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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SOLANO

ANDREW MARTINEZ and AARON FOWLER,
individually, on behalf of all others similarly
situated, and on behalf of the State of California
and other aggrieved persons,

Plaintiffs,

v.

AUTOMATIC BAR CONTROLS, INC., a
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No.: CU24-06154

CLASS ACTION

[Assigned to: Hon. Stephen Gizzi, Dept. 3,
Room 301]

**DECLARATION OF ANDREW
MARTINEZ IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

PRELIMINARY APPROVAL HEARING

Date: October 30, 2026

Time: 9:00 a.m.

Dept.: 3

Complaint filed: August 15, 2024

Trial date: Not set

1 I, Andrew Martinez, hereby declare as follows:

2 1. I have personal knowledge of the facts set forth in this declaration and could and
3 would competently testify to them under oath if called as a witness. I submit this declaration in
4 support of my Motion for Preliminary Approval of Class Action and PAGA Settlement.

5 2. I have worked for defendant Automatic Bar Controls, Inc. ("Defendant") as an
6 hourly-paid, non-exempt employee from approximately January 2023 to approximately August
7 2024.

8 3. Based on my experience and knowledge of Defendant's wage and hour policies
9 and my familiarity with its employment practices, I worked with my attorneys to bring claims
10 on my own behalf as well as on behalf of other hourly-paid, non-exempt employees of
11 Defendant.

12 4. I am seeking to become a class representative in this case. I believe my
13 experiences are similar to other hourly-paid, non-exempt employees of Defendant. I believe we
14 were all subject to the same employment policies and practices.

15 5. I do not have any conflicts with other hourly-paid, non-exempt employees that
16 would interfere with my ability to represent them. I believe I will adequately represent the
17 hourly-paid, non-exempt employees of Defendant.

18 6. My interests as a named plaintiff in this case are not adverse to the interests of
19 the other hourly-paid, non-exempt employees. I believe my interests are the same as the other
20 employees because we were all subject to the same policies and practices and were similarly
21 injured by Defendant's company-wide policies and practices. I am seeking the same recovery
22 on behalf of myself and the other employees, which is to collect unpaid wages, penalties, and
23 interest that are owed to us by Defendant.

24 **Risks, Both Financial and Otherwise, Faced in Bringing the Suit**

25 7. Further, when I decided to become involved in this lawsuit as a class representative
26 on behalf of other employees of Defendant and as a private attorney general for the State of
27 California, I understood that I was not only seeking unpaid wages and penalties on behalf of myself,
28 but also for other employees who worked for Defendant, and that by doing so, I would be delaying

1 more immediate recovery available to me through the Labor Commissioner's office.

2 8. I was also made aware that being a class representative and private attorney general
3 in an action filed on behalf of others would subject me to a stigma that is sometimes associated with
4 those who bring these kinds of lawsuits. I was aware that, as a class representative and private
5 attorney general, I might be responsible for some or all of Defendant's legal costs if the case was not
6 successfully concluded. Even with knowledge of these risks, I was willing to go forward and to act
7 on behalf of the other employees and the State of California, but I was nervous about losing and
8 having a judgment filed against me for costs or losing job opportunities in the future.

9 9. I understood that there were risks involved in class and representative action lawsuits.
10 I understood that the lawsuit could continue for several years and require my services and attention
11 throughout the entire length of the lawsuit. I learned that even if we won at trial, the case could be
12 further delayed by appeals.

13 **Notoriety and Personal Difficulties Encountered**

14 10. As the named plaintiff, I am the face of the litigation. As of the date of this declaration,
15 the class notice will be mailed in this case to approximately 83 current and former employees of
16 Defendant, which will inform them that I filed a class and representative action against Defendant.
17 Exposing myself to this kind of publicity creates a risk for my future career prospects, since current
18 and former employees of Defendant may move to different companies within the industry or may
19 know people at other companies within the industry who may not wish to hire someone who sued
20 her employer. I also understand that having filed this lawsuit in court means that there is now a
21 permanent public record of this lawsuit available to the general public. Given this additional
22 exposure, there is further risk to my future career prospects.

23 **Amount of Time and Effort Spent and Duration of the Litigation**

24 11. I have always kept the best interests of the other hourly-paid, non-exempt employees
25 in mind while performing my duties as the named plaintiff in this case. I have been committed
26 throughout the course of this case to vigorously prosecuting this case on behalf of myself and the
27 other employees. I believe that I have demonstrated my ability to advocate for the interests of the
28 other hourly-paid, non-exempt employees by initiating this lawsuit and have spent a substantial

1 amount of time and effort on this litigation. My work on this case has specifically included, among
2 other things, searching/gathering and providing my payroll records and other documents and
3 information to my attorneys, discussing potential witnesses, keeping in regular contact with my
4 attorneys regarding the status of the case, assisting my attorneys prepare for mediation (i.e.,
5 reviewing discovery information and data (if needed), discussing my claims and experience), being
6 on-call for my attorneys on the date of mediation in case questions or concerns arose during
7 mediation, and participating in settlement discussions. After mediation, I remained actively involved
8 by reviewing the settlement papers and contacting my counsel for updates. I estimate that since I
9 retained my counsel in August 2024, I have spent approximately 35 hours on the activities described
10 above. And I estimate that I will spend an additional 1-5 hours assisting my attorneys through the
11 approval process and staying up to date with the case through disbursement of the settlement checks.

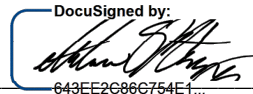
12 **Personal Benefit Received as a Result of the Litigation**

13 12. Absent the requested service payment, the personal benefit I will receive is the same
14 as all other employees. But unlike the other employees, who are only releasing the wage and hour
15 claims asserted in the lawsuit, I have signed a general release of claims as to Defendant. I have also
16 agreed to resign from my position with Defendant in exchange for separate consideration.

17 13. I will continue to actively participate in this lawsuit as necessary and will continue to
18 make myself available to assist in this case moving forward as needed.

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

21 Executed on 4/7/2026, at Vacaville, California.

22 DocuSigned by:
23 
643EE2G86G754E1...

24 Andrew Martinez

Martinez v. Automatic Bar Controls, Inc., et al.
CU24-06154

On April 7, 2026,, I served the foregoing:

on the interested parties by following one of the methods of service as follows:

Executed this **April 7, 2026**, at Los Angeles, California.

Theresa Chan