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Case Number CVRI2105455 0000064232463 - Jason B. Galkin, Executive Officer/Clerk of the Court By Kristen King, Clerk

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF RIVERSIDE**

15 FELIX REY GUTIERREZ, individually, and on
16 behalf of all others similarly situated,

17 *Plaintiff,*

18 v.

19 NEXT LEVEL DOOR & MILLWORK, INC., a
20 California corporation, and DOES 1 through
21 10, inclusive,

22 *Defendants.*

Case No. CVRI2105455

CLASS ACTION

[Assigned for all purposes to: Hon. Harold Hopp, Dept. 1]

DECLARATION OF FELIX REY GUTIERREZ IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

PRELIMINARY APPROVAL HEARING

Date: August 8, 2023

Time: 8:30 a.m.

Dept: 1

DECLARATION OF FELIX REY GUTIERREZ

I, Felix Rey Gutierrez, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I am the named Plaintiff in this action and submit this declaration in support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement. Because I believe I have provided invaluable assistance during the course of this case, I am hopeful that the Court will approve my request of a \$10,000 service payment for my role as the Class Representative.

3. I am a former employee of Defendant Next Level Door & Millwork, Inc. (“Next Level Door”). I worked at Next Level Door from approximately November 2017 to approximately September 2018 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject Next Level Door’s policies and practices that have been alleged as unlawful in the complaint.

4. I filed this lawsuit in because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all of my meal and rest breaks. While working at Next Level Door, my coworkers and I were asked to work long hours because of the amount of work, sometimes without taking meal and rest breaks and without receiving compensation for all hours worked. I also observed my co-workers working long hours without taking breaks.

5. By originating this lawsuit, I hoped that I might be able to change Next Level Door’s policies to better protect the working conditions of my co-workers. I also understood it was my duty as the Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

6. Prior to commencing this case, I provided Wilshire Law Firm with a detailed account of the facts related to my employment with Next Level Door. Additionally, I provided my counsel with documentation in the form of pay statements and other policy documents that applied to my employment with Next Level Door. Based on my conversations, my attorneys and I were able to identify instances when I was not paid correctly.

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1 7. I have invested a lot of personal time and energy while this lawsuit has been
2 pending. I made it a priority to be actively involved because I wanted to do everything I can to
3 assist my attorneys in prosecuting this case. I regularly communicated with my attorneys and
4 their staff to discuss updates on the case and to provide my attorneys with additional information.

5 8. I spent multiple hours looking for documents that my attorneys asked me to
6 provide to help this case.

7 9. I also made myself available during the mediation for this case and I kept in
8 regular contact my attorneys before and after the mediation to ensure that any questions the
9 attorneys had could be answered.

10 10. I also reviewed documents filed in this case, including the settlement-related
11 documents.

12 11. I believe the settlement is a good settlement and I would recommend that the
13 Court approve it because I believe that this settlement is fair, adequate, and reasonable. I am glad
14 that I had the opportunity to represent the class in this lawsuit and that I was able to recover
15 money through a settlement for the class. I have also observed my attorneys’ work throughout
16 this case and I believe they have been thorough, diligent, prompt, courteous, and professional.

17 12. I estimate that I spent **at least 55 hours on this case** since I first contacted
18 Wilshire Law Firm.

19 13. I did not make the decision to file this case lightly. I was concerned by the
20 attention a lawsuit, and especially a class action, would attract. My name would be associated
21 with a lawsuit that I filed against my former employer and I am mindful that future employers
22 might find out that I sued a former employer, which could hurt my employability. In a
23 competitive job market, this factor may weigh heavily against me.

24 14. Standing up for myself and the rights of others was not an easy decision, and I am
25 relieved that this case is coming to an end.

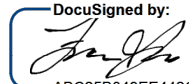
26 15. I respectfully request that the Court award me a \$10,000 service payment. I am
27 receiving no additional compensation other than the compensation provided for in the settlement.
28 Based on my involvement in this case and the benefits provided to my former co-workers, I can

1 say I helped represent the other workers who may have been too afraid to say anything to
2 management because they did not want to risk losing their jobs or risk the stigma of suing an
3 employer. I was not afraid to take that risk because I strongly care about helping my fellow co-
4 workers.

5 16. Although I continue to fear that employers may find out that I participated in this
6 lawsuit and hold it against me, I felt that important rights were at stake that hurt myself and other
7 employees.

8 I declare under penalty of perjury, under the laws of the State of California and the United
9 States of America, that the foregoing is true and correct.

10 Executed on 7/17/2023 at Colton, California.

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12 ABC25B049EE442C...
13 Felix Rey Gutierrez

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