

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Sydney Castillo-Johnson (State Bar #343881)
John L. Nitti (State Bar #330752)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 599-8292
jlapuyade@jcl-lawfirm.com
scastillo@jcl-lawfirm.com
jnitti@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Nicole Noursamadi (State Bar #357246)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 255-9047
shani@zakaylaw.com
nicole@zakaylaw.com

Attorneys for PLAINTIFF RICHARD WINN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

RICHARD WINN, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiff,

v.

CITY ELECTRIC SUPPLY COMPANY, a
Florida corporation; and DOES 1-50, Inclusive,

Defendant.

Case No. 37-2023-00040231-CU-OE-CTL

**DECLARATION OF RICHARD WINN IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: March 28, 2025
Time: 9:00 a.m.

Judge: Hon. James A. Mangione
Dept.: C-75

1 I, RICHARD WINN, declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiff's Motion
4 for Final Approval of Class Action and PAGA Settlement and in support of Plaintiffs' Motion for
5 Attorneys' Fees and Expenses and Service Award. I have personal knowledge of all the facts stated
6 herein. I could and would competently testify under oath to these facts in court if requested to do so.

7 2. I retained Class Counsel in May 2023 and filed the lawsuit in September 2023. I filed the
8 case on behalf of myself and a class of all persons who are or previously were employed by Defendant
9 in California and classified as non-exempt employees ("Class") during the period from beginning July
10 13, 2019, through June 30, 2024 ("Class Period").

11 3. I was employed by Defendant from 2007 to approximately January 2023, as a non-exempt
12 employee. At all times during my employment, I was denied legally compliant meal and rest periods,
13 minimum wages and overtime compensation. Throughout my employment, I was subject to Defendant's
14 written policies and procedures contained in, among other documents, the "Employee Handbook."

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

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

25 6. I decided to go through with the case because I believed violations occurred and most
26 employees would not know what their rights are and even if they did, they would be apprehensive to file
27 a lawsuit against their employer for fear of retaliation.

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1 7. **Review and Approval of Settlement:** A mediation was held on April 29, 2024. Even
2 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
3 them regarding the mediation before it took place, as well as during the mediation itself. I am satisfied
4 with the terms of the settlement that was agreed to by the parties. I reviewed and signed the
5 Memorandum of Understanding on May 7, 2024, and when the settlement papers were ready, I signed
6 them on August 13, 2024.

7 8. **Participation:** Since I retained Class Counsel approximately eighteen months ago, I have
8 been actively involved with this class action lawsuit performing the duties described above. While I did
9 not keep formal time records, I was in regular contact with my attorneys, had extensive teleconferences
10 with my attorneys, reviewed important court filings, and spent considerable time on the issues presented
11 during the litigation and in the settlement process. I estimate that I spent approximately 25 hours
12 working on this case.

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

18 10. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
19 now stand to receive substantial monetary payments as a result of this case and settlement. I also believe
20 that the requested Service Award in the amount of \$10,000.00 from the settlement is fair compensation
21 for (1) the work I performed, (2) the sacrifices made not pursuing this case individually, and (3) the risks
22 I undertook.

23 11. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
24 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's
25 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
26 for \$10,000.00 as a service award is fair and reasonable.

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12. Further, I support my attorneys' application for a Class Counsel Award in the amount of \$250,000.00, comprised of \$225,000.00 for attorneys' fees (one-third of the Gross Settlement Amount) and up to \$25,000.00 for reimbursement of actually incurred litigation expenses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 03/05/2025, at El Cajon, California.

By: Richard Winn
Richard Winn (Mar 5, 2025 10:06)

RICHARD WINN