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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 FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: January 28, 2025
Time: 8:30 a.m.

Judge: Hon. Bret D. Hilman
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 Plaintiff in the above wage
4 and hour class action filed against TITAN AG SERVICES, INC. and ROYAL FARMS, INC.
5 (hereinafter collectively “Defendants”).

6 2. This declaration is being submitted in support of Plaintiff’s Motion for Final Approval of
7 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 worked for Defendants as a non-exempt employee, in Tulare County, City of Visalia,
14 from September 2022 to October 2022.

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

20 6. 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 documents they requested. We reviewed the documents
23 together and asked and answered many questions regarding my experience working for Defendants,
24 the litigation process, and about class actions generally.

25 7. During these conversations, I learned about my responsibilities as a plaintiff in the
26 lawsuit and as a proposed Class Representative. I understood that pursuing this action as a class action
27 rather than merely seeking my individual claims substantially increased the risk to me. Those risks
28

1 included the possibility of being held liable for Defendants' attorneys' fees and costs in a complex class
2 action if I lost the case. I also understood that as a Class Representative, I would be under increased
3 scrutiny by the attorneys and the Court because I needed to prove that I was an adequate class
4 representative. Further, I understood that I would lose some autonomy over my individual claims that
5 I could not make decisions for my sole benefit and that I needed to make every litigation decision with
6 the best interests of the Settlement Class in mind.

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

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

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

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

21 12. **Review and Approval of Settlement:** A mediation was held on December 13, 2023.
22 Even though I could not attend, I was available by telephone to speak with my attorneys and did speak
23 with them regarding the mediation before it took place, as well as during the mediation itself. I also
24 spoke with my attorneys after the mediation and discussed the mediator's proposal which was
25 ultimately accepted. I was very satisfied with the terms of the settlement that was agreed to by the
26 parties. When the settlement papers were ready, I again spoke with my attorneys and reviewed the
27 settlement agreement which I signed on May 26, 2024.

13. **Participation:** Since I retained Class Counsel approximately twenty-two (22) months ago, I have been actively involved with this class action lawsuit performing the duties described above. While I did not keep formal time records, I was in regular contact with my attorneys, reviewed important court filings, and spent considerable time on the issues presented during the litigation and in the settlement process. I estimate that I spent approximately 20-25 hours working on this case.

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

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

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

17. Further, I support my attorneys' application for a Class Counsel Award in the amount of up to \$352,482.95, plus costs and expenses of up to \$25,000.00 for reimbursement of actually incurred litigation expenses.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed 12/09/2024, at Porterville, California.

By: Manuel Diaz (Dec 9, 2024 12:22 PST)
MANUEL DIAZ NUNEZ