

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

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF RIVERSIDE**

10 JORGE NIETO, an individual and on behalf of
11 all others similarly situated;

12 Plaintiff,

13 vs.

14 PICK-YOUR-PART AUTO WRECKING, a
15 California corporation; and DOES 1 through
16 50,

17 Defendants.

Case No.: CVRI2402255

[Assigned for All Purposes to:
Hon. Harold W. Hopp, Dept. 1]

**DECLARATION OF JORGE NIETO IN
SUPPORT OF MOTION FOR
APPROVAL OF PAGA SETTLEMENT**

(Filed concurrently with Motion for Approval
of PAGA Settlement; Supporting
Declarations; and [Proposed] Order)

DATE: May 29, 2025

TIME: 8:30 a.m.

DEPT: 1

Action Filed: October 17, 2023

Trial Date: None Set

1 I, Jose Nieto, 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 was employed by Defendant Pick-Your-Part Auto Wrecking ("Defendant") as a
7 non-exempt employee from approximately July 2021 to August 2023 as fluid technician at its
8 Riverside and Sun Valley locations. During my employment with Defendant, I was subject to
9 Defendant's wage and hour policies and practices that are at issue in this case.

10 3. During my employment with Defendant, I was subjected to Defendant's policies,
11 procedures, and practices at issue in this case. I earned incentive compensation which was not
12 factored into my overtime and paid sick leave rate of pay, resulting in underpaid wages. At the yard
13 that I worked, there were two computers that scores of employees use to clock in and out. The
14 computers sometimes acted up (1 to 2 times a week), resulting in a 5- to 10-minute wait to clock in
15 and out. As a result, I experienced off-the-clock work without pay, including overtime wages,
16 waiting in line to clock in and out. Similarly, there was sometimes a 5- to 10-minute wait to clock
17 out for lunch breaks, and as a result I was unable to take full, off-duty meal breaks. Occasionally,
18 my rest breaks were interrupted by my supervisors. I was never paid any meal or rest period
19 premiums for these break issues. One time, I had to ask for a replacement uniform because it was
20 soaked with gasoline and I believe Defendant took the cost of the replacement uniform out of my
21 paycheck. As a result of these issues, I believe I was not paid all wages upon termination of
22 employment and I did not receive accurate wage statements.

23 4. I have been actively involved in this case since I first retained Justice for Workers,
24 P.C. ("JFW") in April 2024. Without waiving the attorney-client privilege, prior to filing this
25 lawsuit, my attorneys explained my role and responsibilities as a PAGA representative, and I
26 understand my responsibilities as a PAGA representative. Since retaining my attorneys, I have had
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1 many discussions with the attorneys and staff at JFW, including three in-person meetings at my
2 attorney's office, discussions regarding Defendant's wage and hour practices and my claims in this
3 case, potential witnesses, litigation strategy, updates on how the case was proceeding, the
4 Settlement, and how I could help the case and other employees of Defendant. I also gathered and
5 reviewed documents for use in the lawsuit and reviewed relevant documents with my attorneys. I
6 estimate that I have spent at least 30 hours on this case from the time I first spoke with my attorneys
7 regarding this case until the present. I also understand that as part of the Settlement, I have agreed to
8 a general release of claims against Defendant, which is broader than the release of claims agreed to
9 by other aggrieved employees.

10 5. Furthermore, there is no conflict between my interests and the interests of the
11 aggrieved employees that I am seeking to represent. My interests are entirely coextensive with the
12 interests of the aggrieved employees. I allege that I was injured by the same company-wide policies
13 and practices to which the aggrieved employees was subjected and seek the same relief. I have
14 already demonstrated my ability to advocate for the interests of the aggrieved employees by
15 initiating this litigation, undertaking extensive class discovery, and evaluating the proposed
16 settlement to assure that it is fair.

17 6. I understood that at the time I filed this action, as a PAGA representative, I owed a
18 duty to the aggrieved employees to faithfully prosecute this action with their best interests at the
19 forefront of every decision. I understood that I could not make any decision in this action for the
20 sole benefit of my personal interest. I understood that in executing this duty, I might have been
21 asked to sacrifice my personal best interests for the benefit of the interests of the putative class
22 members. Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the
23 broadest possible relief for my former co-workers for what I perceived to be Defendant's unlawful
24 wage and hour practices. I believe that I faithfully executed the duties of a PAGA representative
25 throughout this litigation and will continue to do until this litigation is fully and finally resolved.

26 7. I have not informed any of my coworkers, whether formally or informally, orally or
27 in writing, individual or as a group, of the preparation, filing or pendency of this action.

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

3 Executed on March 10, 2025 at Los Angeles, California.

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