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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

PEDRO RODRIGUEZ and JOSE GARCIA,
individuals, on behalf of themselves and on
behalf of all persons similarly situated,

Plaintiff,

v.

FERMA GREENBOX, INC. a California
Corporation, and DOES 1-50, inclusive,

Defendants.

Case No. RG21101104

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

Hearing Date: February 7, 2023

Hearing Time: 10:00 a.m.

Reservation ID: 485754779697

Judge: Evelio Grillo

Dept.: 21

I, JOSE GARCIA, declare as follows:

1. I am over eighteen years of age and if called as a witness, I could and would competently testify to the following facts from my own personal knowledge. I am the lead named Plaintiff in the above wage and hour class action filed against FERMA GREENBOX, INC. (hereinafter "Defendant").

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1 2. This declaration is being submitted in support of Plaintiff's motion for Preliminary
2 Approval of Class and PAGA Action Settlement.

3 3. I believe that I am, have been and will continue to represent the interests of the class
4 fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking
5 to represent. Specifically, I have worked for Defendant since 2016 as a truck driver, paid on an hourly
6 basis. As a driver, I was compensated on an hourly basis, I was entitled to minimum wage.
7 Accordingly, I am a member of the Settlement Class that I am seeking to represent.

8 4. My claims are typical of the claims of the Class Members that I am seeking to represent
9 because I was subject to the same alleged unlawful employment policies and practices at issue in this
10 action, including but not limited to, Defendant's failure to pay for all hours worked, failure to pay all
11 wages when due and failure to provide accurate wage statements. Factually, Defendant's policies and
12 practices apply class wide, and Defendant's liability can be determined by facts common to all
13 members of the Class.

14 5. Further, there is no conflict between my interests and the interests of the class that I am
15 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
16 I was injured by the same company-wide policies and practices to which the proposed Class was
17 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
18 of the Class by initiating this litigation, communicating with class counsel about the claims as they
19 apply to myself and others, undertaking extensive class discovery, and evaluating the proposed
20 settlement to assure that it is fair.

21 6. I understood at the time that I filed this action, that as a Class Representative, I owed a
22 duty to the putative class members to faithfully prosecute this action with their best interests at the
23 forefront of every decision. I understood that I could not make any decision in this action for the sole
24 benefit of my personal interest. I understood that in executing this duty, I might have been asked to
25 sacrifice my personal best interests for the benefit of the interests of the putative class members.
26 Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible
27 relief for my former co-workers for what I perceived to be Defendant's unlawful wage and hour
28

1 practices. I believe that I faithfully executed the duties of a Class Representative throughout this
2 litigation and will continue to do until this litigation is fully and finally resolved.

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

6 I declare under the penalty of perjury under the laws of the State of California that the foregoing
7 is true and correct. Executed Jan 5, 2023, at Jose Garcia, California

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10 By: 
11 JOSE GARCIA
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