

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Monnett De La Torre (State Bar #272884)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com
mdelatorre@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Julieann Alvarado (State Bar #334727)
5440 Morehouse Drive, Suite 5400
San Diego, CA 92121
Telephone: (619) 255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
julieann@zakaylaw.com

Attorneys for Plaintiff
(Additional counsel listed on following page)

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

JOSE GARCIA VALLE, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

PACIFIC SHELLFISH, INC., a California
corporation; and DOES 1 through 100, Inclusive,

Defendants.

Case No. 37-2021-00021898-CU-OE-CTL

**DECLARATION OF JOSE GARCIA
VALLE IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: May 26, 2023

Time: 8:30 a.m.

Judge: Hon. Ronald F. Frazier

Department: 65

Trial Date: N/A

Action Filed: May 17, 2021

HAINES LAW GROUP, APC

Paul K. Haines (SBN 248226)

phaines@haineslawgroup.com

Joseph R. Holmes (SBN 312381)

jholmes@haineslawgroup.com

2155 Campus Drive, Suite 180

El Segundo, California 90245

Tel: (424) 292-2350

Fax: (424) 292-2355

Attorneys for Plaintiff

1 I, JOSE GARCIA VALLE 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 lead named Plaintiff in the
4 above wage and hour Class and PAGA action filed against PACIFIC SHELLFISH, INC. (Hereinafter,
5 “Defendant”)

6 2. I am submitting this declaration in support of Plaintiff’s Motion for Preliminary Approval
7 of Class and PAGA Action Settlement.

8 3. I believe that I am, have been and will continue to represent the interests of the class fairly
9 adequately. I have claims that are typical of the claims the Class Members that I am seeking to
10 represent. Specifically, I worked for Defendant from approximately December 2011 to September
11 2020 as a non-exempt employee in San Diego, California. Defendant is a California Corporation that
12 conducts business distributing seafood across Southern California, including in San Diego, California.
13 As a non-exempt employee compensated on an hourly basis, I was entitled to legally mandated meal
14 and rest periods and minimum wage and overtime compensation. During my employment, Defendant
15 failed to, among other things, provide compliant meal and rest periods, maintain accurate records,
16 issued non-compliant wage statements and failed to pay all monies owed when due. Throughout my
17 employment, I was subject to Defendant’s written policies and procedures, including Defendant’s
18 Handbooks.

19 4. My claims are typical of the claims of the Class Members that I am seeking to represent
20 because I was subject to the same alleged unlawful employment policies and practices at issue in this
21 action, including but not limited to, Defendant’s failure to provide legally mandated meal and rest
22 periods, failure to maintain accurate records, failure to provide compliant wage statements and failure
23 to pay all monies owed when due. Factually, Defendant’s policies and practices apply class wide, and
24 Defendant’s liability can be determined by facts common to all members of the Class.

25 5. Further, there is no conflict between my interests and the interests of the class that I am
26 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
27 I was injured by the same company-wide policies and practices to which the proposed Class was
28 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests

1 of the Class by initiating this litigation, communicating with class counsel about the claims as they
2 apply to myself and others, undertaking extensive class document evaluation and evaluating the
3 proposed settlement to assure that it is fair.

4 6. I understood at the time that I filed this action, that as a Class Representative, I owed a
5 duty to the putative class members to faithfully prosecute this action with their best interests at the
6 forefront of every decision. I understood that I could not make any decision in this action for the sole
7 benefit of my personal interest. I understood that in executing this duty, I might have been asked to
8 sacrifice my personal best interests for the benefit of the interests of the putative class members.
9 Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible
10 relief for my former co-workers for what I perceived to be Defendant's unlawful wage and hour
11 practices. I believe that I faithfully executed the duties of a Class Representative throughout this
12 litigation and will continue to do until this litigation is fully and finally resolve.

13 7. I believe that the proposed settlement before the court is fair, reasonable and adequate,
14 and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and
15 humbly, ask the Court to Grant preliminary approval of the Settlement and all of its terms.

16 I declare under the penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct. Executed Apr 29, 2023, at San Diego (location/city), California.

18
19 By: Jose Garcia Valle
Jose Garcia Valle (Apr 29, 2023 16:42 PDT)
20 JOSE GARCIA VALLE
21
22
23
24
25
26
27
28