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11 *Attorneys for Plaintiffs and the Putative Class*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF LOS ANGELES**

14 CLAUDIA GRANCIANO, individually and
on behalf of all others similarly situated,

15
16 Plaintiff,

17 v.

18 SOUTHWIND FOODS, LLC, a California
limited liability company; STAFFPOINT,
19 LLC, a California limited liability company;
and DOES 1 through 50, inclusive,

20 Defendants.
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Case No. BC538900

CLASS ACTION

**DECLARATION OF NAMED PLAINTIFF
RICARDO CONTRERAS IN SUPPORT
OF PLAINTIFFS' MOTIONS FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND FEES, COSTS, AND
SERVICE AWARDS**

Date: November 27, 2018

Time: 10:00 A.M.

Dept.: 14 (SSC)

Assigned for All Purposes to:
Hon. Kenneth R. Freeman, Dept. 14

Action Filed: March 11, 2014

Trial Date: None

Five Year Statute: March 11, 2020

1 or settle on behalf of Class members unless I, or some other current or former employee, served as
2 the named plaintiff and proposed class representative.

3 6. I decided to bring this lawsuit because I did not feel that I was treated fairly as an
4 employee of Defendants. During my employment, I believe I was not paid for all the time I
5 worked as an hourly paid, non-exempt employee because I was not properly paid overtime
6 compensation at rates not less than one and a half times the regular rate of pay for each hour
7 worked over 40 hours in a work week. Additionally, I did not receive accurate, itemized wage
8 statements because the Defendants' wage statements did not correctly list the total number of
9 hours I worked due to the Defendants' rounding policies, the total (gross and net) wages earned
10 and deductions due to the same policy, and did not list the inclusive dates of the period for which
11 the payment was made, or the name and address of the employer.

12 7. When I decided to serve as a named plaintiff and proposed class representative in
13 this case, I understood that my name would be publicly attached to this lawsuit and that my work
14 experiences to some extent would be set forth in a public court file. I accepted that public
15 exposure. I recognized that I would need to devote a certain amount of time that I could have spent
16 otherwise. I accepted that responsibility. I also recognized that my bringing the lawsuit carried
17 some degree of risk, as described below. I accepted that risk. Knowing all of this, I decided to
18 serve as the named plaintiff and proposed class representative, without any promise of recovery or
19 compensation.

20 8. I am familiar with the work that was involved in prosecuting this case. I have
21 participated in many meetings and other communications with my lawyers regarding this case,
22 beginning in approximately May, 2015 when I retained my lawyers, and onward through today. I
23 regularly communicate with my lawyers to understand the issues in the case and next steps. I
24 regularly call for updates, especially since the mediation to inquire as to what is happening with
25 the settlement. I am familiar with the allegations and defenses of the claims in this case. I am
26 familiar with the major events in this case, including the exchanges of information and documents
27 through written discovery, my deposition, the mediation that resulted in this proposed settlement,
28 the additional settlement negotiations after mediation, the preparation of settlement papers and the

1 need and requests to obtain court approval of the proposed class-wide settlement in two phases. I
2 have participated in all stages of the litigation, on behalf of Class members, since the time I joined
3 as a named plaintiff, up to and including preparation of this request for final approval of class
4 action settlement.

5 9. Based on my involvement in the case, I believe that the proposed settlement
6 obtained on behalf of the Class is very good, given the issues and risks involved with the case.

7 10. I believe I have fulfilled my duties as a proposed class representative, which
8 required a significant amount of time and effort during the course of this case. These efforts
9 required dedicating numerous hours to lawsuit activities including, but not limited to:

10 a. Communicating with my attorneys to share my work experience, to stay
11 informed of ongoing developments in the case, and to discuss the proposed settlement negotiated
12 on behalf of Class members;

13 b. Searching for and providing documents and other materials relating to my
14 work experience in response to requests;

15 c. Responding to many requests for information relating to my work
16 experience;

17 d. Having my deposition testimony taken by Defendants in September, 2015;

18 e. Preparing for mediation in February, 2016 and participating in it; and

19 f. Reviewing and discussing with my attorneys the court filings and key
20 documents including drafts of the complaints and the settlement agreement.

21 g. I estimate that the above tasks required my dedication of approximately 45
22 to 50 hours of my time since I decided to pursue the case, which time I honestly could have spent
23 on family, personal time, or at work. At all times I was ready, willing and able to testify at trial. I
24 believe I have been diligent in pursuing this case and that I have acted as expected of a named
25 plaintiff and proposed class representative to date, and will continue to do so. Moreover, I have
26 and always will maintain the best interests of the Class members.

27 h. I believe that \$10,000 is a fair and adequate award for my service as a
28 named plaintiff and proposed Class Representative, and in consideration for my general release of

1 all claims against Defendants. I understand that courts often consider service awards to be
2 reasonable when they are around one percent of total settlement value. Here, the requested award
3 is slightly over one percent (1.33%) of the total settlement amount of \$750,000.

4 11. My request for a service award is fair and reasonable for several reasons. It is
5 reasonable and fair in light of the work I have and will continue to perform on behalf of the Class.

6 12. Additionally, this lawsuit resulted in a valuable benefit to the Class Members who
7 will participate in the money payout of this settlement because of my involvement. This lawsuit is
8 not providing coupons or pennies on the dollar to Class Members – I understand that it is
9 providing a significant recovery of wages and penalty payments owed to them by law. I
10 understand that not one Class Member has decided not to participate in the settlement, and no
11 Class Member has objected to the settlement. I believe that the high rate of participation by Class
12 Members in this settlement helps to demonstrate that it is a good settlement.

13 13. Additionally, I accepted the potential risk of being liable for the Defendants’
14 litigation costs if we were unsuccessful in this lawsuit. I believed in this case, so I was willing to
15 be a named plaintiff and proposed class representative to risk this and pursue this class action
16 litigation.

17 14. Finally, and perhaps most importantly, I accepted a big risk that news of this
18 lawsuit could potentially impact my ability to secure other work. I have accepted the risk that
19 news of this lawsuit and settlement, which is a public matter, may spread to potential future
20 employers and may impact my current and future job prospects. But I took on this case because I
21 believe it is the right thing to do and would greatly help the other Class members who participate
22 in the settlement.

23 15. Also, as I stated above, I have signed a general release for any and all claims
24 related to my employment with Defendants. I decided not to pursue other potential individual
25 claims, and am now releasing them. In part, I decided to pursue my individual claims against
26 Defendants because of the greater impact that it could have by helping former co-workers who
27 dealt with the same wage and hour issues I did.

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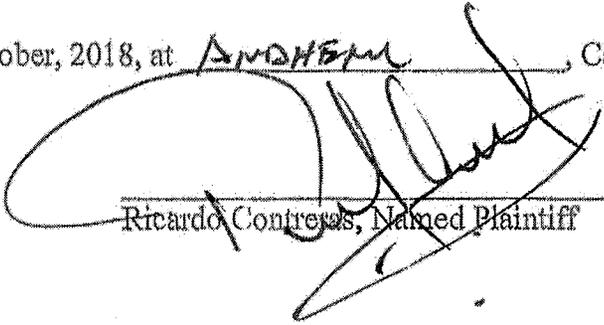
1 16. I have participated in this settlement by not requesting exclusion from the
2 settlement. I also have not objected to the settlement. I support the settlement fully. Based on the
3 Class Notice I received from the Settlement Administrator, I understand that as a member of the
4 Class, I can expect to receive an estimated, individual settlement payment of \$218.82.

5 17. I signed a retainer agreement for representation by my lawyers, Boucher, LLP and
6 Law Offices of Sahag Majarian II, in May, 2015, which set forth a division of legal fees between
7 these two firms. In October, 2018, I again confirmed in writing my agreement to a fee split of any
8 court-awarded attorneys' fees of 50% to my lawyers at Boucher, LLP and 50% to my lawyers at
9 Law Offices of Sahag Majarian II.

10 18. Based on the time, service, risk, stress, potential stigma, loss of benefits and
11 excellent outcome of this case, I believe that the requested service award for me is fair and
12 reasonable.

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

15 Executed on this 16 day of October, 2018, at ANDERSON, California.

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19 Ricardo Contreras, Named Plaintiff
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 21600 Oxnard Street, Suite 600, Woodland Hills, CA 91367-4903.

On October 26, 2018, I served true copies of the following document(s) described as **DECLARATION OF NAMED PLAINTIFF RICARDO CONTRERAS IN SUPPORT OF PLAINTIFFS' MOTIONS FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND FEES, COSTS, AND SERVICE AWARDS** on the interested parties in this action as follows:

BY ELECTRONIC SERVICE: Pursuant to Court Order Authorizing Electronic Service entered in this case, I provided the document(s) listed above electronically on the CASE ANYWHERE Website to the parties on the Service List maintained on the CASE ANYWHERE Website. Case Anywhere is the on-line e-service provider designated in this case.

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

Executed on October 26, 2018, at Woodland Hills, California.


Tricia Yue