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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA CLARA

JAMES E. AGUILAR, an individual;
PAMELA CAZARES, an individual, on behalf
of themselves and on behalf of all persons
similarly situated,

Plaintiffs,

vs.

T & K, L.P., a California Limited Partnership;
and DOES 1-50, Inclusive,

Defendants.

Case No. 21CV384674

**DECLARATION OF JAMES AGUILAR IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Hearing Date:

Hearing Time:

Judge:

Dept.:

Action Filed: July 23, 2021

1 I, JAMES AGUILAR, 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 T & K, L.P. (hereinafter "Defendant").

5 2. This declaration is being submitted in support of Plaintiffs' motion for Preliminary
6 Approval of Class Action and PAGA Settlement.

7 3. I believe that I am, have been and will continue to represent the interests of the class
8 fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking
9 to represent.

10 4. I worked for Defendant in California from approximately August 2020 to April 2021.
11 At all times during my employment, I was denied legally mandated meal and rest periods, minimum
12 wages, and overtime compensation. Throughout my employment, I was subject to Defendant's written
13 policies and procedures contained in, among other documents, the "T&K, LP Employee Handbook."

14 5. Generally, my lawsuit claims that Defendant failed to provide compliant meal and rest
15 periods, furnished inaccurate itemized wage statements, miscalculated the regular rate of pay for
16 purposes of paying overtime compensation, and failed to reimburse employees for mandatory business
17 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 furnish accurate itemized wage statements, failure to pay overtime
22 compensation at the regular rate of pay, and failure to reimburse for mandatory business expenses.
23 Factually, Defendant's policies and practices apply class wide, and Defendant's liability can be
24 determined by facts common to all members of the Class.

25 7. 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

1 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
2 of the Class by initiating this litigation, undertaking extensive class discovery, and evaluating the
3 proposed settlement to assure that it is fair.

4 8. 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 resolved.

13 9. 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, I 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 Mar 6, 2023, at Olivehurst, California.

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19 By: 
James Aguilar (Mar 6, 2023 10:02 PST)
20 JAMES AGUILAR
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