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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SANTA CRUZ**

10 JUANA MATIAS, CARMEN CHAVEZ
11 FERNANDEZ, YOLANDA MEMBRENO
12 DE AYALA, MARIA RODRIGUEZ DE
13 PAZ, HANNAH KNOERZER, HERIBERTO
14 CHAVEZ RODRIGUEZ, GRACIELA
15 LOPEZ, individually, and on behalf of other
16 members of the general public similarly
17 situated, and as aggrieved employees
18 pursuant to the Private Attorneys General Act
19 (“PAGA”),

20 Plaintiffs,

21 vs.

22 HOSPITALITY STAFFING SOLUTIONS,
23 LLC, a Delaware limited liability company;
24 KELLERMEYER BERGENSONS
25 SERVICES, LLC, a Delaware limited
26 liability company; and DOES 1 through 10,
27 inclusive,

28 Defendants.

CASE NO.: 23CV00490

[Assigned for all purposes to Hon. Timothy Schmal in Dept. 10]

**DECLARATION OF PLAINTIFF
HERIBERTO CHAVEZ RODRIGUEZ IN
SUPPORT OF PLAINTIFFS’ MOTION
FOR PRELIMINARY APPROVAL OF
CLASS AND REPRESENTATIVE
ACTION SETTLEMENT**

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and aggrieved
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1 **DECLARATION OF HERIBERTO CHAVEZ RODRIGUEZ**

2 1. I am a party to this action and reside in the State of California. I am fully competent
3 to make this declaration. I have personal knowledge of the facts set forth herein, except for those
4 stated on information and belief, and as to those I am informed and believe them to be true. If
5 called upon to testify, I could and would testify as set forth herein.

6 2. I make this Declaration in support of Plaintiffs' Motion for Preliminary Approval
7 of Class and Representative Action Settlement.

8 3. I was employed by defendant Hospitality Staffing Solutions, LLC ("HSS"), and
9 staffed at Montage Laguna Beach, as a non-exempt, hourly paid employee, specifically as a
10 cleaner, within California from approximately March of 2021 through approximately February of
11 2022.

12 4. I am informed and believe that, throughout my employment with defendant HSS,
13 myself and other non-exempt, hourly paid employees of defendant HSS were not paid all wages
14 owed because we were not paid for all time under defendant HSS' control, or for which we were
15 suffered or permitted to work by defendant HSS. In addition, I am informed and believe we were
16 not paid all overtime hours worked at the overtime rate of pay owed due to, without limitation,
17 failure to record all time worked and failure to pay for off-the-clock work.

18 5. During my employment with defendant HSS, I often took meal periods that were
19 after the fifth hour, short, or not duty-free. I witnessed other non-exempt, hourly paid employees
20 with my job duties often taking meal periods that were after the fifth hour, short, or not duty-free,
21 as well.

22 6. I do not recall receiving any premium pay for the full, timely and uninterrupted
23 meal periods I was not provided an opportunity to take and am informed and believe that my
24 coworkers were not provided premium pay for not being provided with the opportunity to take
25 full, timely and uninterrupted meal periods either.

26 7. I do not believe I was provided with opportunities to take full, uninterrupted 10-
27 minute rest periods while working with defendant HSS and am informed and believe my
28 coworkers were often not provided with such an opportunity, either.

1 8. I do not recall receiving any premium pay for the full rest breaks I was not provided
2 an opportunity to take and am informed and believe that my coworkers were not provided
3 premium pay for not being provided with the opportunity to take full, uninterrupted 10-minute
4 rest periods, either.

5 9. Before and during the course of litigation, I was actively involved in assisting my
6 attorneys to support the wage and hour claims asserted. My involvement began before the initial
7 complaint was filed wherein, I provided first-hand knowledge and documentation as to defendant
8 HSS' practices, their ownership and corporate structure, and their wage and hour policies and
9 practices.

10 10. Part of the information I relayed was with regard to defendant HSS' timekeeping
11 policies and practices, and their meal and rest period policies and practices.

12 11. I provided them with all the documentation provided to me by defendant HSS during
13 my employment.

14 12. I assisted in reviewing time and payroll records with my attorneys, and informed
15 them of defendant HSS' employment policies, and whether those policies matched defendant HSS'
16 practices.

17 13. My attorneys called me to ask me questions over several times throughout the
18 litigation and I contacted my attorneys several times to stay updated on the case and offer my
19 assistance on any matters I could be helpful with. I was also available for mediation by telephone,
20 during which I was available to be called to answer the questions posed by the mediator regarding
21 the asserted claims, as well as arguments raised by defendant HSS. In addition, I worked with my
22 attorneys over the next several weeks after mediation to understand and execute a long form
23 settlement agreement.

24 14. Over the past several months since the case has been resolved, I have stayed in
25 touch with my attorneys to ensure that there was no undue delay in payment for other class
26 members for whom I brought this Action.

27 15. I believe that, through the present, I have spent at least 31 hours in connection with
28 this matter, which included time spent having preliminary calls with my attorneys; doing an intake

1 with my attorneys; time spent searching for documents relating to my employment; time spent
2 responding to informal discovery; time spent reading and understanding the Settlement
3 Agreement; time spent answering calls to discuss defendant HSS' timekeeping, pay, meal and rest
4 periods, and to review time and payroll records; time spent discussing with my attorneys defendant
5 HSS' policies and practices; time spent on-call at mediation; and time spent checking in on the
6 status of the case, among other things. I also spent time preparing this declaration to support
7 Plaintiffs' Motion for Preliminary Approval of Class and Representative Action Settlement.

8 16. I feel that by bringing this lawsuit, I could stand up for not only my rights but the
9 rights of other employees who suffered from the same unfair wage practices. I felt that current
10 employees might not want to share their experiences with defendant HSS since they feared losing
11 their jobs. This is certainly understandable as I, too, have to provide for myself and others.

12 17. By bringing this lawsuit, I have put the interests of the class ahead of my own.

13 18. I understood that I could possibly earn a small enhancement if this case is resolved
14 favorably. I also knew that I could face retaliation from defendant HSS and backlash from former
15 coworkers who are loyal to defendant HSS. I also provided a general release of claims and a
16 waiver of rights under California Civil Code section 1542 to defendant HSS as part of the
17 settlement.

18 19. I understand that if I had brought this case individually, I may have earned more
19 compensation individually and on a much quicker timeline than the timeline it took to resolve this
20 Action.

21 20. I understood the substantial risks involved in serving as a Class Representative and
22 undertook these risks knowing there was no certainty regarding the outcome of the case.

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21. My goal in bringing this lawsuit was to obtain a recovery on behalf of the class, and, even more importantly, to put an end to what I believe are illegal practices on the part of defendant HSS. I believe I have achieved both through this lawsuit and settlement.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct this 03/19/2026, at Alizo viejo.

Heriberto Chavez Rodriguez

HERIBERTO CHAVEZ RODRIGUEZ