

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)

shani@zakaylaw.com

Jackland K. Hom (State Bar #327243)

jackland@zakaylaw.com

Rachel Newman (State Bar #350826)

rachel@zakaylaw.com

Jennifer Gerstenzang (State Bar #279810)

jenny@zakaylaw.com

Jaclyn Joyce (State Bar #285124)

jaclyn@zakaylaw.com

5440 Morehouse Drive, Suite 3600

San Diego, CA 92121

Telephone: (619) 255-9047

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)

jlapuyade@jcl-lawfirm.com

5440 Morehouse Drive, Suite 3600

San Diego, CA 92121

Telephone: (619) 599-8292

Attorneys for Plaintiff BRANDYN SCOTTO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ORANGE

BRANDYN SCOTTO and ANGEL
RODRIGUEZ, individually, and on behalf of
other members of the general public similarly
situated;

Plaintiff,

vs.

COVI CONCRETE CONSTRUCTION, INC.,
a California corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No: 30-2023-01351136-CU-OE-CXC

**DECLARATION OF BRANDYN SCOTTO
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Dept.: CX102

Judge: Layne H. Melzer

Date: September 11, 2025

Time: 2:00 p.m.

Reservation No. 74583065

1 I, BRANDYN SCOTTO, declare as follows:

2 1. I am over the age of eighteen, and the Plaintiff and Proposed Class Representative
3 in the above-entitled matter. I submit this declaration in support of Plaintiff's Motion for
4 Preliminary Approval of Class Action Settlement and in support of my application for the requested
5 Service Payment. I have personal knowledge of all the facts stated herein. I could and would
6 competently testify under oath to these facts in court if requested to do so.

7 2. On September 26, 2023, I filed a class action lawsuit in the Orange County Superior
8 Court. My case was filed on behalf of myself all employees who are or previously were employed
9 by Defendant Covi Concrete Construction, Inc. ("Defendant") in California and who were classified
10 as non-exempt employees during the Class Period. The Class Period means the period between
11 September 26, 2019, to November 20, 2024. I worked for Defendant between August 2020 and
12 June 2021, and again between October 2021 and March 2022 in California.

13 3. I believe that I am, have been and will continue to represent the interests of the class
14 I am seeking to represent fairly and adequately. Further, I believe that I have claims that are typical
15 of the claims of the Class Members that I am seeking to represent. Specifically, like the Class I
16 am seeking to represent, I was employed by Defendants as a non-exempt employee during the
17 Class Period. Consequently, I am a member of the Class that I am seeking to represent.

18 4. Additionally, my claims are typical of the claims of the Class Members that I am
19 seeking to represent because I was subject to the same alleged unlawful employment policies and
20 practices at issue in this action, including but not limited to, Defendants' failure to pay for all hours
21 worked, failure to provide compliant meal and rest periods, failure to provide accurate itemized
22 wage statements, failure to reimburse mandatory business expenses, and failure to pay all wages
23 due at the time of their separation. Factually, Defendants' policies and practices apply class wide,
24 and Defendants' liability can be determined by facts common to all Class Members.

25 5. Further, there is no conflict between my interests and the interests of the class that I
26 am seeking to represent. My interests are entirely coextensive with the interests of the Class
27 Members. I was injured by the same company-wide practices to which the proposed Class was
28 subject and I seek the same relief. I have already demonstrated my ability to advocate for the

1 interests of the Class Members by initiating this litigation, providing documents to Class Counsel,
2 participating in the investigation and negotiations in the Action, and evaluating the proposed
3 settlement to assure that it is fair.

4 6. I understood at the time that I filed this action, that as a Class Representative, I owed
5 a duty to the putative Class Members to faithfully prosecute this action with their best interests at
6 the forefront of every decision. I understood that I could not make any decision in this action for
7 the sole benefit of my personal interest. I understood that in executing this duty, I might have been
8 asked to sacrifice my personal best interests for the benefit of the interests of the putative class
9 members. Nevertheless, I knowingly and voluntarily undertook this duty to provide the broadest
10 possible relief for my former co-workers for what I perceived to be Defendant's unlawful wage
11 and hour practices. I believe that I faithfully executed the duties of a Class Representative
12 throughout this litigation and will continue to do so until this litigation is fully and finally resolved.

13 7. I believe that the proposed settlement before the Court is fair, reasonable, and
14 adequate, and made in the best interest of the Class Members. Consequently, I respectfully, and
15 humbly, ask the Court to grant preliminary approval of the Settlement and all of its terms.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct. Executed on 05/22/2025 at Orange.

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19
20 By: 
Brandyn Scotto (May 22, 2025 11:51 PM)
21 BRANDYN SCOTTO
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