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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF SANTA CLARA**

15 DOUGLAS PATTON, on behalf of the State
16 of California, as private attorney general, on
17 behalf of himself and on behalf of all persons
18 similarly situated, and SALVADOR
19 REYNOSA, JR., an individual, on behalf of
20 himself and on behalf of all persons similarly
21 situated,

22 Plaintiffs,

23 vs.

24 HOME DEPOT U.S.A., INC., a Corporation;
25 and Does 1 through 50, Inclusive,

26 Defendants.

CASE NO.: **21CV387956**

**DECLARATION OF SALVADOR
REYNOSA, JR. IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND
REPRESENTATIVE SETTLEMENT**

Hearing Date: April 4, 2024

Hearing Time: 1:30 p.m.

Judge: Hon. Charles F. Adams
Dept.: 7

Date Filed: October 13, 2021

Trial Date: Not set

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DECLARATION OF SALVADOR REYNOSA, JR.

1 I, Salvador Reynosa, Jr., declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary Approval
4 of Class and Representative Settlement and in support of my application for a service
5 enhancement payment.
6

7 2. I have personal knowledge of all the facts stated herein. I could and would competently
8 testify under oath to these facts in court if requested to do so.

9 3. I was employed as a non-exempt, hourly associate from January of 2018 to October of
10 2018 by Home Depot U.S.A., Inc. ("Home Depot") at a supply chain facility in California.

11 4. I retained my attorneys who are experienced in both class action and PAGA
12 representative action litigation and claims against employers for violations of the California Labor
13 Code. I have no personal relationship or family ties to my attorneys or any officer of the Court. I
14 am not aware of having any actual or potential conflicts of interest with another class member or
15 PAGA group member in this case nor am I aware of having any actual or potential conflicts of
16 interest with ILYM Group, Inc., the settlement administrator. I am not aware of any other pending
17 matter or action asserting claims that will be extinguished or adversely affected by this settlement.
18

19 5. I decided to pursue this lawsuit because I had a number of grievances against Home
20 Depot that I discussed with my attorneys stemming from the company's labor policies and
21 practices. These grievances are set forth in detail in the operative Complaint and my letter to the
22 Labor and Workforce Development Agency.
23

24 6. I spoke to my attorneys several times and discussed how Home Depot implemented
25 its company policies and procedures. I also assisted my attorneys in their investigation into my
26 claims by providing them documents and answering their questions. I reviewed the complaint
27 before it was filed and was given access to an electronic file sharing program that alerted me via
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DECLARATION OF SALVADOR REYNOSA, JR.

1 email when important documents were filed so that I could review them and keep up with the
2 developments in the case which I understood was one of my duties as a class representative. I
3 could also access court filings from this case on my attorney's law firm website. In addition, I
4 assisted my attorneys with respect to responses to written discovery served by Home Depot.
5

6 7. Even though this action is in the process of settling, I was and remain prepared to
7 perform all the duties of a class representative. I understand that as a class representative I have
8 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
9 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
10 benefit of the class members and surrender any right to compromise the group action for an
11 individual gain.
12

13 8. I understood that being a plaintiff/class representative in this case meant that I was
14 seeking damages not only for myself but also other current and/or former hourly non-exempt
15 associates working for Home Depot in California who make up the class and PAGA group
16 members. I felt that these individuals were not aware of their labor law rights and even if they
17 were they would probably be apprehensive about speaking up or even simply because of the time,
18 effort and risk involved in filing a class action lawsuit.
19

20 9. I understood that being a part of this lawsuit involved risks. For example, my
21 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
22 pay for all or part of the attorney fees and costs paid by Home Depot to defend this lawsuit. Also,
23 I knew there was a risk that future employers, if they ever find out about this lawsuit, could hold it
24 against me or downgrade me as a potential hire. As one of only two named Plaintiffs in this case
25 it would not be difficult for a future employer to become aware that I sued a former employer for
26 labor law violations. Ultimately I decided these risks were worth it and decided to fight for my
27 rights and the rights of others regardless of the risks, time and effort I spent on this case.
28

DECLARATION OF SALVADOR REYNOSA, JR.

1 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
2 kept up to date on important developments by reviewing court filings that were made available to
3 me electronically as I described above.

4 11. A mediation took place on November 14, 2022 with Jeffrey Ross, a well-respected
5 and experienced mediator of wage and hour class actions. After several months of continued
6 negotiations with the assistance of the mediator, the parties were able to reach an agreement to
7 settle the action. I communicated with my attorneys regarding the terms of the settlement which
8 was reached between the parties and understood that I was representing absent class and PAGA
9 members and therefore wanted the best possible result to be obtained for the class and PAGA
10 members and I believe a very positive result was in fact achieved via settlement.

11 12. I have been actively involved with this lawsuit performing the duties described above.
12 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
13 filings, assisted my attorneys with written discovery requests and spent a significant amount of
14 time on the issues presented during the lawsuit and in the settlement process. I estimate that I
15 spent approximately 40-50 hours working on this case up until this point. I believe I have been
16 diligent and have done what is expected of a named plaintiff and a proposed class representative to
17 date, and will continue to do so. I have and always will maintain the best interest of the class and
18 PAGA members.

19 13. My attorneys explained to me that the settlement process involves a two-step
20 review by the Court to determine whether the settlement is fair before approving the settlement. I
21 know this process also involves notifying all class members of the settlement terms and of their
22 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
23 settlement.

24 14. I believe I did the right thing by filing this case on behalf of the class and PAGA
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1 members who, subject to court approval, are in line to receive monetary payments as a result of
2 this case and settlement. This is money they may never have ever gotten if I did not pursue this
3 action on their behalf. I feel significant personal satisfaction to know that I played a role in the
4 class members being entitled to monetary payments as a result of the filing of this lawsuit. I also
5 believe that the requested service enhancement payment of \$10,000 from the settlement is fair
6 compensation for the work I performed and the risks I undertook.

8 15. As part of the settlement it was necessary for me to sign a general release of all claims I
9 may have against Home Depot. I believe the service enhancement payment I have requested
10 provides me with some compensation for this agreed release.

11 16. In light of all the time and effort I have spent on this case, the risk I undertook by
12 suing a former employer, the exposure to being responsible for paying the defendant's costs in the
13 event we did not win the case, the reputational risk that future employers may hold this lawsuit
14 against me, the general release and in light of the size of the settlement, I believe the request for
15 \$10,000 as a service enhancement payment is fair and reasonable.

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

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19 Executed on Mar 11, 2024, at Colton, CA.
20 (city, state)

21 
22 Salvador Reynosa Jr (Mar 11, 2024 15:53 PDT)
23 Salvador Reynosa, Jr.
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DECLARATION OF SALVADOR REYNOSA, JR.