

ELECTRONICALLY FILED  
by  
Superior Court of California  
County of Yuba  
on 10/10/2023  
by C Fuentes

1 Galen T. Shimoda (Cal. State Bar No. 226752)  
Justin P. Rodriguez (Cal. State Bar No. 278275)  
2 Renald Konini (Cal. State Bar No. 312080)  
**Shimoda & Rodriguez Law, PC**  
3 9401 East Stockton Boulevard, Suite 120  
Elk Grove, CA 95624  
4 Telephone: (916) 525-0716  
Facsimile: (916) 760-3733

5 Attorneys for Plaintiff RAFAEL GUEVARA SANCHEZ  
6 individually and on behalf of similarly situated employees

7  
8 **SUPERIOR COURT OF CALIFORNIA**  
9  
10 **FOR THE COUNTY OF YUBA**

11 RAFAEL GUEVARA SANCHEZ,  
12 individually and on behalf of all other  
similarly situated employees,  
13  
14 Plaintiff,  
15  
16 vs.  
17 DANNA FARMS INC., a California  
Corporation; and DOES 1 to 100, inclusive,  
18  
19 Defendants.

Case No. CVCV21-01213

**CLASS ACTION**

**DECLARATION OF RAFAEL GUEVARA  
SANCHEZ IN SUPPORT OF PLAINTIFF'S  
MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION AND PAGA  
SETTLEMENT**

Date: November 27, 2023  
Time: 10:00 a.m.  
Dept.: 4  
Judge: Hon. Stephen W. Berrier

Filed: December 22, 2021  
FAC Filed: May 11, 2022  
Trial Date: None Set

1 I, Rafael Guevara Sanchez, declare:

2 1. I am a competent adult, I have personal knowledge of the facts set forth in this  
3 declaration, and I am making this declaration on behalf of myself, as a named plaintiff, and in support  
4 of Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement.

5 2. I worked for Defendant Danna Farms Inc. ("Defendant") from approximately January  
6 2011 to May 26, 2021, as a non-exempt employee. I was subject to all of Defendants' policies and  
7 practices that have been alleged as unlawful in the Complaint and the notice sent to the Labor and  
8 Workforce Development Agency, including the following: failure to pay overtime, failure to pay  
9 minimum wages, failure to provide accurate wage statements, failure to timely pay final wages, failure  
10 to provide meal and rest periods or pay premiums in lieu thereof, and failure to reimburse expenses.

11 3. I have actively participated in the litigation of this case for the benefit of all Class  
12 Members. Prior to obtaining an attorney, I performed several hours of research trying to find a quality  
13 attorney to handle the claims. I also performed several hours of research on the potential claims, so I  
14 could be sure I could have an informed discussion with the attorneys about the claims and have a better  
15 idea of what to expect in litigation and how to help the case proceed. After securing Shimoda &  
16 Rodriguez Law, PC, I continued to be actively involved in the case to help ensure a positive outcome.

17 4. My attorneys explained to me the risks and benefits of bringing a class action and a  
18 claim under the Private Attorneys General Act ("PAGA"). I understood that pursuing the case as a  
19 class and PAGA action meant that it would take substantially longer than pursuing my claims  
20 individually, whether in Court or with the California Labor Commissioner, and that I risked getting  
21 nothing in the end, but I believed it was important to make sure that Defendant followed the law for  
22 everyone. I understood that I took on the risk, both professionally and financially, in pursuing the case  
23 as a class and PAGA action rather than pursuing my claims individually, including the risk of having to  
24 pay Defendants' costs if we were unsuccessful in bringing our claims.

25 5. During the course of this litigation, I have given detailed accounts of all the facts related  
26 to my employment. I provided my attorneys with extensive documentation that I believe supported the  
27 claims brought against Defendant. I met with and assisted my attorneys in understanding these  
28 documents and providing context for Defendants' payroll process as it applied to me and how I believed

1 it applied to Defendants' other employees. I worked there for over ten (10) years, so I was able to  
2 discuss the similarities of the wage and hour policies and practices among all Class Members.

3         6.         The work I performed for this case included an extensive review of documents and  
4 payroll practices to show and explain to my attorneys what was happening and why I thought it was  
5 unlawful. For example, I explained to my attorneys my job duties and responsibilities, the type of tasks  
6 and work performed at the farms, issues at work regarding wage and hour violations, the number of  
7 class members at work during a typical day, the tasks required in a typical day, the hours worked during  
8 my employment, and the policies of the Defendant and how they affected myself and class members. I  
9 explained how employees did not enter their own hours worked on their timecards. Instead, Plaintiff  
10 and Class Members wrote down hours worked on notepads, providing the notes to their supervisors like  
11 who would automatically insert times for meal periods starting at 12:00 p.m. even when no meal  
12 periods were taken. I also explained that supervisors regularly discounted and reduced employees'  
13 hours worked that were spent preparing farm equipment and/or materials for the day or cleaning up at  
14 the end of the day. I also provided payroll records to determine whether there was (or was not)  
15 consistency between Defendant's stated policies, practices, and our claims. This was very important as  
16 it helped not only the claims of failure to pay overtime, failure to pay minimum wages, and failure to  
17 reimburse expenses incurred, but also claims related to meal and rest breaks, waiting time penalties,  
18 and failure to provide accurate wage statements. The review became even more detailed when my  
19 attorneys asked me questions about the payroll data sample that was produced as part of informal  
20 discovery to engage in mediation. I also spent a substantial amount of time identifying and speaking to  
21 potential witnesses who could speak to my attorneys to give their own insights and provide  
22 declarations. I have spoken to about six (6) witnesses regarding this case. Overall, I have spent an  
23 enormous amount of time assisting in the prosecution of this case.

24         7.         I participated in the negotiations and settlement discussions in this case, including  
25 participating in mediation by phone, speaking with my attorneys to answer questions, provide any  
26 additional information needed to assist the negotiations, and discussing the potential terms of the  
27 Agreement to evaluate its adequacy. Throughout the course of this litigation, I have asked questions  
28

1 when I needed clarification about various aspects of this case to make sure there were continually steps  
2 taken to advance the interests of Class Members.

3 8. Although I have already spent a substantial amount of time on this case and assisting my  
4 attorneys, I expect the amount of time I spend on this case will increase if preliminary approval is  
5 granted because Class Members will likely reach out to me about the Settlement and the process for  
6 receiving payment.

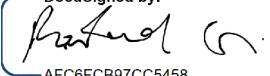
7 9. I have not received any benefits as a result of filing this lawsuit. I have, however,  
8 experienced substantial burdens as a result of filing the lawsuit that other Class Members were not  
9 subject to. For example, in bringing the lawsuit, I assumed the risk of having to pay Defendants' costs  
10 if the Court or jury rules against us on the claims. My understanding is that this is a substantial risk  
11 because the costs associated with litigation, in general, are very high and this cost is multiplied many  
12 times over in complex litigation like class actions. I have spent a substantial amount of time in this  
13 case, securing a monetary benefit for many individuals who have not had to do anything whatsoever to  
14 have the opportunity to receive it. Rather than spend this time with friends and family, I have spent this  
15 time for the benefit of Class Members. I have also experienced a great amount of stress, anxiety, and  
16 depression arising because of litigation in this case. My medical provider has prescribed medications  
17 for me for depression, anxiety, and high blood pressure. Also, I feel that I have lost employment  
18 opportunities because of the stress, anxiety, and depression caused by this lawsuit. Finally, as part of  
19 the Settlement, I am the only individual providing a general release of all my individual claims and  
20 waiving the protections of California Civil Code section 1542 for unknown claims. No other Class  
21 Member is subject to such a broad release.

22 10. I have reviewed the final Joint Stipulation of Class Action and PAGA Settlement and  
23 Release, discussed the terms with my attorney, and asked my attorney any questions I had. I believe  
24 the terms of the Settlement and allocations are fair and reasonable given the facts of the case.

25 11. I understand that any Class Representative Enhancement Payment I may receive is for  
26 my participation as a Class Representative and it is not contingent on my support or approval of the  
27 Agreement.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 10/5/2023 in Sacramento, California.

DocuSigned by:  
  
AFC6FCB97CC5458...  
Rafael Guevara Sanchez