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Attorneys for Plaintiff

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

JOSE FUENTES, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

SOUTHWEST MATERIAL HANDLING,
INC., a California corporation; and DOES 1
through 100,

Defendants.

Case No.: CVRI2404365

*[Assigned for all purposes to the Hon. Harold
W. Hopp, Dept. 1]*

**DECLARATION OF PLAINTIFF JOSE
FUENTES IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA ACTION
SETTLEMENT, CLASS
REPRESENTATIVE SERVICE
PAYMENT, AND ATTORNEYS' FEES
AND COSTS**

Date: May 18, 2026

Time: 8:30 a.m.

Dept.: 1

Action Filed: August 1, 2024

Trial Date: None Set

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I, JOSE FUENTES, declare as follows:

1. I am an individual over the age of 18 and the named plaintiff in this matter. This declaration is submitted in support of approval of the proposed class action and PAGA action settlement (“Settlement”) reached in this case. I have personal knowledge of the facts stated in this declaration and could testify competently to them if called upon to do so.

2. I worked for Southwest Material Handling, Inc. (“Defendant”) as a non-exempt employee from approximately February 2021 to approximately June 2024, first in the position of Parts Driver and later as a Warehouse Coordinator. Throughout my employment with Defendant, my duties included receiving incoming equipment, verifying and logging inventory, moving and aligning equipment, and shipping and receiving equipment.

3. During my employment with Defendant, I was required to clock in using a 3-step process of first accessing Defendant's PAYCOM timeclock system located inside Defendant's facility, which would then send a code to my personal cell phone, which I then had to enter back into the PAYCOM system in order to finally clock in. My time performing this 3-step clock in procedure was not tracked by Defendant's timekeeping system. I had to go through this same 3-step process when clocking back in from my meal periods, as well. I believe that I was not paid for all the time I spent undergoing this 3-step clock in process because of this practice. Additionally, due to my work demands, Defendant regularly required me to clock out before the end of my fifth hour of work so that my timekeeping records would appear to show I was starting my meal period, but continue working to finish work-related tasks before actually taking a meal period later in the day, if at all. Even when I did get to take a meal period, I had to clock back in from my meal periods after exactly 30 minutes, meaning I had to allot time during my 30-minute meal periods to walking from the timeclock to the breakroom, and back, and to go through the 3-step clocking-in process before the end of my 30-minute meal period. Moreover, Defendant rarely authorized and permitted me to take any 10-minute rest periods. In the event I was allowed a rest period, I was required to return to work after *exactly* 10-minutes from the time I left my workstation, despite it taking time for me to walk between the breakroom and my workstation.

1 Defendant also did not allow me to leave the work premises during my rest periods. Furthermore,
2 Defendant required me to use my personal cellular phone for work-related purposes, such as
3 completing the 3-step clock-in process every day, but Defendant did not reimburse me for using
4 my personal cellular phone for work purposes.

5 4. When I first filed my lawsuit, I understood that it had the chance to benefit
6 Defendant's other workers by helping them recover money and penalties they were owed. I felt
7 that Defendant was not following the law, and I wanted Defendant to comply with the law and
8 treat its employees fairly. I feel that I have taken on a greater burden than any of the other
9 settlement class members because I have been actively involved in the litigation since it began,
10 and because it is my name that is attached to the lawsuit. Although I was aware that I would be
11 filing a public lawsuit, I chose to move forward with the case anyway. Through my efforts,
12 Defendant has agreed to a settlement that will benefit current and former employees of Defendant,
13 and I believe that I should be compensated for carrying the burden of this litigation for the benefit
14 of the other employees.

15 5. I have been actively involved in this case since before it was even filed. Among
16 other things, I searched for relevant documents for use in the lawsuit, provided factual information
17 and relevant documents to my attorneys, had many phone calls with my attorneys to discuss the
18 claims in the lawsuit and Defendant's practices, discussed the status of the case and general case
19 strategy with my attorneys on multiple occasions, provided valuable input to assist my attorneys
20 in preparing for mediation, made myself available during the mediation that lead to this
21 settlement, reviewed and provided input regarding the settlement in this case, and otherwise
22 assisted my attorneys in moving this case towards resolution. I estimate that I have spent
23 approximately 15-20 hours in total on these activities.

24 6. I have no actual or potential conflicts of interest with any of the Settlement Class
25 Members or the proposed settlement administrator, Phoenix Settlement Administrators.

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7. I understand that as a Settlement Class Member, my estimated Individual Class Payment is approximately \$3,164.29. Further, I understand that, as an Aggrieved Employee, my estimated Individual PAGA Payment is approximately \$55.56.

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 04/26 at Ontario, California.

Jose Fuentes (Apr 22, 2026 16:19:48 PDT)

Jose Fuentes