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7 Attorneys for Plaintiff,

8 ARLENE APODACA, and all others similarly situated

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF RIVERSIDE**

11 **(UNLIMITED JURISDICTION)**

12
13 ARLENE APODACA, on behalf of herself and
14 all others similarly situated, and the general
15 public, and as an “Aggrieved Employee” on
16 behalf of other “Aggrieved Employees” and the
State of California under the Private Attorneys
General Act of 2004,

17 *Plaintiff,*

18 vs.

19 R AND T OIL INCORPORATED, a California
20 corporation; RAFI BARTANIYAN, an
21 individual; THOMAS VARTANIAN, an
22 individual; and DOES 1–50, inclusive,
Defendants.

Case No. CVRI2402196

**DECLARATION OF ARLENE
APODACA IN SUPPORT OF
PLAINTIFF ARLENE APODACA’S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**



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1 **DECLARATION OF ARLENE APODACA IN SUPPORT OF PLAINTIFF ARLENE**
2 **APODACA’S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION**
3 **SETTLEMENT**

4 I, ARLENE APODACA, declare and state as follows:

5 1. I am a resident of the City of Riverside, in the State of CA and am over 18 years
6 of age. I am the plaintiff in this action and am represented by David Spivak of The Spivak Law
7 Firm in this action. Except as otherwise stated, I have personal knowledge of all matters set forth
8 in this declaration and could and would competently testify thereto if called upon to do so as a
9 witness.

10 2. Defendants R And T Oil Incorporated, Rafi Bartaniyan, and Thomas Vartanian
11 (collectively “Defendants”) employed me as a Cashier from about October 14, 2023 until
12 December 10, 2023

13 3. I understand that, as Class Representative, I have certain duties and responsibilities
14 to the Class Members and believe that I have fairly represented the interests of all Class Members
15 during the entire course of this case.

16 4. My counsel provided me with information regarding class actions, how they work,
17 and what my duties would be as the Class Representative. I agreed to serve as a Class
18 Representative so that I could seek to recover wages and penalties on behalf of myself and other
19 employees like me.

20 5. I understand that the Settlement in this case is subject to this Court’s approval to
21 ensure that it is in the best interest of the Class as a whole. I have no conflicts with the Class.

22 6. I understand that my attorneys are submitting an application to this Court for a
23 Class Representative Service Payment to compensate me for my unique contributions to the
24 success of this action as the Class Representative in the amount of \$10,000.00. I believe this
25 amount is fair and reasonable compensation for my efforts in this case and the risks I have taken
26 in pursuing a fair recovery for the Class Members.

27 7. I have provided Defendants with a general release of any and all claims, known or
28 unknown, I may have against Defendants. By agreeing to settle the case in the best interest of the
Class Members, I have given up the right to pursue my individual claims for unpaid wages and



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1 penalties and to recover substantially more for unpaid wages, interest, waiting time penalties, and
2 pay stub penalties. I did not seek an individual settlement for my claims at all, instead choosing
3 to prosecute this matter on behalf of my coworkers. By pursuing the claims of all Class Members,
4 I have also rendered my own individual payment uncertain and delayed its payment by several
5 months (at the least).

6 8. As Class Representative, I assumed a fiduciary role to the Class. I agreed to (1)
7 consider the interests of the Class just as I would consider my own interests and, in some cases,
8 to put the interests of the Class before my own interests; (2) actively participate in the lawsuit, as
9 necessary, by among other things, producing documents to Defendants and giving depositions
10 and trial testimony *if requested*; (3) travel to give such testimony *if requested*; (4) recognize and
11 accept that any resolution of the lawsuit by dismissal or settlement, is subject to court approval,
12 and must be designed in the best interest of the Class as a whole; (5) follow the progress of the
13 lawsuit and provide all relevant facts to my attorneys; (6) champion many other people with
14 similar claims and injuries because of the importance of the case and the necessity that all Class
15 Members benefit from the lawsuit; and (7) fight for a resolution in which the individual recoveries
16 to each Class Member, including me, maybe relatively small. I agreed to shoulder all of these
17 responsibilities in exchange for a proportionate share of funds made available for distribution to
18 the Class Members. I had no guarantee of a Class Representative Service Payment . I have spent
19 several hours of my time in connection with this case to date, and should the court grant
20 preliminary approval of the Settlement, I will provide the Court with an activity log showing the
21 estimates of time I spent on various work performed in this case with my declaration in support
22 of the motion for final approval of the Settlement. The activities I have performed have included,
23 but have not been limited to: obtaining legal counsel, speaking with my legal counsel on numerous
24 occasions, over the phone, informing them of the terms and conditions of my coworkers'
25 employment, assisting them in gathering information, identifying the claims brought in this case,
26 gathering contact information for my former coworkers, gathering documents from my
27 employment with Defendants, and being actively involved in the settlement process to ensure a
28 fair result for the Class as a whole. I also participated in the mediation and spent time carefully



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1 reviewing the Settlement, and other case related documents on my own and with my counsel to
2 make sure that the Settlement and other work my attorneys performed are in the best interest of
3 the Class Members.

4 9. Further, my counsel has advised me of the possibility that, if the case was lost, I
5 could have been ordered to pay Defendants' costs and even attorneys' fees in this case, which
6 could have been thousands of dollars by the end.

7 10. Because I filed this lawsuit, there is a public record at the Court showing that I
8 brought a class action for unpaid wages against my former employer. The Class Representative
9 Service Payment to me of \$10,000.00 is not equal to the harm to my future career prospects that
10 this case may cause me.

11 11. Based on the time, risk, stigma, loss of benefits and income and great outcome of
12 this case, I believe that the requested Class Representative Service Payment for me is fair and
13 reasonable. As such, I respectfully request that the Court award the requested Class
14 Representative Service Payment of \$10,000.00.

15 I declare under penalty of perjury of the laws of the State of California that the foregoing
16 is true and correct to the best of my knowledge.

17 Executed on 09 / 14 / 2026 in Riverside, CA.

18
19 

20 ARLENE APODACA,
21 Declarant



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