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Attorneys for Plaintiff ALAN CARRILLO RODRIGUEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN JOAQUIN

ALAN CARRILLO RODRIGUEZ, an
individual, on behalf of themselves, and on
behalf of all persons similarly situated,

Plaintiff,

v.

TITAN WORKFORCE, a California
Corporation; and DOES 1-50, Inclusive;

Defendants.

Case No.: STK-CV-UOE-2022-0003036

**DECLARATION OF ALAN CARRILLO
RODRIGUEZ IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: March 28, 2024
Time: 9:00 a.m.

Judge: Hon. Barbara A. Kronlund
Dept.: 10D

1 I, ALAN CARRILLO RODRIGUEZ, declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiff's Motion
4 for Final Approval of Class Action and PAGA Settlement and in support of Motion for Class Counsel
5 Award and Class Representative Service Award. I have personal knowledge of all the facts stated herein.
6 I could and would competently testify under oath to these facts in court if requested to do so.

7 2. I retained Class Counsel in December 2021 and filed the lawsuit in April 2022. I filed the
8 case on behalf of myself and a class of all current and former hourly-paid or nonexempt employees
9 employed by Defendant in California during the period from April 26, 2018, to May 10, 2023.

10 3. I work for Defendant as a non-exempt employee, paid on an hourly basis, and entitled to
11 legally mandated meal and rest periods, minimum wages, and overtime compensation in California from
12 August of 2021 to November of 2021.

13 4. I filed the case because I believed my rights as an employee were violated by Defendant
14 and also the rights of other employees that worked for Defendant. Among other claims, I believe
15 Defendant failed to pay for all time worked, failed to provide compliant meal and rest periods, failed to
16 reimburse for mandatory business expenses, failed to furnish accurate itemized wages statements, and
17 failed to pay all wages when due.

18 5. Before I initiated the case as a plaintiff and Class Representative, I spoke at length with
19 my attorneys. We discussed my work experience and how company policies were applied to me and
20 other employees. I provided the attorneys with documents they requested. We reviewed the documents
21 together and asked and answered many questions regarding my experience working for Defendant, the
22 litigation process, and about class actions generally.

23 6. During these conversations, I learned about my responsibilities as a plaintiff in the lawsuit
24 and as proposed a Class Representative. I understood that pursuing this action as a class action rather
25 than merely seeking my individual claims substantially increased the risk to me. Those risks included
26 the possibility of being held liable for Defendant's attorneys' fees and costs in a complex class action if
27 I lost the case. I also understood that as a Class Representative, I would be under increased scrutiny by
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1 the attorneys and the Court because I needed to prove that I was an adequate class representative.
2 Further, I understood that I would lose some autonomy over my individual claims that I could not make
3 decisions for my sole benefit and that I needed to make every litigation decision with the best interests
4 of the Settlement Class in mind.

5 7. I also understood that pursuing this litigation created a very public record of my grievances
6 with Defendant which produced the risk that a future employer could hold it against me that I sued a
7 former employer.

8 8. I also knew that I was making a sacrifice in that I could have pursued my claims only on
9 an individual basis, likely obtaining a recovery greater than the portion of the class settlement I stand to
10 receive from this settlement. My attorneys explained to me that the net settlement value of my individual
11 claims may be greater than my ultimate recovery from the net class settlement amount.

12 9. Notwithstanding these risks and sacrifices, I decided to go through with the case because
13 I believed violations occurred and most employees would not know what their rights are and even if
14 they did, they would be apprehensive to file a lawsuit against their employer for fear of retaliation.

15 10. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed status
16 updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the phone,
17 because I wanted to keep up with developments in the case which I understood was one of my duties as
18 a class representative.

19 11. **Review and Approval of Settlement:** A mediation was held on March 10, 2023. Even
20 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
21 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
22 with my attorneys after the mediation and discussed the mediator's proposal which was ultimately
23 accepted. I was very satisfied with the terms of the settlement that was agreed to by the parties. I
24 reviewed and signed the Memorandum of Understanding on March 13, 2023, and when the settlement
25 papers were ready, I again spoke with my attorneys and reviewed the settlement agreement which I
26 signed on June 3, 2023.

1 12. **Broad General Release:** I understand that the Class Representative Service Award is
2 intended, in part, to compensate me for my release of the Released Class Claims. Additionally, unlike
3 the other Class Members, I also granted Defendant a broad general release and waiver of claims pursuant
4 to California Civil Code section 1542 and released Defendant from all claims whether known or
5 unknown, under federal law or state law (“Plaintiff’s Release”).

6 13. **Participation:** Since I retained Class Counsel approximately twenty-seven months ago, I
7 have been actively involved with this class action lawsuit performing the duties described above. While
8 I did not keep formal time records, I was in regular contact with my attorneys, attended hearings,
9 reviewed important court filings, and spent considerable time on the issues presented during the
10 litigation and in the settlement process. I estimate that I spent approximately 20-25 hours working on
11 this case.

12 14. Also, my attorneys explained to me that the settlement process involved a two-step review
13 by the Court to determine whether the settlement was fair before ordering that the settlement be funded
14 and paid. I knew this process also involved notifying all class members of the settlement terms and of
15 their rights to make a claim for their settlement share, to opt out of the settlement or to object to the
16 settlement.

17 15. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
18 now stand to receive substantial monetary payments as a result of this case and settlement. I also believe
19 that the requested Class Representative Service Award in the amount of \$10,000 from the settlement is
20 fair compensation for the (1) the broad general release I executed, (2) the work I performed, (3) the
21 sacrifices made not pursuing this case individually, and (4) the risks I undertook.

22 16. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
23 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant’s
24 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
25 for \$10,000 as a service award is fair and reasonable.
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17. Further, I support my attorneys' application for a Class Counsel Award in the amount of \$241,666.66, comprised of \$216,666.66 for attorneys' fees (one-third of the Total Settlement Amount) and up to \$25,000 for reimbursement of actually incurred litigation expenses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 03/04/2024, at Oakland, California.

By Alan Carrillo (Mar 4, 2024 13:48 PST)

ALAN CARRILLO RODRIGUEZ