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 Collective, Aggrieved Employees, and
 State of California
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14 **SUPERIOR COURT OF CALIFORNIA**
COUNTY OF ALAMEDA

15 EDGAR DIAZ and JOE TRIGO, individually and
 16 on behalf of all others similarly situated,

17 Plaintiffs,

18 vs.

19 TAK COMMUNICATIONS CA, INC.; TAK
 20 COMMUNICATIONS, INC.; and DOES 1-25,
 inclusive,

21 Defendants.
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Case No: RG20064706

CLASS ACTION

*Assigned for All Purposes to Judge
 Winifred Y. Smith, Dept. 21*

**DECLARATION OF EDGAR DIAZ
 IN SUPPORT OF PLAINTIFFS'
 UNOPPOSED MOTION FOR
 APPROVAL OF ATTORNEY'S FEES
 AND COSTS AND SERVICE
 AWARDS**

Date Action Filed: June 12, 2020

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DECLARATION OF EDGAR DIAZ

I, Edgar Diaz, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I make this declaration based on my personal knowledge.

2. I am a Named Plaintiff in the above-captioned action against TAK Communications CA Inc., and TAK Communications (TAK) (collectively, “Defendants”).

3. I worked for Defendants as a Technician on installation services such as installing cable television, phone, security and internet service systems in commercial settings.

4. Between May 22, 2019 and March 2020 I worked for Defendants in and around Sacramento, Stockton, and Fresno, California.

5. As a Technician, my duties included, but were not limited to, driving to customers’ residences, installing cable, telephone, and internet service, installing alarm services, making repairs, troubleshooting, and educating customers.

6. When I worked for Defendants, I worked overtime hours for Defendants without being paid overtime premiums. I was required to work off-the-clock after my shifts, specifically when I arrived home each evening. I spent approximately 15-30 minutes each evening completing my timecard and sending the same to my supervisor. I was required to list every piece of equipment I installed each day. This was both time consuming and stressful. The wage statements that I received did not accurately reflect my actual hours worked or actual wages earned. Additionally, my scheduled and actual hours worked triggered meal and rest breaks; however, I did not always receive these breaks or was required to work through them due to a packed schedule. While I worked for Defendants, I incurred numerous work-related expenses and was required to purchase tools and supplies that I needed to perform my work duties.

7. I accordingly initiated this lawsuit because Defendants did not pay me minimum, straight time, or the required overtime compensation; failed to provide accurate, itemized wage statements; failed to keep accurate records of all hours worked; failed to pay all final wages due upon termination; did not provide meal and rest breaks; did not properly pay for rest and

1 recovery periods and other non-productive time as piece rate workers, and did not pay me for
2 necessary businesses expenses.

3 8. During this lawsuit, I spent my own personal time, approximately 35 hours,
4 working closely with my attorneys. I provided information regarding my work experience with
5 Defendants, the allegations in the lawsuit, as well as documents and screen shots. These
6 documents and screen shots include but were not limited to: paystubs, which show the alleged
7 hours worked and the alleged piece work completed, timesheets, 65 pages of handwritten notes
8 which document my schedule, location, codes completed, and equipment used, screen shot of my
9 badge with TAK Communications, Medical Enrollment paperwork for insurance I never
10 received, and California billing rates which show the dollar amount for each code completed.
11 My attorneys used this information to determine what claims to bring and to prepare the class
12 action lawsuit. I spent upwards of 10 hours gathering documents and providing the significance
13 of each document.

14 9. In the ten months since the lawsuit was filed and in the six months before we filed
15 the lawsuit, I spent significant personal time strategizing with my attorneys. I consulted with my
16 attorneys throughout the litigation and spent a substantial amount of time providing information
17 and discussing case strategy. I regularly communicated with my attorneys via telephone to the
18 discuss the status of the case. These communications concerned but were not limited to: the
19 filing of the complaints in both Federal Court and State Court, following the filing of the state
20 and federal actions, discovering the existence of arbitration agreements and what that meant
21 moving forward; preparing for mediation; working with my attorneys to respond to extensive
22 interrogatories and requests for documents. When working on the responses to the
23 interrogatories, I spent an upward of 10 hours on the phone with my attorneys covering topics
24 that included dates and locations of work, hours of work, pre-shift and post-shift off-the-clock
25 work, meal and rest breaks, and reimbursement of work related expenses.

26 10. I strategized with my attorneys during their review of documents produced by TAK.
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1 11. This case settled in mediation. I cleared my schedule and made myself available
2 and communicated with my attorneys throughout the settlement process.

3 12. The parties eventually reached an agreement to settle the case. I reviewed and
4 approved the proposed settlement agreement.

5 13. In sum, I have been significantly involved with the litigation from six months prior
6 to filing the complaints. During that time, I have contributed a substantial amount of my own
7 time to the prosecution of these claims in addition to having to request time off from work to
8 accommodate the case schedule.

9 14. I have worked as a Technician in the cable industry for approximately 7 years.

10 15. Despite the potential risk of retaliation in the cable industry, I stepped forward to
11 represent the interests of my fellow class members, including risking my reputation in the
12 community in which I make my livelihood.

13 16. As noted above, I have devoted substantial time and energy to this case, at great
14 personal risk and expense.

15 17. As part of the settlement agreement, I have agreed to release any and all claims I
16 have against Defendants.

17 18. Based upon my participation in this case, and also based upon my knowledge of the
18 facts and the law, as explained to me by my attorneys, I believe that the settlement is fair and
19 reasonable, and that my hard work has led to a beneficial result for the Class and Collective.


20 19. I therefore respectfully request that the Court grant final approval of the service
21 payment agreed to by the parties of \$10,000.00 in the settlement agreement.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and based on my personal knowledge.

Dated: March 31, 2021

DocuSigned by:

Edgar Diaz