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15 Attorneys for Plaintiffs
16 and the Settlement California Class and FLSA Class

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**

19 EDGAR VICERAL and DAVID)
20 KRUEGER, individually and on behalf of)
all others similarly situated,)
21 Plaintiffs,)
22 v.)
23 MISTRAS GROUP, INC.; and DOES 1-50,)
24 inclusive,)
25 Defendant.)

) **CASE NO. 3:15-cv-02198-EMC**
) **(Assigned to Hon. Edward M. Chen)**

) **CLASS ACTION**

) **DECLARATION OF EDGAR VICERAL IN**
) **SUPPORT OF PLAINTIFFS' UNOPPOSED**
) **MOTION FOR ATTORNEY FEES, COSTS,**
) **AND ENHANCEMENT AWARD**

) DATE: February 2, 2017
) TIME: 1:30 p.m.
) CTRM: 5

1 I, Edgar Vical, declare as follows:

2 1. I am an individual over the age of eighteen. I have personal knowledge of the matters
3 stated herein and if called as a witness, I could and would competently testify to the facts contained
4 herein.

5 2. I make this declaration in support of Plaintiffs' Unopposed Motion For Attorney Fees, Costs,
6 and Enhancement Award.

7 3. I was was employed by Mistras as a Level II NDT Technician from about October 2009 to
8 November 2014. I worked at the Dow Chemical Plant in Pittsburgh, California, and was later
9 transferred to the Valero Refinery in Martinez, California. I worked at other Mistras jobsites as needs
10 arose.

11 4. As a Technician, I was responsible for conducting non-destructive testing services for
12 Mistras's clients to test the integrity of energy, industrial, and public infrastructure. I worked on site of
13 various Mistras's customers conducting testing of things such as of silos, tanks, towers, tubing, and
14 piping.

15 5. In or about 2014, I become very concerned about certain issues occurring at work. In turn, I
16 had discussions with other employees about the issues and realized that they were experiencing similar
17 problems.

18 6. Eventually I realized that I needed to seek legal representation. As a result, I spent a lot time
19 researching potential employment lawyers who could review my/our situation and 1) determine if we
20 were being treated incorrectly with regard to our wage rights, and 2) if we were not being treated
21 properly under the law, could take legal action on my/our behalf to litigate against such a powerful
22 company.

23 7. After conducting this research, I eventually met Stan Saltzman from the law offices of
24 Marlin and Saltzman, who in turn agreed to become my Counsel. After thorough discussions with
25 counsel and much thought, I decided to seek to vindicate not only my own rights, but also those of my
26 current and former co-workers by serving as a class representative in this class-action lawsuit. I
27 accepted the potential risk explained to me by counsel of perhaps being liable for my employer's costs
28 and perhaps even its attorney's fees if we were unsuccessful in this lawsuit, as well as the potential

1 stigma of being a class representative in a class action labor dispute which could affect my future
2 employability. I have learned that these stigma risks are real and believe that my job prospects have
3 been adversely affected by them.

4 8. Since seeking legal representation in this case and combined with the time I spent prior
5 thereto researching issues on my own as described above, I have spent a substantial amount of time and
6 energy contributing to the investigation, prosecution, and settlement of this case. Since meeting my
7 counsel in 2014 up through the present date, I have exchanged emails, text messages, and phone calls
8 with my counsel.

9 9. During this entire process, I have always had the best interests of the class in mind and
10 worked hard on their behalf. Over the past two years, I have been in regular and close contact with my
11 attorneys. I have worked with my attorneys to explain the facts of this case, frame the issues, and to
12 assist them in preparing for mediation, class certification, and in every other aspect they needed. As one
13 example, I spent several hours preparing for my deposition, only to have Mistras cancel it at the last
14 minute.

15 10. Throughout the litigation, I searched for, organized and produced documents that I had from
16 my employment and helped my attorneys understand Defendant's policies, procedures, expectations,
17 practices, and business.

18 11. I have worked with my counsel to prepare discovery responses. Before this lawsuit, I was
19 not even aware what "discovery" was, but I certainly learned all about it during this case. I have also
20 reviewed the documents provided by Defendant and discussed them in detail with my attorneys. Over
21 the years that this case has been pending, I have spoken with my attorneys many times, by email, by
22 text, and by telephone, about documents produced, about defenses claimed, about my job responsibilities
23 and about Defendant's pay policies.

24 12. I was also involved in settlement discussions as they occurred throughout this case.
25 Once an agreement was reached and eventually given preliminary approval by the Court, I have
26 continued to stay active in the litigation by continuing to stay in touch with my attorneys.

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13. In sum, I have spent considerable time and attention working on this case. Based on all of the above described events, I estimate and hereby attest that I have spent at least 100 hours (probably well more) working with my attorneys, or on matters directed by my attorneys, on the duties and issues described above.

I declare under penalty of perjury, under the laws of the State of California and the United States, that the foregoing is true and correct to the best of my personal knowledge.

Executed December 8, 2016, in Antioch, California.

/s/ Edgar Vical
Edgar Vical

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2016, I electronically filed the foregoing document with the Clerk of the Court using the Court's CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

Dated: December 8, 2016

/s/ Nicole N. Coon

NICOLE N. COON

SCHNEIDER WALLACE

COTTRELL KONECKY WOTKYNS LLP

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