

1 **KINGSLEY & KINGSLEY, APC**  
ERIC B. KINGSLEY, Esq., Cal. Bar No. 185123  
2 eric@kingsleykingsley.com  
LIANE KATZENSTEIN LY., Esq., Cal. Bar No. 259230  
3 liane@kingsleykingsley.com  
16133 Ventura Blvd., Suite 1200  
4 Encino, CA 91436  
Telephone: (818) 990-8300  
5 Fax: (818) 990-2903

6 Attorneys for Plaintiff and the proposed class

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN FRANCISCO**

10  
11 LUIS MORENO, an individual, on behalf of  
himself and others similarly situated

12 **PLAINTIFF,**

13 v.

14 HATHAWAY DINWIDDIE  
15 CONSTRUCTION COMPANY; and DOES 1  
16 thru 50, inclusive,

17 **DEFENDANTS.**

CASE NO. CGC-16-554443

[Case Assigned for All Purposes to Hon. A.C.  
Massullo]

**DECLARATION OF LUIS MORENO IN  
SUPPORT OF FINAL APPROVAL OF  
CLASS SETTLEMENT**

Date: February 11, 2020

Time: 9:15 a.m.

Dept.: 304

Trial Date: None

Complaint Filed: September 22, 2016

1 **DECLARATION OF LUIS MORENO**

2 I, LUIS MORENO, state and declare as follows:

3 1. I am a competent adult, over the age of eighteen, and the Named Plaintiff in the  
4 matter entitled *LUIS MORENO, an individual, on behalf of himself and others similarly situated*  
5 *v. HATHAWAY DINWIDDIE CONSTRUCTION COMPANY*; and DOES 1 thru 50, inclusive, San  
6 Francisco County Superior Court, Case No. CGC-16-554443.

7 2. The following is based upon my personal knowledge, and if called as a witness, I  
8 could and would testify competently thereto.

9 3. I am a former employee of Defendant HATHAWAY DINWIDDIE  
10 CONSTRUCTION COMPANY (“Hathaway” or “Defendant”) I worked for Hathaway as a  
11 Journeyman Carpenter from May 15, 2012 through July 17, 2016 and was a member of the  
12 Carpenter’s Local Union #405.

13 4. I brought this lawsuit against Hathaway because I believe Defendant failed to issue  
14 accurate itemized wage statements to its employees. I received numerous itemized wage  
15 statements during my employment with Hathaway. These itemized wage statements did not  
16 include the start date of each pay period, the full name and address of my employer, or my  
17 employee identification number.

18 5. This case was brought on behalf of myself and other employees of Defendant. I  
19 understand that I am representing other employees and I believe that I am able to represent them  
20 well.

21 6. I have worked to actively represent the other Class Members. I have been in regular  
22 contact with my attorneys throughout the prosecution of this case and have been kept apprised of  
23 all aspects of the case.

24 7. I first researched experienced attorneys and, once retained, I compiled relevant  
25 documents from my employment to assist my attorneys in litigating this case. Throughout the  
26 litigation, I have provided my attorneys with helpful information for this lawsuit and for the  
27 Settlement as needed.

28 8. I provided information to my attorneys regarding my employment with Defendant,

1 compiled relevant employment documents, stayed in contact with my attorneys to discuss the status  
2 of the case responding promptly to my attorneys' various communications regarding this matter,  
3 and reviewed and analyzed the settlement agreement and settlement papers to ensure the settlement  
4 was fair and reasonable and in the best interests of settling Class Members.

5 9. I am prepared to continue assisting with this litigation and am committed to  
6 achieving the best possible results for the Class.

7 10. I believe that the Class Action Settlement obtained on behalf of the Class is fair and  
8 reasonable in light of the issues involved in this case. As mentioned above, I reviewed and  
9 discussed the Settlement Agreement with my attorneys and asked them questions about it to ensure  
10 that I understood its terms and what it would mean for member of the Class.

11 11. I believe that I have fairly represented the absent Class and herein request that the  
12 Court finally approve this settlement and confirm me as Representative Plaintiff. I have always  
13 kept the Class Members interests at heart in this litigation.

14 12. I am not aware of any conflicts of interest that prevent me from being confirmed as  
15 Representative Plaintiff in this lawsuit. I am not related in any way to my attorneys or to any other  
16 member of the firm that is representing me. I have no business dealings or other involvement  
17 beyond this lawsuit and this representation. I have not been promised any money or inducement  
18 to serve as Representative Plaintiff in this action.

19 13. It is my opinion that the settlement agreement provides for a fair and adequate  
20 enhancement for me as a Representative Plaintiff, in the amount of \$5,000.00. I believe that this  
21 is fair and reasonable in light of all of the work that I have performed in my role as Representative  
22 Plaintiff. As Representative Plaintiff, I have actively participated in all stages of the litigation, as  
23 detailed above, and have always maintained the best interests of the Class while performing my  
24 Representative Plaintiff duties.

25 14. It is also my opinion that the Representative Plaintiff enhancement is fair,  
26 reasonable, and adequate because, in addition to the many hours spent participating in the  
27 prosecution of this case, I accepted the potential risk of being liable for Defendant's attorneys' fees  
28 and costs if we were unsuccessful in this lawsuit. Likewise, I risk the potential stigma of being a

1 Representative Plaintiff in a class action labor dispute, which may affect my future employability.

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

4 Executed this 28 day of January, 2020 at San Jose,  
5 California.

6 DocuSigned by:  
*Luis Moreno*

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8 LUIS MORENO  
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