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SUPERIOR COURT SAN JOAQUIN
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GLORIA HAMILTON
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DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN JOAQUIN

MARCELO MARTINEZ, individually, on behalf of all others similarly situated, and on behalf of the State of California and other aggrieved persons,

Plaintiff,

v.

WILMAR OILS & FATS (STOCKTON), LLC, a limited liability company; INSPERITY PEO SERVICES, L.P., a limited partnership; and DOES 1 through 10, inclusive

Defendants.

Case No.: STK-CV-UOE-2024-0000945

[Assigned for All Purposes to the Honorable George J. Abdallah, Jr., Dept. 10A]

DECLARATION OF MARCELO MARTINEZ IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT

Complaint filed:	January 25, 2024
FAC filed:	December 4, 2024
Trial date:	Not set

FAX BY

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DECLARATION OF MARCELO MARTINEZ

I, Marcelo Martinez, hereby declare as follows:

1. I have personal knowledge of the facts set forth herein and if called upon to testify, I could and would do so competently under oath. I make this declaration in support of my Motion for Preliminary Approval of Class Action and PAGA Settlement.

2. I worked for Defendants Wilmar Oil & Fats (Stockton), LLC. and Insperity PEO Services, L.P. (collectively, the "Defendants") as an hourly-paid, non-exempt employee from approximately April 2023 to September 2023.

3. Based on my experience and knowledge of Defendants' wage and hour policies and my familiarity with its employment practices, I worked with my attorneys to bring claims on my own behalf as well as on behalf of other hourly-paid, non-exempt employees of Defendants.

4. I am seeking to become a class representative in this case. I believe my experiences are similar to other hourly-paid, non-exempt employees of Defendants. I believe we were all subject to the same employment policies and practices.

5. I do not have any conflicts with other hourly-paid, non-exempt employees that would interfere with my ability to represent them. I believe I will adequately represent the other hourly-paid, non-exempt employees.

6. My interests as a named plaintiff in this case are not adverse to the interests of the other hourly-paid, non-exempt employees. I believe my interests are the same as the other employees because we were all subject to the same policies and practices and were similarly injured by Defendants' company-wide policies and practices. I am seeking the same recovery on behalf of myself and the other employees, which is to collect unpaid wages, penalties, and interest that are owed to us by Defendants.

Risks, Both Financial and Otherwise, Faced in Bringing the Suit

7. Further, when I decided to become involved in this lawsuit as a class representative on behalf of other employees of Defendants and as a private attorney general for the State of California, I understood that I was not only seeking unpaid wages and penalties on behalf of myself, but also for other employees who worked for Defendants, and that by doing so, I would be delaying

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more immediate recovery available to me through the Labor Commissioner's office.

8. I was also made aware that being a class representative and private attorney general in an action filed on behalf of others would subject me to a stigma that is sometimes associated with those who bring these kinds of lawsuits. I was aware that, as a class representative and private attorney general, I might be responsible for some or all of Defendants' legal costs if the case was not successfully concluded. Even with knowledge of these risks, I was willing to go forward and to act on behalf of the other employees and the State of California, but I was nervous about losing and having a judgment filed against me for costs or losing job opportunities in the future.

9. I understood that there were risks involved in class and representative action lawsuits. I understood that the lawsuit could continue for several years and require my services and attention throughout the entire length of the lawsuit. I learned that even if we won at trial, the case could be further delayed by appeals.

Notoriety and Personal Difficulties Encountered

10. As the named plaintiff, I am the face of the litigation. As of the date of this declaration, the class notice will be mailed in this case to approximately 65 current and former employees of Defendants, which will inform them that I filed class and representative actions against Defendants. Exposing myself to this kind of publicity creates a risk for my future career prospects, since current and former employees of Defendants may move to different companies within the industry or may know people at other companies within the industry who may not wish to hire someone who sued his employer. I also understand that having filed this lawsuit in court means that there is now a permanent public record of this lawsuit available to the general public. Given this additional exposure, there is further risk to my future career prospects.

Amount of Time and Effort Spent and Duration of the Litigation

11. I have always kept the best interests of the other hourly-paid, non-exempt employees in mind while performing my duties as the named plaintiff in this case. I have been committed throughout the course of this case to vigorously prosecuting this case on behalf of myself and the other employees. I believe that I have demonstrated my ability to advocate for the interests of the other hourly-paid non-exempt employees by initiating these lawsuits and have spent a substantial

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amount of time and effort on this litigation. My work on this case has specifically included, among other things, searching for and gathering my employment documents to provide to my attorneys, providing information to my attorneys regarding my experiences working for Defendants, keeping in regular contact with my attorneys regarding the status of the case, helping my attorneys prepare for mediation, being on-call for my attorneys on the date of mediation in case questions or concerns arose during mediation, and participating in settlement discussions. After mediation, I remained actively involved by reviewing the settlement papers and contacting my counsel for updates. I estimate that since I retained my counsel in September 2023, I have spent approximately 45 hours on the activities described above. And I estimate that I will spend an additional 1-3 hours assisting my attorneys through the approval process and staying up to date with the case through disbursement of the settlement checks.

Personal Benefit Received as a Result of the Litigation

12. Absent the requested service payment, the personal benefit I will receive is the same as all other employees. But unlike the other employees, who are only releasing the wage and hour claims asserted in the lawsuit, I have signed a general release of claims as to Defendants.

13. I will continue to actively participate in this lawsuit as necessary and will continue to make myself available to assist in this case moving forward as needed.

No Conflicts

14. I do not have any actual or potential conflicts of interest with Class Members or the proposed Settlement Administrator, Apex Class Action.

15. I am not aware of any other pending matter or action asserting claims that will be extinguished or adversely affected by this Settlement.

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

Executed on 9/22/2026, at French Camp, California.

DocuSigned by:

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Marcelo Martinez