and to
10 discuss the proposed settlement ultimately negotiated; (b) searching for and providing documents
11 and other materials relating to my work experience; (c) responding to requests for information
12 relating to my work experience; and (d) reviewing filings and key documents including drafts of
13 the complaint and the settlement agreement. These tasks required my dedication of at least 20
14 hours of my time, which time I honestly could have spent on family, personal time, or work. My
15 understanding is that future tasks may require several more hours of my time. Further, at all times
16 I was ready, willing and able to testify at deposition and/or trial. I believe I have been diligent and
17 that I have acted above and beyond that of which is expected of a named plaintiff and proposed
18 class representative to date and will continue to do so. To the best of my knowledge I have not
19 conflicts of interest of any kind with any other class member.

20 8. It is my opinion that \$10,000.00 is a fair and adequate award for my service as the
21 named plaintiff and proposed Class Representative, and in consideration for my general release of
22 all claims against Defendant. I believe that amount is fair and reasonable in view of the work I
23 have and will continue to perform on behalf of the Class. I believe that my role as the class
24 representative in this lawsuit has resulted in a valuable benefit to the Class Members, and I
25 accepted the potential risk of being liable for the opposing parties' costs if we were unsuccessful
26 in this lawsuit. I believed in this case, so I was willing to be the named plaintiff and proposed
27 class representative to risk this and pursue this class action litigation. I also accepted the risk that
28 news of this lawsuit could also potentially impact my ability to secure other work.

9. Based on the time, service, risk, stress, potential stigma, loss of benefits and excellent outcome of this case, I believe the enhancement for me is fair and reasonable.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct. Executed on 12 / 18 / 2024, at Milpitas, California.

Arthur Quesada

Arthur Quesada