

Justin F. Marquez (SBN 262417)
justin@wilshirelawfirm.com
Christina M. Le (SBN 237697)
cle@wilshirelawfirm.com
Arsiné Grigoryan (SBN 319517)
agrigoryan@wilshirelawfirm.com
WILSHIRE LAW FIRM
3055 Wilshire Blvd., 12th Floor
Los Angeles, California 90010
Telephone: (213) 381-9988
Facsimile: (213) 381-9989

Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ANN ESPINOZA and DIANA FONTANA,
individually, and on behalf of all others similarly
situated,

Plaintiffs,

v.

CICON ENGINEERING, INC., a corporation,
and DOES 1 through 10, inclusive,

Defendants.

Case No. 21STCV39385

CLASS ACTION

*[Assigned for all purposes to Judge Maren
Nelson, Dept. 17]*

**DECLARATION OF DIANA FONTANA
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

*[Filed concurrently with: Plaintiffs' Notice of
Motion and Motion for Preliminary Approval
of Class Action Settlement, Memorandum of
Points and Authorities; Declaration of Justin
F. Marquez, Ann Espinoza, and Jarrett
Gorlick in Support of Motion; and [Proposed]
Order Granting Motion]*

PRELIMINARY APPROVAL HEARING

Date: March 13, 2023

Time: 9:00 a.m.

Dept: 17

Complaint filed: October 26, 2021
SAC filed: November 1, 2022

DECLARATION OF DIANA FONTANA

I, Diana Fontana, declare as follows:

1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. All of the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

2. I make this declaration entirely of my own free will and choice. I have not been promised any benefit for doing so, and I have not been pressured into giving this declaration. Before signing this declaration, I was given the opportunity to review it, make changes, and verify the accuracy of its contents.

3. I am a former employee of Cicon Engineering, Inc. (“Cicon”). I worked at Cicon from approximately from July 2017 to August 2018, as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of Cicon’s policies and practices that have been alleged as unlawful in the Class Action Complaint (“Complaint”) and Private Attorneys General Act (“PAGA”) Notice sent to Cicon and the Labor & Workforce Development Agency (“LWDA”).

4. I have actively participated in the litigation of this action. Prior to the commencing of this case, I provided Wilshire Law Firm and my attorneys a detailed account of the facts related to my employment with Cicon, including, but not limited to, my belief that Cicon had a policy and practice of not providing its employees with California compliant meal and rest periods, improper rounding, and requiring its employees to work “off-the-clock” prior to clocking in for the workday, during meal periods, and after clocking out for the workday, and failing to reimburse its employees for business-related expenses. Additionally, I provided my counsel with wage statement documentation in support of the claims brought against Cicon. These documents, along with the anecdotes I shared regarding my employment, assisted my attorneys in understanding the policies and practices at Cicon. I also regularly communicated with my attorneys and staff members of Wilshire Law firm via telephone and text messages.

1 5. My attorneys explained to me the risks and benefits of bringing forward a class
2 action matter. I understood the risks, both professionally and financially, associated with pursuing
3 a class action case and acting as the Class Representative. I further understood that pursuing the
4 case as a class action, rather than individually, meant that it would take substantially longer as a
5 result of the multi-step approval process as mandated by the California Courts. Although I was
6 made aware that there was a possibility that I could receive nothing at the end, I believed that it
7 was important to ensure that Cicon followed the law with respect to all of its hourly-paid, non-
8 exempt employees. Additionally, I understood that it was my responsibility to act in the best
9 interests of the Class and not just myself. In that respect, I understood my duties and
10 responsibilities to the proposed Class and carried out and will continue to carry out those duties as
11 necessary.

12 6. Throughout the course of the litigation, I maintained constant communication with
13 my attorneys and discussed pertinent matters relevant to the lawsuit. I asked questions when I
14 wanted to know what was being done to advance the interests of the Class or simply wanted an
15 update regarding the case. I understood that a recovery would not only benefit me but would
16 benefit my fellow coworkers as well. At all times, I made myself available to answer any questions
17 that my attorneys had about my employment.

18 7. This was especially true leading up to and during the mediation that took place on
19 September 8, 2022. In preparation for the mediation, I had extensive conversations with my
20 attorneys regarding the nuanced issues that we were going to advance during the negotiation
21 process with the mediator. During the mediation session, I was available to speak with my
22 attorneys, answer any questions that arose, and provide any additional documentation that was
23 necessary to assist the settlement discussions.

24 8. On or about November 3, 2022, I reviewed the Class Action and PAGA
25 Settlement Agreement and Class Notice (“Settlement Agreement”) in full and discussed all the
26 terms with my attorneys. My attorneys answered all the questions I had regarding the Settlement
27 Agreement. I believe the settlement terms and allocations are fair, adequate, and reasonable
28

1 given the strength of the class claims and Cicon's defenses. That same day, I signed the
2 Settlement Agreement.

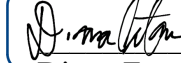
3 9. I estimate that I spent approximately 30 - 40 hours searching for and collecting
4 documents related to my employment, speaking with my attorneys throughout the litigation,
5 helping my attorneys prepare for mediation, discussing the particulars and reasonableness of the
6 settlement, and reviewing/signing documents related to the settlement.

7 10. I do not have any interest, financial or otherwise, in the proposed *cy pres* recipient,
8 Legal Aid at Work or the third-party administrator, CPT Group, Inc.

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

11 Executed on 12/9/2022 at Pacoima, California.

12 DocuSigned by:

13 

14 Diana Fontana
15
16
17
18
19
20
21
22
23
24
25
26
27
28


Espinoza, et al. v. Cicon Engineering, Inc., et al.
21STCV39385

I, Sandy S. Sespene, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is ssespene@wilshirelawfirm.com.

Eric C. Schwettmann, Esq. (SBN 188784)
eschwettmann@brgslaw.com
 Matthew B. Golper, Esq. (SBN 275979)
mgolper@brgslaw.com
 Olga G. Pena, Esq. (SBN 307927)
opena@brgslaw.com
BALLARD ROSENBERG GOLPER & SAVITT, LLP
 15760 Ventura Boulevard, 18th Floor
 Encino, California 91436
 Telephone: (818) 508-3700
 Facsimile: (818) 506-4827

(X) **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service **CASEANYWHERE.**

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


Sandy S. Sespene