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Attorneys for PLAINTIFF

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF TULARE

FIDEL GOMEZ, an individual, on behalf of
himself, and on behalf of all persons similarly
situated,

Plaintiffs,

v.

KIRBY MANUFACTURING, INC., a
California corporation; and DOES 1-50,
Inclusive,

Defendants.

Case No. VCU308341

**DECLARATION OF FIDEL GOMEZ IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
AND PAGA SETTLEMENT**

Date: October 13, 2025
Time: 8:30 a.m.

Judge: Hon. Gary Johnson
Dept.: 7

1 I, FIDEL GOMEZ, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the Plaintiff in the above wage
4 and hour class and PAGA action filed against KIRBY MANUFACTURING, INC. (hereinafter
5 “Defendant”).

6 2. This declaration is being submitted in support of Plaintiff’s Motion for Final Approval of
7 Class and PAGA Action Settlement.

8 3. I retained Class Counsel in April 2024 and filed the lawsuit in April 2024. I filed the
9 case on behalf of myself and a class of all current and former non-exempt employees who worked for
10 Defendant in California (“Class”) during the period from April 25, 2020, to February 26, 2025 (“Class
11 Period”).

12 4. I worked for Defendant as a non-exempt employee, in Tulare County from March 2023
13 to May 2023.

14 5. I filed the case because I believed my rights as an employee were violated by Defendant
15 and also the rights of other employees that worked for Defendant. Among other claims, I believe
16 Defendant failed to pay for all time worked, failed to provide compliant meal and rest periods, failed
17 to reimburse for mandatory business expenses, failed to furnish accurate itemized wage statements, and
18 failed to pay all wages upon separation.

19 6. Before I initiated the case as a plaintiff and Class Representative, I spoke at length with
20 my attorneys. We discussed my work experience and how company policies were applied to me and
21 other employees. I provided the attorneys with documents they requested. We reviewed the documents
22 together and asked and answered many questions regarding my experience working for Defendant, the
23 litigation process, and about class actions generally.

24 7. During these conversations, I learned about my responsibilities as a plaintiff in the
25 lawsuit and as a proposed Class Representative. I understood that pursuing this action as a class action
26 rather than merely seeking my individual claims substantially increased the risk to me. Those risks
27 included the possibility of being held liable for Defendant’s attorneys’ fees and costs in a complex class
28 action if I lost the case. I also understood that as a Class Representative, I would be under increased

1 scrutiny by the attorneys and the Court because I needed to prove that I was an adequate class
2 representative. Further, I understood that I would lose some autonomy over my individual claims that
3 I could not make decisions for my sole benefit and that I needed to make every litigation decision with
4 the best interests of the Settlement Class in mind.

5 8. I also understood that pursuing this litigation created a very public record of my
6 grievances with Defendant which produced the risk that a future employer could hold it against me that
7 I sued a former employer.

8 9. I also knew that I was making a sacrifice in that I could have pursued my claims only on
9 an individual basis, likely obtaining a recovery greater than the portion of the class settlement I stand
10 to receive from this settlement. My attorneys explained to me that the net settlement value of my
11 individual claims may be greater than my ultimate recovery from the net class settlement amount.

12 10. Notwithstanding these risks and sacrifices, I decided to go through with the case because
13 I believed violations occurred and most employees would not know what their rights are and even if
14 they did, they would be apprehensive to file a lawsuit against their employer for fear of retaliation.

15 11. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed
16 status updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the
17 phone, because I wanted to keep up with developments in the case which I understood was one of my
18 duties as a class representative.

19 12. **Review and Approval of Settlement:** A mediation was held on February 26, 2025. Even
20 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
21 them regarding the mediation before it took place. I also spoke with my attorneys after the mediation
22 and discussed the mediator's proposal which was ultimately accepted. I was very satisfied with the
23 terms of the settlement that was agreed to by the parties. When the settlement papers were ready, I
24 again spoke with my attorneys and reviewed the settlement agreement which I signed on May 20, 2025.

25 13. **Participation:** Since I retained Class Counsel approximately seventeen (17) months ago,
26 I have been actively involved with this class action lawsuit performing the duties described above.
27 While I did not keep formal time records, I was in regular contact with my attorneys, reviewed
28

1 important court filings, and spent considerable time on the issues presented during the litigation and in
2 the settlement process. I estimate that I spent approximately 15 hours working on this case.

3 14. Also, my attorneys explained to me that the settlement process involved a two-step
4 review by the Court to determine whether the settlement was fair before ordering that the settlement be
5 funded and paid. I knew this process also involved notifying all class members of the settlement terms
6 and of their rights to make a claim for their settlement share, to opt out of the settlement or to object to
7 the settlement.

8 15. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
9 now stand to receive substantial monetary payments as a result of this case and settlement. I also believe
10 that the requested Service Award in the amount of \$5,000 from the settlement is fair compensation for
11 the (1) the work I performed, (2) the sacrifices made not pursuing this case individually, and (3) the
12 risks I undertook.

13 16. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
14 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's
15 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
16 for \$5,000.00 as a service award is fair and reasonable.

17 17. Further, I support my attorneys' application for a Class Counsel Award in the amount of
18 up to \$76,666.66, plus costs and expenses of up to \$25,000.00 for reimbursement of actually incurred
19 litigation expenses.

20 I declare under the penalty of perjury under the laws of the State of California that the foregoing
21 is true and correct. Executed 09/12/2025, at Visalia, California.

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23 By:  Fidel Gomez Jr (Sep 12, 2025 17:19:45 PDT)
24 FIDEL GOMEZ
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