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and the Proposed Class

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – INGLEWOOD COURTHOUSE**

10
11 ULYSSES A. RIVAS, individually and on
12 behalf of all others similarly situated,
13 **Plaintiff,**
14 v.
15 CITY OF MANHATTAN BEACH, a Public
Corporation, and DOES 1 through 10,
16 inclusive,
Defendants.

Case No. 21STCV38784

[Assigned to: Hon. Ronald F. Frank, Dept. 8]

**DECLARATION OF PLAINTIFF ULYSSES
A. RIVAS IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: April 7, 2023
Time: 8:30 a.m.
Dept.: 8

DECLARATION OF ULYSSES A. RIVAS

I, Ulysses A. Rivas, declare as follows:

1. I am a competent adult, am a resident of the State of California. I am a Plaintiff in the above-captioned case. I have personal knowledge of the facts set forth below, and if called upon to testify to the same, I could and would do so competently and truthfully.

2. I work for Defendant City of Manhattan Beach (“Defendant”) as a Dial-a-Ride bus driver throughout Manhattan Beach.

3. During my work for Defendants, I was not provided with lawful meal and rest breaks. Defendants did not have any policies or procedures in place to provide for such lawful meal and rest breaks. During my employment with Defendant, I was not paid a premium wage for either working through a rest period or break, taking a meal period beyond five hours or for meal periods that I did not receive a full uninterrupted thirty (30) minutes.

4. I am not related to anyone associated with Barrera & Associates.

5. Since first contacting my attorneys and throughout the length of this case, I have spent a considerable amount of time assisting my attorneys in prosecuting this matter. I gathered and reviewed documents from my employment with Defendant. I engaged in an initial meeting with my attorney to discuss the employment policies and practices. During that meeting, we discussed my experiences working for Defendant as an employee, my observations and conversations with fellow employees, why I wanted to pursue this case, and all of the duties that I would accept as a class representative. We discussed what my role would be and how I could provide the most assistance to this case. I have had regular communication with my attorney to make sure that I was updated on the status of this case and to provide her with insight from my experience as an employee for Defendant.

6. Since the filing of this lawsuit, I have discussed all aspects of this case with my attorney by way of telephone, emails and text messages. I estimate that I spent approximately eight (8) to twelve (12) hours discussing and answering my attorney’s questions concerning the employment policies and procedures of Defendant, the work performed for Defendant by its employees, reviewing the records produced by Defendant, the process of my assigned shift, the explanation of business records and their respective significance.

1 7. I spent time with my attorney discussing the case, providing witness information for
2 my attorney about possible witnesses that would be willing to testify on behalf of the class. During
3 that time, I provided my attorney with additional names of witnesses that would be helpful in support
4 of Plaintiff's motion to have the court confirm this case was a class action.

5 8. I engaged in preparation phone calls for my attorney's deposition of Defendant and
6 was present in person throughout the entire mediation session to provide any information necessary.
7 I discussed my work with Defendant with the mediator, and provided feedback regarding settlement
8 options with my attorney.

9 9. Once the settlement was agreed upon, I spent approximately forty-five minutes
10 reviewing the settlement agreement and discussing the terms with my attorney. I asked my attorney
11 about specific terms in the agreement so I understood the importance of signing the agreement.

12 10. During the entire case, I have been responsive to my attorney's requests and believe
13 that my assistance in providing information was influential in obtaining the result that was achieved
14 in the settlement. As a result, I respectfully request that the Court award me, as a class
15 representative, a service award in the amount of \$15,000. I believe that this amount is reasonable
16 considering the time and effort that I have spent during this case on behalf of the class and the risks
17 that I undertook in pursuing the case. I was apprehensive about the possibility that I would face
18 retaliation by pursuing this case, which may adversely affect my employment record.

19 11. I have not entered into any undisclosed agreements nor have I received any
20 undisclosed compensation in this case. The only compensation I will receive is whatever the amount
21 the Court awards as a service award payment, as well as my share as a class member of the
22 settlement fund based on the number of weeks I worked for Defendants.

23 I declare under the penalty of perjury of the laws of the State of California that the foregoing
24 is true and correct. Executed on 3/17/2023 in Lawndale, California.

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27 Ulysses A. Rivas
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PROOF OF SERVICE
(C.C.P. §§ 1013a and 2015.5)

I, Rachel Olague, declare as follows:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within action. My business address is 2298 E. Maple Avenue, El Segundo, CA 90245.

On March 17, 2023, I served the foregoing document(s) described as

- **PLAINTIFF'S NOTICE OF UNOPPOSED MOTION AND UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND CERTIFICATION OF THE SETTLEMENT CLASS; MEMORANDUM OF POINTS AND AUTHORITIES**
- **DECLARATION OF PATRICIO T.D. BARRERA IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**
- **DECLARATION OF PLAINTIFF ULYSSES A. RIVAS IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**
- **DECLARATION OF JODEY LAWRENCE OF PHOENIX SETTLEMENT ADMINISTRATORS IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL [PROPOSED] AMENDED ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND CERTIFICATION OF THE SETTLEMENT CLASS**
- **PROOF OF SERVICE**

on the interested parties in this action as follows:

SEE SERVICE LIST

VIA CASE ANYWHERE: I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action through Case Anywhere system.

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

Executed on March 17, 2023, at El Segundo, California.

/s/ Rachel Olague

Rachel Olague

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SERVICE LIST

VIA ELECTRONIC SERVICE ONLY

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Manhattan Beach*