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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

DANIELA ARBELAEZ ACEVEDO and
MYRELLA THOMAS, as individuals, and on
behalf of themselves and on behalf of all
persons similarly situated,

Plaintiff,

v.

ACES 2020 I, LLC, a Limited Liability
Company; and DOES 1 through 50, inclusive,

Defendants.

Case No. 24CV061880

**DECLARATION OF DANIELA
ARBELAEZ ACEVEDO IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT**

Hearing Date: December 12, 2024

Hearing Time: 2:30 p.m.

Reservation ID: 139417801892

Judge: Hon. Victoria Kolakowski

Dept.: 518

Action Filed: January 30, 2024

Trial Date: None Set

1 I, Daniela Arbelaez Acevedo, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the above-
3 entitled matter. I submit this declaration in support of the Motion for Preliminary Approval of Class
4 Settlement and in support of my application for a class representative service payment.

5 2. I have personal knowledge of all the facts stated herein. I could and would competently
6 testify under oath to these facts in court if requested to do so.

7 3. I have worked for the defendant Aces 2020 I, LLC (“Aces”) in California from January of
8 2020 to the present, and during that time period have been classified by Aces as a non-exempt
9 employee.

10 4. I retained my attorneys who are experienced in both class action and PAGA representative
11 action litigation and claims against employers for violations of the California Labor Code. I have
12 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
13 of having any actual or potential conflicts of interest with another class member in this case. I am
14 not aware of any other pending matter or action asserting claims that will be extinguished or
15 adversely affected by this settlement.

16 5. I decided to file this class action lawsuit and be a plaintiff/class representative because I felt
17 that my legal rights as an employee and others like me were violated. For example, I was forced to
18 work off the clock as I was forced to perform tasks both before clocking in, and after clocking out.
19 I also was forced to work off the clock as I was required to undergo COVID-19 temperature checks
20 and questionnaires prior to clocking in. I did not always receive compliant meal and rest breaks
21 which were often late, short or missed entirely – and when these violations occurred, I did not
22 receive all break penalty payments I was entitled to. Further, I was not reimbursed for the use of
23 my personal cell phone which was an essential tool necessary to perform my job duties.

24 6. I spoke to my attorneys several times and discussed how Aces implemented its company
25 policies and procedures. I also assisted my attorneys in their investigation into my claims by
26 providing them documents and answering their questions. I reviewed the complaint before it was
27 filed and was given access to an electronic file sharing program that alerted me via email when
28 important documents were filed so that I could review them and keep up with the developments in

1 the case which I understood was one of my duties as a class representative. I could also access court
2 filings from this case on my attorney's law firm website. Also, I was informed that Aces had the
3 right to take my deposition, and that the preparation and deposition itself could take multiple days.
4 Although my deposition was not taken, I feel I would have been adequately prepared and
5 comfortable to give testimony on my experiences.

6 7. Even though this action is in the process of settling, I was and remain prepared to perform
7 all the duties of a class representative. I understand that as a class representative I have assumed a
8 fiduciary responsibility to prosecute this class action on behalf of the absent class members. I have
9 understood that as a fiduciary, I have a duty to prosecute this action for the benefit of the class
10 members and surrender any right to compromise the group action for an individual gain.

11 8. I understood that being a plaintiff/class representative in this case meant that I was seeking
12 damages not only for myself but also other current and/or former non-exempt employees working
13 for Aces in California who make up the class. I felt that these individuals were not aware of their
14 labor law rights and even if they were they would probably be apprehensive about speaking up or
15 even simply because of the time, effort and risk involved in filing a class action lawsuit.

16 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
17 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
18 or part of the attorney fees and costs paid by Aces to defend this lawsuit. Also, I knew there was a
19 risk that future employers, if they ever find out about this lawsuit, could hold it against me or
20 downgrade me as a potential hire. As the only named Plaintiff in this case it would not be difficult
21 for a future employer to become aware that I sued a former employer for labor law violations.
22 Ultimately, I decided these risks were worth it and decided to fight for my rights and the rights of
23 others regardless of the risks, time and effort I spent on this case.

24 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
25 to date on important developments by reviewing court filings that were made available to me
26 electronically as I described above.

27 11. A mediation took place on July 18, 2024, with Louis Marlin, a well-respected and
28 experienced mediator of wage and hour class actions. After the mediation the parties were able to

1 come to an agreement to settle the action based on a mediator's proposal. I communicated with my
2 attorneys regarding the terms of the settlement which was reached between the parties and
3 understood that I was representing absent class members and therefore wanted the best possible
4 result to be obtained for the class members and I believe a very positive result was in fact achieved
5 via settlement. I reviewed and signed the Memorandum of Understanding on August 15, 2024.
6 When the final settlement agreement was ready, I reviewed it closely and signed it.

7 12. I have been actively involved with this lawsuit performing the duties described above.
8 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
9 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
10 settlement process. I estimate that I spent approximately 30-40 hours working on this case up until
11 this point. I believe I have been diligent and have done what is expected of a named plaintiff and a
12 proposed class representative to date, and will continue to do so. I have and always will maintain
13 the best interest of the class members.

14 13. My attorneys explained to me that the settlement process involves a two-step review by the
15 Court to determine whether the settlement is fair before approving the settlement. I know this
16 process also involves notifying all class members of the settlement terms and of their rights to make
17 a claim for their settlement share, to opt out of the settlement or to object to the settlement.

18 14. I believe I did the right thing by filing this case on behalf of the class members who, subject
19 to court approval, are in line to receive monetary payments as a result of this case and settlement.
20 This is money they may never have ever gotten if I did not pursue this action on their behalf. I feel
21 significant personal satisfaction to know that I played a role in the class members being entitled to
22 monetary payments as a result of the filing of this lawsuit. I also believe that the requested class
23 representative service award of \$10,000 from the settlement is fair compensation for the work I
24 performed and the risks I undertook.

25 15. As part of the settlement, it was necessary for me to sign a general release of claims I may
26 have against Aces. I believe the class representative service payment I have requested provides me
27 with some compensation for this agreed release.
28

16. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying Aces costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, the general release and in light of the size of the settlement, I believe the request for \$10,000 as a class representative service payment is fair and reasonable.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on 11/12/2024, at San Jose, california.
(city, state)

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Daniela Arbelaez Acevedo
