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Attorneys for Plaintiff CARLOS MORENO

13 **UNITED STATES DISTRICT COURT**  
 14 **CENTRAL DISTRICT OF CALIFORNIA**

16 CARLOS MORENO, individually, and on  
 17 behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 PRETIUM PACKAGING, L.L.C, a  
 21 Delaware limited liability company, and  
 22 DOES 1 through 10, inclusive

Defendants

Case No. 8:19-cv-02500-SB-DFM

[Hon. Stanley Blumenfeld, Jr.]

**DECLARATION OF PLAINTIFF  
 CARLOS MORENO IN SUPPORT  
 OF PLAINTIFF’S MOTION FOR  
 FINAL APPROVAL OF CLASS  
 ACTION SETTLEMENT AND  
 CLASS REPRESENTATIVE  
 SERVICE PAYMENT AND  
 MOTION FOR ATTORNEY’S  
 FEES AND COSTS**

Date: August 6, 2021  
 Time: 8:30 a.m.  
 Courtroom: 6C

**DECLARATION OF CARLOS MORENO**

I, Carlos Moreno, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I am the named Plaintiff in this action and submit this declaration in support of Plaintiff’s Motion for Final Approval of Class Action Settlement and Class Representative Service Payments. Because I believe I have provided invaluable assistance during the course of this case, I am hopeful that the Court will approve my request of a \$10,000 service payment as a Class Representative.

3. I worked for Pretium Packaging, L.L.C. (“Pretium”) at its Anaheim, California location as a Warehouse Associate from approximately April 2017 to present. At all times, Pretium paid me as an hourly wage and classified me as eligible for overtime pay.

4. I filed this lawsuit in November 2019 because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all of my meal and rest breaks. I worked full time while at Pretium approximately 8 hours a day, but sometimes more. While working at Pretium, my coworkers and I were asked to work long hours because of the amount of work, sometimes without taking meal and rest breaks. I also observed my coworkers working long hours without taking breaks.

5. By originating this lawsuit as a Class Representative, I hoped that I might be able to change Pretium’s policies to better protect the working conditions of my co-workers. I also understood that it was my duty as a Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

6. I have invested a lot of personal time and energy while this lawsuit has been pending. I had conversations with my attorneys on several occasions. I

1 take it very seriously to discuss with my attorneys because I wanted to do  
2 everything I can to assist my attorneys in prosecuting this case. Because I work  
3 on the ground, I was able to describe the working environment at Pretium. I  
4 described the long hours and sometimes missing meal and rest breaks to my  
5 attorneys, and answered their questions regarding what the hours and meal and  
6 rest breaks were like. I understand that these conversations and explanations  
7 helped them in prosecuting the lawsuit and assisted them in meaningful ways in  
8 forming discovery requests.

9 7. Throughout this case, I spent a lot of time on the phone with my  
10 attorneys to get updates about the case and provide them with information. Since  
11 I first got involved in this case, I had about 15 to 20 phone calls with my  
12 attorneys. Many of these phone calls lasted approximately 30 to 40 minutes.  
13 Moreover, I have exchanged approximately 15 to 20 text messages with my  
14 attorneys to discuss the case and ask for updates. Because I regularly kept in  
15 contact with my attorneys, I estimate that I spent between 12 to 15 hours on  
16 telephone calls and text messages with my attorneys.

17 8. I also kept my paystubs and paychecks, which I provided to my  
18 attorneys. Based on these records, my attorneys and I were able to identify  
19 instances when I was not paid overtime correctly. I estimate that I spent  
20 approximately 3 to 4 hours on searching for documents to provide to my  
21 attorneys.

22 9. I talked with my attorneys before the mediation to discuss my  
23 opinions about the case and to obtain information regarding the settlement  
24 prospect. I also kept in regular contact with my attorneys during the mediation  
25 process and I discussed with my attorneys the terms of the settlement. I estimate  
26 that I spent approximately 3 to 4 hours on the issues regarding settlement.

27 10. I also reviewed documents that were filed and that I signed,  
28 including the settlement agreement, to remain informed about the case and to

1 fully understand the terms of the settlement. I estimate that I spent  
2 approximately 4 to 5 hours in reviewing these documents.

3 11. In addition, I spent time answering questions from other class  
4 members regarding the case. Many of the questions were about the settlement  
5 class notice that class members received. I estimate that I spent about 2 hours  
6 having conversations about the case with my fellow class members.

7 12. I believe the settlement is a good settlement and I would recommend  
8 that the Court approve it because I believe that this settlement is fair, adequate,  
9 and reasonable. I am glad that I had the opportunity to represent the class in this  
10 lawsuit and that I was able to recover money through a settlement for the class.

11 13. I have observed my attorneys' work throughout this case. They have  
12 been thorough, diligent, prompt, courteous, and professional, and I believe they  
13 are fully entitled to the award of fees that they have requested for their hard  
14 work.

15 14. I did not make the decision to file a class action lightly. I am a  
16 current employee at Pretium. I have been very fearful, and will continue to be  
17 fearful, that I could get retaliated by the company by filing this lawsuit in both  
18 obvious and subtle ways, or even get terminated. This job is very important to  
19 me because it is my only job and my primary source of income. I could have lost  
20 my job due to bringing this lawsuit in helping my coworkers. Considering the  
21 potential risk of retaliation, I am also mindful that prospective employers might  
22 find out that I sued my current employer, and this could hurt my employability in  
23 the future. Especially, considering the status of the global pandemic of COVID-  
24 19, a lot of workers like me have been out of a job, and I was particularly fearful  
25 that I could be terminated while this case is pending and would stay unemployed  
26 for a long time. In addition, I was concerned by the attention a publicly filed  
27 lawsuit, and especially a class action, would attract. My name would be  
28 associated with a lawsuit that I filed against my employer. I was aware that it is

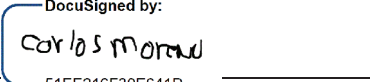
1 possible to perform background checks of publicly filed documents on the  
2 Internet, sometimes with nothing more than a simple Google search.  
3 Nevertheless, I felt that important rights were at stake that hurt everyone, and  
4 something ought to be done about it.

5 15. Standing up for myself and the rights of others was not an easy  
6 decision, and I am relieved that this is coming to an end. I estimate that I spent at  
7 least 25 to 30 hours on this case. I continue to fear that Pretium could retaliate  
8 against, or even, terminate me and that any potential future employer may find  
9 out that I participated in this lawsuit and hold it against me. In a competitive job  
10 market, this factor may weigh heavily against me. I am receiving no  
11 compensation additional to that provided for in the settlement.

12 16. I respectfully request that the Court award me a \$10,000 service  
13 payment. Based on my involvement in this case and the benefits provided to my  
14 current and former co-workers, I can say I helped stand up for the other workers  
15 who were too afraid to say anything to management because they did not want to  
16 risk losing their jobs or risk the stigma of suing an employer. I was not afraid to  
17 take that risk because I strongly care about helping out my current and former co-  
18 workers.

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

21 Executed on 7/7/2021, in Anaheim, California.

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25 Carlos Moreno  
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