

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
Sydney Castillo-Johnson (State Bar #343881)
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
scastillo@jcl-lawfirm.com
mdelatorre@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Juliann Alvarado (State Bar #3374727)
5440 Morehouse Drive, Suite 3500
San Diego, CA 92121
Telephone: (619)255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
jackland@zakaylaw.com
juliann@zakaylaw.com

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA BARBARA

ROBERT BARAY, on behalf of himself and on
behalf of all persons similarly situated,

Plaintiffs,

vs.

CURATION FOODS, INC, a Delaware
Corporation; LANDEC CORPORATION, a
Delaware Corporation; and DOES 1 through
50, Inclusive;

Defendants.

Case No. 21CV02834

**DECLARATION OF ROBERT BARAY IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: November 22, 2022

Time: 8:30 a.m.

Judge: Hon. James F. Rigali

Dept.: 2

1 I, ROBERT BARAY, 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 CURATION FOODS, INC and defendant LANDEC
5 CORPORATION (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 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 the Class Members that I am seeking
10 to represent.

11 4. I worked for Defendants as a non-exempt employee in California from March of 2013
12 to July of 2020. During my employment, I worked as a maintenance mechanic/technician. At all
13 times during my employment, I was denied legally mandated meal and rest periods, minimum wages,
14 and overtime compensation. Throughout my employment, I was subject to Defendants' written
15 policies and procedures contained in, among other documents, the "Apio, Inc. Employee Policies" and
16 "Curation Foods Employee Policies."

17 5. Generally, my lawsuit claims that Defendants failed to pay for all time worked,
18 including overtime compensation, failed to provide compliant meal and rest periods, failed to furnish
19 accurate itemized wage statements, and failed to pay all wages when due.

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

26 7. Further, there is no conflict between my interests and the interests of the class that I am
27 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that

1 I was injured by the same company-wide policies and practices to which the proposed Class was
2 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
3 of the Class by initiating this litigation, undertaking formal and informal discovery, and evaluating the
4 proposed settlement to assure that it is fair.

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

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

17 I declare under the penalty of perjury under the laws of the State of California that the foregoing
18 is true and correct. Executed on Oct 18, 2022, at Santa Maria, California.

19 Robert Baray III
20 By: Robert Baray III (Oct 18, 2022 11:57 PDT)
21 ROBERT BARAY
22
23
24
25
26
27
28