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Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF BUTTE

JAMAL SHABAZZ and JOSEPH
CASTANEDA, individuals, on behalf of
themselves, and on behalf of all persons
similarly situated,

Plaintiffs,

v.

MANN & COMPANY, INC., a California
Corporation; and DOES 1 through 50,
Inclusive,

Defendants.

Case No. 22CV02669

**DECLARATION OF JOSEPH CASTANEDA
IN SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: January 29, 2025
Time: 9:00 a.m.

Judge: Hon. Tamara Mosbarger
Dept.: 1

1 I, JOSEPH CASTANEDA, 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 Plaintiffs' Motion
4 for Final Approval of Class Action and PAGA Settlement and in support of Plaintiffs' Motion for
5 Attorneys' Fees, Litigation Costs, and Class Representative Payment. I have personal knowledge of all
6 the facts stated herein. I could and would competently testify under oath to these facts in court if
7 requested to do so.

8 2. I retained Class Counsel in February of 2024 and was added as a named Plaintiff to the
9 Action in June of 2024. I filed the case on behalf of myself and a class of persons defined as all persons
10 who are or previously were employed by Defendant in California and classified as non-exempt
11 employees at any time during the Class Period.

12 3. I worked for Defendant as a non-exempt employee in California in January of 2024. At
13 all times during my employment, I earned an hourly wage and was entitled to legally compliant meal
14 and rest periods, and minimum, regular and overtime wages for all hours worked. Throughout my
15 employment, I was subject to the same policies and procedures issued by Defendant as the class
16 members I am seeking to represent.

17 4. I filed the case because I believed my rights as an employee were violated by Defendant
18 and the rights of other employees that worked for Defendant. Among other claims, I believe Defendant
19 failed to pay for all time worked, failed to provide complaint meal and rest periods, failed to reimburse
20 for required business expenses, failed to furnish accurate itemized wage statements, and failed to pay all
21 wages when due.

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

27 6. During these conversations, I learned about my responsibilities as a plaintiff in the lawsuit
28 and as proposed a Class Representative. I understood that pursuing this action as a class action rather

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

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

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

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

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

22 11. **Review and Approval of Settlement:** A mediation was held on February 15, 2024. Even
23 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
24 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
25 with my attorneys after the mediation and discussed the settlement. I was very satisfied with the terms
26 of the settlement that was agreed to by the parties. I reviewed and signed the Memorandum of
27 Understanding on February 22, 2024, and when the settlement papers were ready, I again spoke with
28 my attorneys and reviewed the settlement agreement which I signed on April 30, 2024.

1 12. **Participation:** Since I retained Class Counsel almost one year ago, I have been actively
2 involved with this class action lawsuit performing the duties described above. While I did not keep
3 formal time records, I was in regular contact with my attorneys, reviewed important court filings with
4 my attorneys, and spent considerable time on the issues presented during the litigation and in the
5 settlement process. I estimate that I spent approximately 15-20 hours working on this case.

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

11 14. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
12 now stand to receive substantial monetary payments as a result of this case and settlement. I also believe
13 that the requested Service Award in the amount of \$10,000 from the settlement is fair compensation for
14 (1) the work I performed, (2) the sacrifices made not pursuing this case individually, and (3) the risks I
15 undertook.

16 15. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
17 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's
18 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
19 for \$10,000 as a service award is fair and reasonable.

20 16. Further, I support my attorneys' application for Attorneys' Fees and Litigation Costs in
21 the amount of up to \$275,000, comprised of \$250,000 for attorneys' fees (one-third of the Gross
22 Settlement Amount) and up to \$25,000 for reimbursement of actually incurred litigation expenses. I also
23 agreed to and support the fee split as follows between Zakay Law Group, APLC and The JCL Law Firm,
24 APC: 50% to Zakay Law Group, APLC and 50% to The JCL Law Firm, APC.

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1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed on 12/25/2024, at Magalia (Location/City), California.

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4 By: Joseph Castaneda
Joseph Castaneda (Dec 25, 2024 19:50 PST)
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