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7 **SUPERIOR COURT OF CALIFORNIA**
8 **COUNTY OF CONTRA COSTA**
9 **(UNLIMITED JURISDICTION)**

10 ANGELICA DE LEON MARTINEZ, and
11 REINA ISABEL IRAHETA, individually and
on behalf of others similarly situated,

12 Plaintiffs,

13 vs.

14 GALAXY DESSERTS (CALIFORNIA) INC.,
and DOES 1 to 20,

15 Defendants.

Case No.: C15-01233

CLASS ACTION

**DECLARATION OF REINA ISABEL
MARTINEZ IN SUPPORT OF
UNOPPOSED MOTION FOR FINAL
APPROVAL OF CLASS-ACTION
SETTLEMENT**

CLASS ACTION

Action Filed: July 13, 2015

Judge: Hon. Barry Goode

Dept.: 17

Date: Dec. 22, 2016

Time: 8:30 a.m.

VILLEGAS CARRERA, LLP
Attorneys at Law
San Francisco

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DECLARATION

I, Reina Isabel Iraheta, declare as follows:

1. I have personal knowledge of the facts stated in this declaration, and could and would testify to those facts if called upon to do so.

2. I submit this declaration in support of Plaintiff's Motion for Final Approval of Class-Action Settlement.

3. I am one of the Class Representatives in the case, *DeLeon Martinez v. Galaxy Desserts (California), Inc., et al.* Case No: C1501233. This lawsuit was filed on behalf of hourly employees for claims against Galaxy Desserts (California), Inc. ("Galaxy") for failing to pay all wages, authorize or permit rest and meal breaks, failing to provide accurate wage statements, and related penalties. I submit this Declaration in support of the Motion for Final Approval of Class Action Settlement.

4. I, by and through my attorneys, filed this lawsuit on July 13, 2015. I have been closely involved and attentive to this litigation since the beginning.

5. I was employed by Galaxy from approximately October 2007 to January 2013. During my employment, I worked in production, baking and packing desserts, breads and cakes at Defendants facility in Richmond, California.

6. My job duties at Galaxy included measuring, mixing, weighing, molding and baking food products, then loading/unloading products into conveyors, freezers, racks, sealers and other machinery. I also counted, packed, labeled, and stacked products on pallets. I operated and maintained large machines and equipment, including mixers, depositors, ovens, freezers, refrigerators, sheeters, sealers, scales and other equipment. I recorded product weights and freezer temperatures and cleaned my working area, the production area and the equipment. I frequently lifted over 30 pounds, pushed/pulled loaded racks weighing up to 400 pounds, and stood for over 7 hours.

7. During my employment, I typically worked evenings 8-10 hours per day, 5-7 days

1 per week.

2 8. When I was hired in 2007, I was earning \$9.50 per hour. My final rate of pay was
3 approximately \$10.20 per hour.

4 9. During my employment, Galaxy did not provide me with proper pay and breaks.

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6 10. Although I worked many hours, I do not believe that I was always compensated for
7 all of my hours worked. Oftentimes, Galaxy had me perform several work-related tasks, such as
8 putting on my robe, hair net, hat, and stand in line waiting, for which I was not paid. I was also not
9 compensated for all of the overtime hours that I worked.

10 11. My scheduled and actual hours worked triggered meal and rest breaks. Galaxy
11 sometimes did not provide me with 30 minutes of uninterrupted time to take a meal period.
12 Rather, I had to stand in line, punch out, walk to the changing area, take off my robe, hat and
13 gloves, get my lunch, stand in line for the bathroom, eat quickly in about 15-20 minutes and stand
14 in line again to punch back in. I also did not always receive meal periods until after I had worked
15 more than 5 hours straight. Furthermore, sometimes I did not receive a second meal period after I
16 worked ten hours. I also did not always receive or have time to take my rest breaks.

17 12. As a result of some of the issues with my hours and pay, Galaxy also failed to
18 provide me with proper wage statements. Often, the wage statements did not accurately reflect my
19 actual hours worked or actual wages earned.

20 13. Galaxy also did not pay me all of the wages that I was owed when I was laid off in
21 2014.

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23 14. I believe my issues with Galaxy are the same as other production and packing
24 workers. I observed that my co-workers had similar employment experiences to me. I also believe
25 that Galaxy's policies and practices have been similar for other non-exempt, hourly production and
26 packing workers regardless of where they worked because Galaxy has standardized policies and
27 practices.

28 15. I was afraid of being a part of this lawsuit. I was worried for myself and my family.

1 I was concerned about how this case would impact my current job, whether they would fire me for
2 participating in a lawsuit for wage and hour violations.

3 16. After contacting the law offices of Villegas Carrera, LLP regarding my potential
4 claims, I had several meetings and discussions with my attorneys. I have spent my own personal
5 time working with my attorneys providing background information about my employment, about
6 Galaxy's policies and practices, and about the allegations in this lawsuit – including but not limited
7 to the details provided above. My attorneys used this information to identify the claims that could
8 be alleged on a class-wide basis, to understand the inner-workings of Galaxy, and to prosecute this
9 case on behalf of the Class Members.

10 17. I helped to advance the interests of the Class Members by participating actively in
11 this litigation.

12 18. To assist with the case, I located and provided paystubs and other employment
13 documents to my attorneys. The documents included: employee policies, paystubs, time records,
14 medical records – among other documents. Locating, organizing, and sending this documentation
15 took several hours over several days, probably well over 2 hours.

16 19. I also participated in extensive interviews and meetings prior to the filing of the
17 complaint with my counsel. These interviews and meetings totaled upwards of 7 hours over a
18 couple of days.

19 20. I also actively participated in helping to identify possible Class Members. I reached
20 out to co-workers and colleagues, putting my reputation on the line. This took several hours.

21 21. I then participated in the drafting of the complaint by working with my lawyers. I
22 exchanged several messages with my attorneys, and responded to questions about the complaint
23 during telephone calls. When a draft of the complaint was complete, it was read to me and
24 Angelica and translated into Spanish. This review of the complaint took approximately 3 hours. I
25 then approved the final draft of the complaint before it was filed.

26 22. After the complaint was filed, my attorneys sent me the Court's Alternative Dispute
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1 Resolution packet, which was read and explained to me and translated into Spanish.

2 23. In the months that I followed, I regularly communicated with my attorneys via
3 telephone to discuss the status of the case. These communications concerned, but were not limited
4 to: the status of the case, responding to questions and discussing the terms of the settlement.
5 Ultimately, I estimate that I spent approximately 10 hours reviewing correspondence sent to me by
6 my attorneys. With respect to telephone conferences, I estimate that I spent about 20 hours
7 speaking with my attorneys.

8 24. We also scheduled mediation in the case to try to negotiate a settlement. I spent
9 approximately 10 hours traveling to and attending the mediation and participating during the
10 negotiations. We strategized at length about possible, reasonable settlements.

11 25. Eventually, the Parties reached an agreement to settle the case. I reviewed and
12 approved the proposed Class settlement agreement. The terms were translated into Spanish. This
13 meeting took almost two hours, including driving into San Francisco from my home in San Pablo.

14 26. Including my review of the settlement agreement, I have reviewed several hundreds
15 of complex legal documents in this case. My review of these documents took well over 20 hours.

16 27. In total, I estimate that I have spent roughly 75 hours engaged in activities related to
17 this litigation.

18 28. As part of the settlement agreement, I have agreed to release any and all claims I
19 have against Galaxy.

20 29. I believe, based upon my participation, and also based upon my knowledge of the
21 facts and the law, as explained to me by my attorneys, that the settlement is fair and reasonable,
22 and that my hard work has led to a beneficial result for the Class Members.

23 30. I therefore respectfully request that the Court grant preliminary approval of the
24 settlement, including of a \$7,500.00 service payment.

25 31. All of the time I spent on this case was time that I could have been involved in other
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1 endeavors, or with my family and friends. I was willing to spend this time because I felt strongly
2 about serving as a Class representative and representing my co-workers in this case. In fact, I am
3 so committed to this litigation that I wanted to ensure that I was easily reachable by my attorneys
4 for any phone calls, if the case were to proceed to trial. This decision created financial and
5 personal hardships for my family and me. Nevertheless, I took my commitment seriously and
6 wanted to ensure that I was accessible to stand up for my co-workers' rights.

7 32. Making a decision to participate in this case as Class representative also placed me at
8 substantial personal risk, including: (a) the risk of my reputation in the community as a result of
9 stepping forward publicly in a class action, and the fear of retaliation against me as a result; (b) the
10 risk to my reputation as it concerns my future employment opportunities; (c) the risk that I would
11 have to devote substantial resources, including my own time and expenses, in participating in the
12 case; and (d) the risk that I might have to pay defense costs if I lost the case.

13 33. I willingly took on these risks and burdens because I felt strongly about serving as a
14 Class representative and representing the Class Members in this case.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct and is based upon my personal knowledge.

17 Executed this 21 day of 11, 2016 in San Francisco, California.

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21 _____
22 REINA ISABEL IRAHETA

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