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7 Attorneys for Plaintiffs, and all others similarly situated

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF SAN DIEGO**

10 **(UNLIMITED JURISDICTION)**

11 JONATHAN GUTIERREZ, JOSE RIVERA,
12 OSCAR RAMIREZ, and GUSTAVO
13 GUTIERREZ, on behalf of themselves and all
14 others similarly situated, and the general public,
15 and as “Aggrieved Employees” on behalf of other
16 “Aggrieved Employees” and the State of
17 California under the Labor Code Private
Attorneys General Act of 2004 under the Private

18 *Plaintiff(s),*

19 vs.

20 S & L OIL, INC., a California corporation;
21 GRANT ROAD GAS & AUTO CARE, LLC, a
22 California limited liability company; GREAT
23 AMERICA GAS & AUTO CARE, LLC, a
24 limited liability company; VIPAN K. GUPTA, an
individual; RAVI GUPTA, an individual; and
DOES 1-50, inclusive,

25 *Defendant(s).*

Case No. 37-2024-00018132-CU-OE-CTL

**DECLARATION OF JOSE RIVERA IN
SUPPORT OF PLAINTIFFS’ MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**



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1 **DECLARATION OF JOSE RIVERA IN SUPPORT OF PLAINTIFFS' MOTION FOR**
2 **PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

3 I, JOSE RIVERA, and state as follows:

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

9 2. I understand that, as a Class Representative, I have certain duties and
10 responsibilities to the Class Members and believe that I have fairly represented the interests of all
11 Class Members during the entire course of this case.

12 3. My counsel provided me with information regarding class actions, how they work,
13 and what my duties would be as a Class Representative. I agreed to serve as a Class Representative
14 so that I could seek to recover wages and penalties on behalf of myself and other employees like
15 me.

16 4. I understand that the Settlement in this case is subject to this Court's approval to
17 ensure that it is in the best interest of the Class as a whole. I have no conflicts with the Class.

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

23 6. I have provided Defendants with a general release of any and all claims, known or
24 unknown, I may have against Defendants. By agreeing to settle the case in the best interest of the
25 Class Members, I have given up the right to pursue my individual claims for unpaid wages and
26 penalties and to recover substantially more for unpaid wages, interest, waiting time penalties, and
27 pay stub penalties. I did not seek an individual settlement for my claims at all, instead choosing
28 to prosecute this matter on behalf of my coworkers. By pursuing the claims of all Class Members,



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1 I have also rendered my own individual payment uncertain and delayed its payment by several
2 months (at the least).

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



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

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

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

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

14 Executed on 06 / 02 / 2026 in National City, CA.

15
16 
17 _____
18 JOSE RIVERA,
19 Declarant
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