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9 *Attorneys for Plaintiff*

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF ORANGE**

12 ADRIAN ESCOBEDO, individually, on behalf
13 of other members of the general public similarly
14 situated;

15 Plaintiff,

16 v.

17 AMERIPEC, INC., a California corporation;
18 and DOES 1 through 100, inclusive;

19 Defendants.

Case No.: 30-2020-01170846-CU-OE-CXC

Assigned for All Purposes to:
Honorable Peter Wilson
Department CX-101

CLASS ACTION

**DECLARATION OF ADRIAN
ESCOBEDO IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEY FEE
AWARD, COST AWARD, AND CLASS
REPRESENTATIVE ENHANCEMENT
PAYMENT**

[Notice of Motion and Motion for Final
Approval; Declaration of Class Counsel
(Douglas Han); Declaration of Settlement
Administrator (Veronica Olivares); and
[Proposed] Order and Judgment filed
concurrently herewith]

Hearing Date: January 19, 2023
Hearing Time: 2:00 p.m.
Hearing Place: Department CX-101

Complaint Filed: November 18, 2020
FAC Filed: April 14, 2022
Trial Date: None Set

1 **DECLARATION OF ADRIAN ESCOBEDO**

2 I, **ADRIAN ESCOBEDO**, hereby declare as follows:

3 1. I am over eighteen (18) years of age and a resident of California. I am the named
4 plaintiff in the above-captioned case, and I have personal knowledge of the facts and statements
5 set forth herein. If called upon to testify, I could and would competently testify.

6 2. I was employed by Defendant Ameripecc, Inc. (“Defendant”) as an hourly-paid,
7 non-exempt Material Coordinator during the relevant time period. During my employment, it
8 was often the case Defendant’s improper, uniform policies and practices prevented me from
9 receiving compliant breaks (*i.e.*, missed, late, cut short). This was largely due to heavy
10 workloads, interference from supervisors, and interference from coworkers. Following my
11 termination, I learned Todd Martin, another former employee of Defendant, had initiated a
12 representative Private Attorneys General Act of 2004 (“PAGA”) action against Defendant. I
13 investigated the details of Todd Martin’s lawsuit and believed I faced similar violations during
14 my employment. As a result, I sought legal advice to explore the possibility of either joining
15 Todd Martin’s lawsuit or filing my own. I ended up contacting Justice Law Corporation and
16 spoke with the attorneys there, including Douglas Han, Esq., to receive legal consultation.

17 3. Mr. Han explained to me the pros and cons of joining Todd Martin’s lawsuit and
18 starting my own. Mr. Han also told me of other labor violations I may have experienced during
19 my employment (*i.e.*, not being compensated for all hours worked, unreimbursed business
20 expenses). Finally, Mr. Han informed me of the risks and sacrifices associated with serving as a
21 representative (*i.e.*, sacrificing potential individual claims, having difficulty finding
22 employment, risking a judgment of attorneys’ fees and costs entered against me). While I was
23 nervous at the idea of undertaking such risks and sacrifices, I was also excited at the prospect of
24 representing the rights of former coworkers. Thus, I told Mr. Han I would be in touch.

25 4. After my initial consultation, I investigated class action and PAGA lawsuits and
26 did some research of the leading class action and employment law firms in California for about
27 two and one-half (2.5) hours. I then spoke with the attorneys at Justice Law Corporation for
28 around another one and one-half (1.5) hours to further discuss my situation, class action and

1 PAGA lawsuits in general, and what it meant be a representative. Considering the violations I
2 faced, I decided joining Todd Martin’s lawsuit to stop Defendant’s improper, uniform practices
3 was worth sacrificing potential individual claims.

4 5. I assisted my attorneys and Todd Martin engage in discovery, investigations, and
5 negotiations. Eventually, the Parties opted to remotely participate in mediation with the hopes
6 of negotiating a settlement. While the Parties did not initially reach a settlement at mediation,
7 continued negotiations and assistance by the mediator Mark Rudy eventually resulted in a
8 proper settlement. In line with the settlement, my attorneys provided an amended written notice
9 to the California Labor and Workforce Development Agency (“LWDA”) and Defendant.
10 However, while preparing to file a First Amended Complaint pursuant to the settlement, Todd
11 Martin died. As a result, my attorneys filed a First Amended Complaint that substituted me with
12 Todd Martin as the plaintiff and added several wage-and-hour class action causes of action.

13 6. Since deciding to join this case, I spent over sixty (60) hours meeting with my
14 attorneys concerning the case and my responsibilities as the class representative. These many
15 responsibilities included, among other things: (a) gathering my employment documents (*i.e.*,
16 personnel records); (b) reviewing documents with my attorneys and answering any pertinent
17 questions; (c) providing the names and contact information of putative class members for my
18 attorneys to locate and interview; (d) speaking with other current and former employees of
19 Defendant; (e) providing guidance regarding other employees’ duties and responsibilities; (f)
20 discussing my employment experience (and work environment); (g) reviewing the operative
21 complaint and Settlement Agreement, including its amendments; (h) reviewing the notice letters
22 sent to the LWDA and Defendant; (i) helping to develop a strategy to obtain additional
23 documents from Defendant and other sources; and (j) making myself available all day to
24 remotely participate in and provide my input for mediation. I also routinely checked in with my
25 attorneys and their staff to ensure they had my most current information and any additional
26 material I obtained from speaking to current and former employees of Defendant.

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1 7. Throughout this case, I was available to meet and speak with my attorneys
2 whenever they needed me. Specifically, I responded to my attorneys' inquiries as quickly as
3 possible and gave them as much information as I could (*i.e.*, names and contact information of
4 putative class members, various violations I experienced and witnessed). I also spent at least
5 seven to eight (7-8) additional hours discussing the case with my attorneys (*i.e.*, applicable legal
6 theories to explore, pertinent information to request, importance of the documents produced)
7 and sending them potentially relevant documents. As discussed herein, the aid I provided my
8 attorneys played an integral role in allowing this matter to eventually settle instead of dragging
9 on for several more months or even years.

10 8. The description of my work experience coupled with authorizing the receipt of
11 my employment documents helped my attorneys develop their legal theories and determine the
12 extent and frequency of the day-to-day violations. Moreover, by providing the names and
13 contact information of putative class members, my attorneys located and interviewed them (at
14 least 20). The information obtained from putative class members and I refined my attorneys'
15 understanding of the policies, practices, and procedures in place and corroborated many of my
16 allegations. This, in turn, also informed my attorneys of the legal theories to further develop,
17 explore, and emphasize at mediation.

18 9. Discovery was another essential component that contributed to the settlement of
19 this case. The several consultations with my attorneys assisted them with determining the
20 relevant documents to request (*i.e.*, personnel records, employee handbook, policy documents,
21 onboarding papers, sampling of time and pay records, etc.). By extension, obtaining an
22 appropriate sampling of time and pay records aided my attorneys with accurately calculating
23 potential damages for mediation purposes, giving them the leverage to negotiate a settlement.

24 10. Regarding the settlement itself, I was available to answer any questions my
25 attorneys had. During mediation, I made myself accessible all day via phone call and Zoom to
26 respond to any inquiries and provide my input regarding the negotiations. When my attorneys
27 asked me to review the Settlement Agreement, including its amendments, I collectively took
28 about three (3) hours to review it. I then spent another one and one-half (1.5) hours asking

1 questions and discussing the settlement with my attorneys before signing it.

2 11. Before joining this case, my attorneys advised me I might have difficulty finding
3 employment in the future compared to candidates who have not been a part of class action
4 and/or PAGA lawsuits against their employers. In other words, it was a serious risk joining a
5 class action and PAGA lawsuit. For nearly two (2) years, I have done everything my attorneys
6 have asked of me and tried to represent the Class to the best of my abilities. I think my efforts
7 helped get the results in this matter. Thus, as the class representative, I request the Court award
8 me the Class Representative Enhancement Payment of \$7,500 for my work and sacrifices.

9 12. Serving as the class representative is not something I took lightly. Considering
10 the time dedicated, benefits conferred, lack of personal benefits received (*i.e.*, joining a class
11 action and PAGA lawsuit instead of filing a quicker and more lucrative individual lawsuit),
12 risking a judgment of attorneys' fees and costs entered against me, and losing a potential source
13 of income, I believe the Class Representative Enhancement Payment is reasonable and justified.

14 13. I am not related to anyone associated with Justice Law Corporation nor do I have
15 any conflicts of interest adverse to any of the Class Members.

16
17 I declare under penalty of perjury under the laws of California the foregoing is true and
18 correct. Executed this 12/13/2022, at Riverside, California.

19
20 

21 _____
Adrian Escobedo