

Gregory N. Karasik (SBN 115834)
Karasik Law Firm
16021 Aiglon St.
Pacific Palisades, CA 90272
Tel (310) 463-9761
Fax (310) 943-2582
greg@karasiklawfirm.com

Santos Gomez (SBN 172741)
Law Offices of Santos Gomez
1003 Freedom Boulevard
Watsonville, CA 95076
Tel (831) 228-1560
Fax (831) 228-1542
santos@lawofficesofsantosgomez.com

Attorneys for Plaintiff
JOSE MARIO MENDOZA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE MARIO MENDOZA,

Plaintiff,
vs.

TRANS VALLEY TRANSPORT et al,
Defendants.

And Related Cross-Action

Case No. 22-cv-07164 TLT

**DECLARATION OF JOSE MARIO
MENDOZA IN SUPPORT OF PLAINTIFF'S
MOTION FOR AN AWARD OF ATTORNEY'S
FEES, COSTS AND ENHANCEMENT
PAYMENT IN CONNECTION WITH FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: October 8, 2024
Time: 2:00 p.m.
Ctm: 9

I, Jose Mario Mendoza, declare:

1. I am the plaintiff in this action against defendants Trans Valley Transport ("TVT") and FTU Labor Contractors, Inc. ("FTU"). I have personal knowledge of the matters stated herein and if called and sworn as a witness, I could and would competently testify under oath thereto.

2. I am familiar with the work involved in prosecuting the class action against my former employers. I have had many in-person and telephone meetings, interviews, and preparation sessions with my attorneys.

1 3. During my initial meetings with my attorneys, I provided them detailed explanation of
2 the work I performed for Defendants as a truck driver for approximately six weeks in September and
3 October 2012, from approximately March to August in 2013, and from approximately March to July
4 31 in 2014. During my employment, I was paid trip pay for each driving trip based on the number of
5 miles I drove. During my employment, I was not paid any wages separately for the time I spent on
6 duty engaged in non-driving activities, including fueling, loading, unloading and vehicle inspection.
7 During my employment, I was not provided rest periods or meal periods, but my attorneys informed
8 me that these claims were not viable as a result of federal court decisions that were issued during the
9 pendency of my case.

10 4. Because the violations that I experienced affected all of my co-workers the same, after
11 spending considerable time learning about California labor laws, I decided to file this case as a class
12 action. I am aware that filing this case as a class action was riskier than filing it as an individual case
13 because if I lost the case there was a chance that I might be order to pay Defendants' fees and costs. I
14 also understood that by filing this case, I could face difficulty finding future employment as I would
15 have a record of suing one of my employers. Fully understanding the risks in this case, I decided to
16 bring this case as a proposed class action to vindicate not only my rights, but also those of my co-
17 workers by becoming the named Plaintiff and assuming the duties and responsibilities of filing this
18 class-action lawsuit.

19 5. Once I decided to file this case as a class action, I provided my attorneys the names and
20 contact information of other workers for them to speak to. My attorneys spoke to some of the workers I
21 identified and confirmed the practices I had explained to them.

22 6. After many years of extensive litigation in the Superior Court of the State of California,
23 County of Santa Clara, including an appeal that took years and extensive discovery (including sitting
24 for a day-long deposition which require that I take the day off from work), Defendants removed the
25 case to federal court. Once the case was transferred to federal court, the parties agreed to participate in
26 mediation. I met with my attorneys prior to attending the day-long mediation sessions. To attend the
27 mediation, I asked my then employer for the day off which meant I lost a day's pay.
28

1 7. Throughout the litigation I have done my best to fairly represent the interest of my
2 former co-workers. But for my decision to file this case as a class action, none of my former co-
3 workers would be getting anything from Defendants.

4 8. I have always maintained the best interest of the Class while performing my class
5 representative duties. I am not aware of any conflicts of interest that prevent me from being confirmed
6 as a Class Representative in this lawsuit. I am not in any way related to my lawyers or any other
7 member of the firms that are representing me. I have no business dealings or other involvement beyond
8 this lawsuit with any of my lawyers. I have not been promised any money or inducement to serve as a
9 class representative in this action.

10 9. At the mediation, I actively participate in all discussions, including answering questions
11 that the mediator had during the mediation. Because the case did not settle at the first mediation, I
12 agreed to participate in a day-long court-facilitated settlement conference. Again, the case did not settle
13 but I authorized my attorneys to participate in a second half-day court-facilitated settlement
14 conference. At that second settlement conference, the parties reached a class settlement.

15 10. I gave my authority to settle the case after thoroughly weighing the benefits to be
16 conferred on the class and on the day of the mediation signed a memorandum of understanding
17 memorializing the key terms of the class settlement. My main concern in reaching a settlement with
18 Defendants was how this would benefit the class members who would be subject to the settlement.
19 After the mediation, I met with my attorneys to review and sign the formal settlement papers that the
20 lawyers prepared.

21 11. It is my opinion that the settlement the Court previously preliminarily approved is fair,
22 reasonable, and adequate because it will put real, significant amounts of money into the hands of the
23 class member who, in my opinion, were not paid all of the wages they were entitled to have been paid.
24 Without my filing this action, it is highly likely that no class member would have filed an
25 administrative or civil action to recover their unpaid wages.

26 12. I am requesting that the Court award me an enhancement of \$7,500. I believe that I
27 deserve an enhancement of this amount for several reasons. First, I achieve a good settlement on behalf
28 of the other class members. I believe it is fair and reasonable to be rewarded for helping people

1 vindicate their legal rights against Defendants and, because of this lawsuit which I filed back in 2015,
2 get money that, if not for this lawsuit, they would not have gotten. I believe that in light of the facts in
3 this case, the work that I've done in the last nine years to advance the interest of the class members,
4 and the \$700,000 gross settlement amount, the \$7,500 enhancement amount I'm asking for is
5 reasonable.

6 13. Second, I took many risks in deciding to be a class action representative in this lawsuit.
7 Had I not prevailed on the claims I alleged against Defendants, I might have had to pay its costs and
8 attorney's fees. This risk was significant and any judgment against me for costs or attorney's fees
9 would have imposed a substantial financial burden on me that, in light of my present financial
10 condition, would have resulted in dire economic hardship to me and my family. I not only faced this
11 financial risk but also took the risk that, because I had brought a class action lawsuit against one of my
12 former employers, prospective employers would not want to hire me.

13 14. Since I found my attorneys and filed this lawsuit, I have been in contact with them on a
14 regular basis and have assisted with the prosecution of this lawsuit in every way they have asked. In
15 the course of the litigation, I met with my attorneys multiple-times, I provided them all the documents
16 I received from Defendants and I explained to them my understanding of their employment practices. I
17 also facilitated communications between my attorneys and other workers regarding the violations. I
18 responded to extensive written discovery and sat for a day-long deposition. I participated in a
19 mediation session and the settlement conferences with the Honorable Magistrate Judge Virginia K.
20 DeMarchi. Because the case did not settle at the initial conference, I was available by phone for the
21 second settlement conference session. Thereafter, I reviewed the settlement papers before I signed the
22 agreement. I am also submitting this declaration in support of the request for an enhancement. I
23 estimate that, to date, I have spent approximately 90 hours helping my lawyers in this case, including
24 traveling from my home in the Central Valley to meet with my attorney, Santos Gomez, in Watsonville,
25 California. I anticipate spending additional time assisting my lawyers on this case through the
26 administration of the settlement.
27
28

1 This declaration has been read to me translated into Spanish. Based on the Spanish
2 translation of this declaration read to me, I declare under penalty of perjury that the foregoing is
3 true and correct and that this declaration was executed in Mendota, California on June
4 11, 2024.

5
6 
7 Jose Mario Mendoza