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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN MATEO

RICARDO COLIN COVARRUBIAS, an
individual(S), on behalf of himself and on
behalf of all persons similarly situated,

Plaintiff,

v.

PENINSULA CUSTOM HOMES, INC., a
California Corporation; and DOES 1-50,
Inclusive,

Defendants.

Case No. 22-CIV-02733

**DECLARATION OF RICARDO COLIN
COVARRUBIAS IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND PAGA ACTION SETTLEMENT**

Date: December 6, 2022
Time: 2:00 p.m.
Reservation ID:

Judge: Hon. Marie S. Weiner
Dept.: 2

1 I, RICARDO COLIN COVARRUBIAS, 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 and representative action filed against PENINSULA CUSTOM HOMES, INC.
5 (hereinafter "Defendant").

6 2. This declaration is being submitted in support of Plaintiff's Motion for Preliminary
7 Approval 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
9 fairly and adequately. I have claims that are typical of the claims of the Class Members that I am
10 seeking to represent.

11 4. I worked for Defendant as a non-exempt employee in California between January 2021
12 and August 2021. At all times during my employment, I earned an hourly wage, including overtime,
13 and was entitled to legally compliant meal and/or rest periods. Throughout my employment, I was
14 subject to Defendant's written policies and procedures.

15 5. Generally, my lawsuit claims that Defendant failed to pay for all time worked, failed to
16 provide compliant meal and rest periods, failed to furnish accurate itemized wage statements, failed
17 to pay all wages when due and failed to reimburse employees for mandatory business expenses.

18 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
19 to represent because I was subject to the same alleged unlawful employment policies and practices at
20 issue in this action, including but not limited to, Defendant's failure to provide complaint meal and
21 rest periods, failure to pay for all hours worked, and failure to pay all wages when due. Factually,
22 Defendant's policies and practices apply class wide, and Defendant's liability can be determined by
23 facts common to all members of the Class.

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

Class by initiating this litigation, participating in mediation, and evaluating the proposed settlement to assure that it is fair.

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

9. I believe that the proposed settlement before the Court is fair, reasonable and adequate, and made in the best interest of the Settlement Class Members. Consequently, I respectfully ask the Court to grant preliminary approval of the Settlement and all of its terms.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed Nov 8, 2022, at 4:21 pm, California


By: Ricardo Colin Covarrubias (Nov 8, 2022 16:22 PST)
RICARDO COLIN COVARRUBIAS