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Attorneys for Plaintiff MANUEL DIAZ NUNEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF TULARE

MANUEL DIAZ NUNEZ, an individual, on
behalf of himself and on behalf of all persons
similarly situated,

Plaintiff,

v.

TITAN AG SERVICES, INC., a California
Corporation; ROYAL FARMS, INC., a
California corporation; and DOES 1-50,
Inclusive,

Defendants.

Case No. VCU296822

**DECLARATION OF MANUEL DIAZ NUNEZ
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA SETTLEMENT**

Date: July 16, 2024

Time: 8:30 a.m.

Judge: Hon. Bret D. Hillman

Dept.: 2

1 I, MANUEL DIAZ NUNEZ, 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 named Plaintiff in the above
4 wage and hour class action filed against Defendant Titan AG Services, Inc. and Defendant Royal Farms,
5 Inc., (hereinafter “Defendants”).

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

8 3. I retained Class Counsel in February 2023 and filed the lawsuit in March 2023. I filed
9 the case on behalf of myself and a class of all non-exempt employees who are or previously were
10 employed by Defendant Titan AG Services, Inc., staffed to work at Defendant Royal Farms, Inc.’s
11 farms and performed work in California during the period from March 21, 2019, through September
12 11, 2022.

13 4. I believe that I am, have been, and will continue to represent the interests of the class
14 fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking
15 to represent.

16 5. I worked for Defendants as an hourly, non-exempt, employee in California from
17 September 2022 to October 2022. At all times during my employment, I earned an hourly wage and
18 was entitled to legally compliant meal and/or rest periods, and minimum, regular and overtime wages
19 for all hours worked. Throughout my employment, I was subject to Defendants’ policies and
20 procedures. Accordingly, I am a member of the Settlement Class that I seek to represent.

21 6. I filed the case because I believed my rights as an employee were violated by Defendants
22 and also the rights of other employees that worked for Defendants. Among other claims, I believe
23 Defendants failed to pay for all time worked, failed to provide compliant meal and rest periods, failed
24 to reimburse for mandatory business expenses, failed to furnish accurate itemized wage statements,
25 and failed to pay all wages upon separation.

26 7. Before I initiated the case as a plaintiff and Class Representative, I spoke at length with
27 my attorneys. We discussed my work experience and how company policies were applied to me and
28 other employees. I provided the attorneys with documents they requested. We reviewed the

1 documents together and asked and answered many questions regarding my experience working for
2 Defendants, the litigation process, and about class actions generally.

3 8. During these conversations, I learned about my responsibilities as a plaintiff in the
4 lawsuit and as a proposed Class Representative. I understood that pursuing this action as a class action
5 rather than merely seeking my individual claims substantially increased the risk to me. Those risks
6 included the possibility of being held liable for Defendants' attorneys' fees and costs in a complex
7 class action if I lost the case. I also understood that as a Class Representative, I would be under
8 increased scrutiny by the attorneys and the Court because I needed to prove that I was an adequate
9 class representative. Further, I understood that I would lose some autonomy over my individual claims
10 that I could not make decisions for my sole benefit and that I needed to make every litigation decision
11 with the best interests of the Settlement Class in mind.

12 9. I also understood that pursuing this litigation created a very public record of my
13 grievances with Defendants which produced the risk that a future employer could hold it against me
14 that I sued a former employer.

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

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

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

26 13. **Review and Approval of Settlement:** A mediation was held on December 13, 2023.
27 Even though I could not attend, I was available by telephone to speak with my attorneys and did speak
28 with them regarding the mediation before it took place, as well as during the mediation itself. I also

1 spoke with my attorneys after the mediation and discussed the mediator's proposal which was
2 ultimately accepted. I was very satisfied with the terms of the settlement that was agreed to by the
3 parties. When the settlement papers were ready, I again spoke with my attorneys and reviewed the
4 settlement agreement which I signed on May 26, 2024.

5 14. **Participation:** Since I retained Class Counsel approximately sixteen months ago, I have
6 been actively involved with this class action lawsuit performing the duties described above. While I
7 did not keep formal time records, I was in regular contact with my attorneys, reviewed important court
8 filings, and spent considerable time on the issues presented during the litigation and in the settlement
9 process. I estimate that I spent approximately 20-25 hours working on this case.

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

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

20 17. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
21 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendants'
22 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
23 for \$10,000 as a service award is fair and reasonable.

24 18. Further, I support my attorneys' application for a Class Counsel Award in the amount
25 of up to \$400,000, plus costs and expenses of up to \$25,000 for reimbursement of actually incurred
26 litigation expenses.

27 19. I have reviewed the terms of the Settlement Agreement in its entirety, including the
28 monetary terms and releases. I believe that the proposed settlement before the Court is fair, reasonable,

1 and adequate, and made in the best interest of the Settlement Class Members. Consequently, I
2 respectfully, and humbly, I ask the Court to grant preliminary approval of the Settlement and all of its
3 terns.

4 I declare under the penalty of perjury under the laws of the State of California that the foregoing
5 is true and correct. Executed Jun 20, 2024, at Porterville, California.

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7 By: Manuel Diaz Nunez
8 Manuel Diaz Nunez (Jun 20, 2024 15:44 PDT)
9 MANUEL DIAZ NUNEZ
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