

1 I, Gilberto Torres, declare:

2 1. I am a competent adult, I have personal knowledge of the facts set forth in this
3 declaration, and I am making this declaration on behalf of myself, as a named plaintiff, and in support
4 of Plaintiff's Motion for Preliminary Approval of Class Action Settlement.

5 2. I worked for Defendant Kiper Development, Inc. ("Defendant") from approximately
6 June 16, 2016, to July 15, 2021, as a non-exempt employee. I was subject to all of Defendant's policies
7 and practices that have been alleged as unlawful in the Complaint and the notice sent to the Labor and
8 Workforce Development Agency, including the following: failure to pay overtime, failure to pay
9 minimum wages, failure to provide accurate wage statements, failure to timely pay final wages, failure
10 to provide meal and rest periods or pay premiums in lieu thereof, and failure to reimburse employees
11 for incurred expenses.

12 3. I have actively participated in the litigation of this case for the benefit of all Class
13 Members. Prior to obtaining an attorney, I performed several hours of research trying to find a quality
14 attorney to handle the claims. I also performed several hours of research on the potential claims, so I
15 could be sure I could have an informed discussion with the attorneys about the claims and have a better
16 idea of what to expect in litigation and how to help the case proceed. After securing Shimoda &
17 Rodriguez Law, PC, I continued to be actively involved in the case to help ensure a positive outcome.

18 4. My attorneys explained to me the risks and benefits of bringing a class action. I
19 understood that pursuing the case as a class action meant that it would take substantially longer than
20 pursuing my claims individually, whether in Court or with the California Labor Commissioner, and that
21 I risked getting nothing in the end, but I believed it was important to make sure that Defendant
22 followed the law for everyone. I understood that I took on the risk, both professionally and financially,
23 in pursuing the case as a class action rather than pursuing my claims individually. As a Class
24 Representative, I also took on the risk of having to pay Defendant's costs if we were unsuccessful in
25 bringing our claims.

26 5. During the course of this litigation, I have given detailed accounts of all the facts related
27 to my employment. I provided my attorneys with extensive documentation that I believe supported the
28 claims brought against Defendant. I met with and assisted my attorneys in understanding these

1 documents and providing context for Defendant's payroll process as it applied to me and how I believed
2 it applied to Defendant's other employees. I worked for Defendant a long time and worked out of
3 different locations, so I was able to discuss the similarities of the wage and hour policies and practices
4 among all Class Members.

5 6. The work I performed for this case included an extensive review of documents and
6 payroll practices to show and explain to my attorneys what was happening and why I thought it was
7 unlawful. For example, I explained to my attorneys my job duties and responsibilities, the type of tasks
8 and work performed at the construction sites, issues at work regarding wage and hour violations, the
9 number of class members at work during a typical day, the tasks required in a typical day, the hours
10 worked during my employment, and the policies of the Defendant and how they affected myself and
11 class members. I also provided payroll records to determine whether there was (or was not)
12 consistency between Defendant's stated policies, practices, and our claims. This was very important as
13 it helped not only the claims of failure to pay overtime, failure to pay minimum wages, and failure to
14 reimburse expenses incurred, but also claims related to meal and rest breaks, waiting time penalties,
15 and failure to provide accurate wage statements. The review became even more detailed when my
16 attorneys asked me questions about the payroll data sample that was produced as part of informal
17 discovery to facilitate settlement negotiations. I also spent a substantial amount of time identifying and
18 trying to speak to potential witnesses who could speak to my attorneys to give their own insights and
19 provide declarations. I have spent an substantial amount of time assisting in the prosecution of this
20 case.

21 7. I participated in the negotiations and settlement discussions in this case, speaking with
22 my attorneys to answer questions, provide any additional information needed to assist the negotiations,
23 and discussing the potential terms of the Agreement to evaluate its adequacy. Throughout the course of
24 this litigation I have asked questions when I needed clarification about various aspects of this case to
25 make sure there were continually steps taken to advance the interests of Class Members.

26 8. Although I have already spent a substantial amount of time on this case and assisting my
27 attorneys, I expect the amount of time I spend on this case will increase if preliminary approval is
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1 granted because Class Members will likely reach out to me about the Settlement and the process for
2 receiving payment.

3 9. I have not received any benefits as a result of filing this lawsuit. I have, however,
4 experienced substantial burdens as a result of filing the lawsuit that other Class Members were not
5 subject to. For example, in bringing the lawsuit, I assumed the risk of having to pay Defendant's costs
6 if the Court or jury rules against us on the claims. My understanding is that this is a substantial risk
7 because the costs associated with litigation, in general, are very high and this cost is multiplied many
8 times over in complex litigation like class actions. I have spent a substantial amount of time in this
9 case, securing a monetary benefit for many individuals who have not had to do anything whatsoever to
10 have the opportunity to receive it. Spending time in this case is particularly challenging because I have
11 small children. Rather than spend this time with friends and family, I have spent this time for the
12 benefit of Class Members. I have also experienced stress and anxiety because of this litigation.

13 10. I have reviewed the final Joint Stipulation of Class Action Settlement and Release,
14 discussed the terms with my attorney, and asked my attorney any questions I had. I believe the terms
15 of the Settlement and allocations are fair and reasonable given the facts of the case.

16 11. I understand that any Class Representative Enhancement Payment I may receive is for
17 my participation as a Class Representative and it is not contingent on my support or approval of the
18 Agreement.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is
20 true and correct. Executed this 16 of December 2022 in Modesto, California.

DocuSigned by:
Gilbert Torres
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Gilberto Torres