

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Sydney S. Castillo-Johnson (State Bar #343881)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619)599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com
scastillo@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619)255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
jackland@zakaylaw.com

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

LUCAS DELACRUZ, an individual, on behalf
of himself, and on behalf of all persons
similarly situated,

Plaintiffs,

vs.

WAL-MART ASSOCIATES, INC., a
Delaware Corporation; BONOBO, INC., a
Delaware Corporation; and DOES 1 through
50, Inclusive,

Defendants.

Case No. 37-2021-00046421-CU-OE-CTL

**DECLARATION OF LUCAS DELACRUZ IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: October 20, 2023

Time: 8:30 a.m.

Judge: Hon. Keri Katz

Dept.: C-74

1 I, LUCAS DELACRUZ, 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 Plaintiff's 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 June of 2021 and filed the lawsuit in November of 2021. I
8 filed the case on behalf of myself and a class of all current and former non-exempt California employees
9 who worked at Defendant Bonobos stores, including Walmart employees who worked at Bonobos
10 stores, at any time during the period beginning November 1, 2017, through March 6, 2023.

11 3. I worked for Defendant as a non-exempt employee in California between February of
12 2020 to July of 2022. Throughout my employment, I was subject to Defendant's written policies and
13 procedures contained in, among other documents, the "Rest Breaks, Meal Periods and Days of Rest
14 Policy" and "Associate Pay Policy."

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 pay me for all hours worked, failed to provide legally compliant meal and rest
18 periods, failed to reimburse for required business expenses, and failed to provide accurate itemized wage
19 statements.

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.
28

1 7. **Review and Approval of Settlement:** A mediation was held on March 6, 2023. 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 also spoke
4 with my attorneys after the mediation and discussed the mediator's proposal which was ultimately
5 accepted. I am satisfied with the terms of the settlement that was agreed to by the parties. I reviewed
6 and signed the Memorandum of Understanding on March 6, 2023, and when the settlement papers were
7 ready, I signed them on April 11, 2023.

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

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

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

24 11. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
25 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's
26 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
27 for \$10,000 as a service award is fair and reasonable.
28

12. Further, I support my attorneys' application for a Class Counsel Award in the amount of \$165,000.00, comprised of \$150,000.00 for Attorneys' Fees (one-third of the Gross Settlement Amount) and up to \$15,000.00 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 Sep 13, 2023, at San Diego, California.

By: Luke Delacruz
LUCAS DELACRUZ