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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF CONTRA COSTA

JOSE RAMON DE LA CRUZ, an individual, on
behalf of himself, and on behalf of all persons
similarly situated,

Plaintiff,

v.

GALPAO GAUCHO TWO, LLC, a Texas
limited liability company; GALPAO GAUCHO
THREE, LLC, a California limited liability
company; GALPAO GAUCHO FOUR LLC, a
California limited liability company; GALPAO
GAUCHO FIVE LLC, a California limited
liability company; GALPAO GAUCHO EIGHT
LLC, a California limited liability company;
GALPAO GAUCHO NINE LLC, a California
limited liability company; and DOES 1-50,
Inclusive,

Defendants.

Case No. C23-01770

**DECLARATION OF JOSE RAMON DE LA
CRUZ IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND PAGA
ACTION SETTLEMENT**

Judge: Hon. Charles S. Treat
Dept.: 12

1 I, JOSE RAMON DE LA CRUZ, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
4 testify to the following facts from my own personal knowledge. I am the named Plaintiff in the above
5 wage and hour class action filed against GALPAO GAUCHO TWO, LLC, a Texas limited liability
6 company; GALPAO GAUCHO THREE, LLC, a California limited liability company; GALPAO
7 GAUCHO FOUR LLC, a California limited liability company; GALPAO GAUCHO FIVE LLC, a
8 California limited liability company; GALPAO GAUCHO EIGHT LLC, a California limited liability
9 company; GALPAO GAUCHO NINE LLC, a California limited liability company (hereinafter
10 “Defendants”).

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

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

16 4. I worked for Defendant as a server in California between September of 2020 to October
17 of 2021. At all times during my employment, I earned an hourly wage and was entitled to legally
18 compliant meal and/or rest periods, and minimum, regular, and overtime wages for all hours worked.
19 Throughout my employment, I was subject to Defendant’s written policies and procedures.

20 5. Generally, my lawsuit claims that Defendant failed to include non-discretionary
21 payments into the regular rate of pay for purposes of overtime, failed to provide compliant meal and
22 rest periods, and failed to reimburse employees for all necessary business expenses.

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

1 7. Further, there is no conflict between my interests and the interests of the class that I am
2 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
4 I was injured by the same company-wide policies and practices to which the proposed Class was
5 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
6 of the Class by initiating this litigation, undertaking class discovery, and evaluating the proposed
7 settlement to assure that it is fair.

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

17 9. I believe that the proposed settlement before the Court is fair, reasonable, and adequate,
18 and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and
19 humbly, ask the Court to grant preliminary approval of the Settlement and all of its terms.
20

21 I declare under the penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct. Executed 13/09/2024, at Concord, California

23
24 By: 
25 Jose Ramon De La Cruz (Sep 13, 2024 15:30 PDT)
26 JOSE RAMON DE LA CRUZ
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