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6 individually and on behalf of similarly situated employees

7 [additional parties continued on next page]

8 **SUPERIOR COURT OF CALIFORNIA**

9 **FOR THE COUNTY OF SAN JOAQUIN**

11 ELIZABET SANCHEZ and GRISELDA
12 RAMIREZ, individually and on behalf of all
other similarly situated employees,

13 Plaintiffs,

14 vs.

15 PACIFIC COAST PRODUCERS, a California
16 Corporation; and DOES 1 to 100, inclusive,

17 Defendants.

Case No. STK-CV-UOE-2021-11106

*Assigned for All Purposes to Hon. Robert T.
Waters, Department 11B*

CLASS ACTION

**DECLARATION OF JOSE R. GARAY IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: FEB 28 2024

Time: 9:00 a.m.

Dept.: 11B

Judge: Hon. Robert T. Waters

Filed: December 7, 2021

FAC Filed: February 14, 2022

SAC Filed: March 29, 2023

TAC Filed: September 19, 2023

Trial Date: None Set

FILED

2024 JAN 24 PM 12:17

STEPHANIE BORRER, CLERK

JESSICA CAYO

BY DEPUTY

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15 Attorneys for Plaintiff GRISELDA RAMIREZ
16 individually and on behalf of similarly situated employees
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1 I, Jose R. Garay, declare:

2 1. I am an attorney at law duly admitted to practice before all the courts of the State of
3 California and an attorney of record for Plaintiff Griselda Ramirez (“Plaintiff”) herein. I am making this
4 declaration on behalf of the named plaintiffs, the putative class members, and in support of Plaintiffs’
5 Motion for Preliminary Approval of Class Action and PAGA Settlement (“Motion”). I have personal
6 knowledge of the matters set forth herein, and, if called as a witness, could competently testify thereto.

7 2. I am familiar with California law governing wages, reimbursement, and other entitlements
8 owed to employees, including, but not limited to, the relevant statutes at issue in this case such as
9 California Labor Code sections 201, 201.3, 201.5, 201.6, 201.9, 202, 202, 203, 204, 204.1, 204.2, 206,
10 210, 216, 221, 222, 223, 226, 226.3, 226.7, 227.3, 245, 245.8, 246, 246.5, 247, 248.5, 256, 351, 352, 353,
11 432, 432.5, 432.7, 510, 512, 558, 558.1, 1024.5, 1174, 1174.5, 1194, 1194.2, 1197 et seq., 1197.1, 1198,
12 1198.5, 1199, 2100 et seq, 2699, 2699.3, 2699.5, 2800, 2802, 2810.5, and applicable IWC Wage Orders,
13 and California Code of Regulations, Title 8, section 11000 et seq., and California Business and
14 Professions Code sections 17200 *et seq.*

15 3. Plaintiff’s Counsel is experienced in wage and hour matters and class action litigation,
16 and I am currently serving as plaintiff’s counsel in dozens of other wage and hour class actions and/or
17 PAGA actions throughout California.

18 4. I submit the following facts in support of my qualifications. I graduated from Stanford
19 University in May 1989. I obtained my J.D. from Southern Methodist University in May 1998. I was
20 admitted to the California State Bar in February 1999. In or around 2001, I focused my practice primarily
21 on employment wage and hour class litigation. Since the inception of my law firm, I have represented
22 individuals in all wage related matters. I successfully represented individuals in DLSE filings and civil
23 court. As a result, I transitioned into class actions with a broad and in-depth experience affecting class
24 based lawsuits. In 2002, I filed one of the first known class action cases under Labor Code section 226.7.
25 My law firm was instrumental in the statewide dispute over the private right of action debate, as well as
26 the debate over wage versus penalty. I successfully litigated both issues in state and federal court. In 2004,
27 as a result of my extensive experience, California Rural Legal Assistance selected my law firm to assist
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1 them with class litigation affecting migrant workers. I have been asked to sit on class action panels on
2 numerous occasions, have been asked to act as a mediator, law professors have requested that I speak on
3 class action issues, ethics issues and damage analyses, and have written numerous articles tailored to
4 high-tech employees.

5 5. Since the time my law firm transitioned primarily into wage and hour class actions,
6 numerous attorneys that have filed wage and hour class actions have sought the assistance of my law firm
7 either as co-counsel or of-counsel. Over the course of almost a decade, I have prosecuted hundreds of
8 wage and hour class actions, including many with the same issues presented in the instant related matters.

9 6. During the last two decades, I have litigated hundreds of class actions involving the same
10 or similar issues. The following is a small sample of cases that were certified and in which I was appointed
11 class counsel (either as lead counsel or co-counsel) in state and federal court:

- 12 • *Graham v. DST Output West, LLC, et al.*, Case No. PC 2008 0109 (Wage and Hour Class Action);
- 13 • *Canale v. Auto Nation, et al.*, Case No. BC323890 (Joint Employer Wage And Hour Class
14 Action);
- 15 • *Sarkisian v. Symantec Corporation, et al.*, Case No. BC423476 (Wage and Hour Class Action);
- 16 • *Shepherd v. Ayres Group, et al.* and *Garcia v. Ayres Group, et al.*, Case Nos. 30-2010-00372924
17 and 30-2010-00404619, respectively (Class action alleging that defendant failed to provide meal
18 periods and rest breaks under California law);
- 19 • *Nava v. Chapman Care, et al.*, Case No. 30-2010-00413245 (Class Action alleging that defendant
20 failed to provide meal periods and rest breaks under California law);
- 21 • *Vazquez v. Marriott International, Inc., et al.* Case No. 30-2010-00396748-CU-OE-CXC (Class
22 action alleging that defendant failed to provide meal periods and rest breaks under California
23 law);
- 24 • *Sandoval, et al. v. Advanced Dynamic Solutions, Inc.*, Case No. 30-2010-00395127-CU-OE-CXC
25 (Class action alleging that defendant failure to provide meal periods, rest periods and overtime);
- 26 • *O'Flynn v. Golfsmith*, Case No. 30-2009-00180164-CU-OE-CXC (Class action alleging that
27 defendant failed to provide meal periods, rest periods and overtime compensation);
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- 1 • *Espinoza v. Big Lots Stores, Inc., et al.*, Case No. CIV236538 [Class action alleging that defendant
- 2 failed to provide rest breaks under California law);
- 3 • *Eralta, et al. v. B&V Enterprises*, Case No. 30-2010-00405905-CUOE-CXC (Class action
- 4 alleging failure to pay wages for off the clock time, and meal and rest period violations);
- 5 • *Perez v. El Torito Restaurants, Inc., et al.*, Case No. NC036649 (Class action alleging that
- 6 defendant failure to provide meal periods, rest periods and overtime compensation);
- 7 • *Culbertson v. Ikea, et al.*, Case No. RG07348854 (Class action alleging that defendant failed to
- 8 provide meal periods and rest breaks under California law);
- 9 • *Corbin v. Landry's Restaurants, et al.*, Case No. BC380713 (Class action alleging that defendant
- 10 failed to provide meal periods, rest periods and overtime compensation);
- 11 • *Abraham Vega v. Domino's Pizza California, et al.*, Case No. 03CC00203 (Class action alleging
- 12 that defendant failed to provide meal periods and rest breaks under California law);
- 13 • *Mercado v. Gate Gourmet, Inc., et al.*, Case No. CV-07-02305-JHN(CWx) (Wage and hour class
- 14 action, settlement of two subclasses alleging failure to provide lawful meal and rest periods);
- 15 • *Dellmore v. Toys R' Us*, Case No. RG07306616 (Class action alleging failed to pay wages for off
- 16 the clock time, meal and rest period violations);
- 17 • *Mendoza v. Panda Express*, Case No. BC371019 (Class action alleging defendant failed to
- 18 provide meal periods or compensation);
- 19 • *Galavis v. Patina Group*, Case No. BC3755225 (Class action alleging defendant failed to provide
- 20 meal periods or compensation);
- 21 • *Gidino v. McGrath Rent Corp., et al.*, Case No. VG09446874 (Class action alleging that defendant
- 22 failed to provide meal periods and rest breaks under California law);
- 23 • *Gomez, et al. v. Adriana's Insurance Services, Inc., et al.*, Case No. CIVRS806612 (Class action
- 24 alleging that defendant failed to provide meal periods and rest breaks under California law);
- 25 • *Johanson v. Home Loan Center*, Case No. 07CC01405 (Class action alleging that defendant failed
- 26 to provide meal periods, rest periods and overtime);
- 27 • *O'Flynn v. Worldwide Golf Enterprises, Inc., et al.*, Case No. 07CC01393 (Class action alleging
- 28

1 that defendant failed to provide meal periods, rest periods and overtime);

- 2 • *Aravena v. VMWare, Inc. et al.*, Case No. 07CC01368 (Misclassification class action for software
- 3 engineers);
- 4 • *Roberts v. Palm, Inc., et al.*, Case No. 1-10-CV-161497 (Misclassification of test engineers
- 5 alleging that defendant misclassified test engineers as exempt);
- 6 • *Aravena v. Cisco Systems, et al.*, Case No. 07CC01367 (Misclassification class action for software
- 7 engineers);
- 8 • *Chan v. Paypal, Inc.*, Case No. 1-10-CV-168947 (Misclassification class action for software
- 9 engineers and related positions in multiple job families alleging that defendant misclassified
- 10 software engineers as exempt);
- 11 • *Vu v. Ebay, Inc.*, Case No. 1-10-CV-167040 (Misclassification class action for software engineers
- 12 and related positions in multiple job families alleging that defendant misclassified software
- 13 engineers as exempt);
- 14 • *Thomas v. Cognizant Technology Solutions*, Case No. CV 11-1123 JST (Misclassification of
- 15 high-tech employees);
- 16 • *Lopez v. Ware Disposal, Inc.*, Case No. 30-2010-00405307-CU-OWCXC (Meal and rest period
- 17 class action];
- 18 • *Barajas v. Best Brands Corp.*, Case No. CIVDS1014454 (Wage and hour class action);
- 19 • *Ortega, et al. v. CR&R Waste Services*, Case No. BC414624 (Meal and rest period class action);
- 20 and
- 21 • *Medina v. IDS USA West, Inc.*, Case No. CIVRS1111028 (Wage and hour class action).

22 7. My office investigated the class and PAGA claims in this action by interviewing Plaintiff,

23 propounding discovery, meeting and conferring with Defendant, and filing and opposing motions.

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25 8. I have reviewed the Declaration of Justin P. Rodriguez and agree with his statements

26 regarding the case history and the assessment of the value of each of the Plaintiffs' claims.

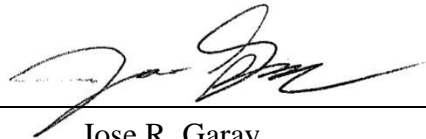
27 9. Based on the evidence and likely testimony in this case, I believe the settlement before

28 the Court for approval represents a fair and reasonable compromise based on the realistic potential

1 recovery and is within the “ballpark” of a fair, reasonable, and adequate settlement of the wage and hour
2 class action and Private Attorneys General Act claims alleged in this case

3 10. I have spoken with every other attorney at my firm to determine whether they have any
4 relationship with either of the proposed *cy pres* beneficiaries. No attorneys in my firm have any
5 relationship with Capital Pro Bono, Inc., or the Center for Workers Rights.

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7 I declare under penalty of perjury under the laws of the State of California that the foregoing is
8 true and correct. Executed on January 23, 2024 in Long Beach, California.

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13 Jose R. Garay
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