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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

D'MAGGIO ANGELENO DAVIS-MORALES,
individually, and on behalf of all others
similarly situated,

Plaintiff,

v.

CALL GROCERY, INC., a California
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No.: 37-2021-00046012-CU-OE-CTL
Assigned to Hon. Blaine K. Bowman, Dept.
C-74

Complaint filed: October 28, 2021
FAC filed: November 27, 2024
Trial date: Not Set

CLASS & PAGA ACTION

**DECLARATION OF PLAINTIFF
D'MAGGIO ANGELENO DAVIS-
MORALES IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF THE
CLASS ACTION AND PAGA
SETTLEMENT**

DECLARATION OF PLAINTIFF D'MAGGIO ANGELENO DAVIS-MORALES

I, D'Maggio Angeleno Davis-Morales, declare as follows:

1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. All of the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief, and I believe those to be true.

2. I make this declaration entirely of my own free will and choice. I have not been promised any benefit for doing so, and I have not been pressured into giving this declaration. Before signing this declaration, I was given the opportunity to review it, make changes, and verify the accuracy of its contents.

3. I am a former employee of Call Grocery, Inc. ("Defendant"). I worked for Defendant from approximately June 2018 to approximately October 2018 as an hourly employee. Throughout the entirety of my employment, I was subject to all of Defendant's policies and practices that have been alleged as unlawful in the Class Action Complaint and Labor Code Private Attorneys General Act of 2004 ("PAGA") Notice sent to Defendant and the Labor and Workforce Development Agency ("LWDA").

4. I initiated this lawsuit because I was concerned that Defendant owed me money due to failing to properly pay me for all the hours that I worked, and I was not provided all of my meal and rest breaks.

5. By acting as a class representative, I hoped that I might be able to change Defendant's policies to better protect the working conditions of my co-workers. I also understood that it was my duty as a class representative to represent the best interests of the class, know about the lawsuit, assist my attorneys, and keep updated on the case.

6. I have invested a lot of personal time and energy into this lawsuit. As detailed more fully below, I have spent approximately 50 hours on this case. I made it a priority to be actively involved because I wanted to do everything I could to assist my attorneys in prosecuting this case.

7. Throughout this case, I spent a lot of time on the phone with my attorneys to get updates about the case and provide them with information. For example, during some of the phone

1 calls, my attorneys and I were able to identify instances when I was not paid correctly.
2 Additionally, leading up to the mediation on May 15, 2023, I had multiple lengthy phone calls with
3 Wilshire Law Firm, PLC regarding the claims at issue and what was to transpire at the mediation.

4 8. Throughout the case, I also spent time looking for documents relevant to the case to
5 send to my attorneys. I spent numerous hours looking for these documents, including when I first
6 contacted my attorneys, before my attorneys filed the case, and before my case was mediated. I
7 also spent time reviewing legal documents in this case, including the retainer and settlement
8 agreement, and discussed in detail the settlement terms with my attorneys.

9 9. Additionally, I made myself fully available on the day of mediation and was in
10 continuous contact with my attorneys to assist with any questions or issues that may have arisen.

11 10. I believe the settlement is a good settlement and I would recommend that the Court
12 approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad that I
13 had the opportunity to represent the class in this lawsuit and that I was able to recover money
14 through a settlement for the class.

15 11. I did not make the decision to file a class action lightly. I was concerned by the
16 attention a publicly filed lawsuit, and especially a class action, would attract. My name would be
17 associated with a lawsuit that I filed against my former employer. I am mindful that prospective
18 employers might find out that I sued Defendant. Nevertheless, I felt that important rights were at
19 stake, that Defendant's conduct hurt everyone, and that something ought to be done about it.

20 12. I also understand that there was financial risk in bringing this lawsuit. For example,
21 I knew that if I did not prevail in this lawsuit, I could potentially be responsible for Defendant's
22 attorneys' fees and costs.

23 13. I understand that the settlement agreement provides a service payment to me of up
24 to \$10,000.00. I believe this amount is fair compensation for my time and effort on this case, for
25 helping to prosecute this case, and the risks with respect to my future employment. In addition, the
26 settlement requires that I enter into a general release, which I understand is broader than the release
27 that will bind other class members.

28 14. Based on my involvement in this case and the benefits provided to my former co-

workers, I believe I helped stand up for the other workers who were too afraid to say anything to management because they did not want to risk losing their jobs or risk the stigma of suing an employer. I took on that risk because I strongly care about helping out my former co-workers.

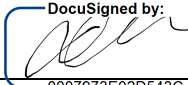
15. I reviewed (and ultimately signed) the Class Action and PAGA Settlement Agreement in full and my attorneys answered all the questions I had. I believe the settlement terms and allocations are fair, adequate, and reasonable given the strength of the class claims and Defendant's defenses.

16. I have no conflicts of interest with any class member or the Settlement Administrator, CPT Group, Inc.

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

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

Executed on 6/3/2026, at Vista, California.

DocuSigned by:

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D'Maggio Angeleno Davis-Morales