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13 Attorneys for Plaintiffs, and the Putative Class
14 and Collective

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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
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19 DAVID CHAVEZ and VINCENT
20 SLAUGHTER, on behalf of themselves and all
21 others similarly situated,

22 Plaintiffs,

23 vs.

24 STELLAR MANAGEMENT GROUP VII,
25 LLC; STELLAR MANAGEMENT GROUP,
26 INC. d/b/a QSI QUALITY SERVICE
27 INTEGRITY; THE VINCIT COMPANY, LLC
28 d/b/a THE VINCIT GROUP and VINCIT
ENTERPRISES,

Defendants.

Case No.: 3:19-cv-01353-JCS

DECLARATION OF DAVID CHAVEZ

Date: March 18, 2022

Time: 9:30 a.m.

Judge: Hon. Joseph C. Spero

Ctrm.: G, 15th Floor

Filed: March 13, 2019

Trial Date: None

1 I, David Chavez, hereby declare as follows:

2 1. I am a Named Plaintiff in *Chavez, et al. v. Stellar Management Group VII, LLC, et*
3 *al.*, pending in the United States District Court for the Northern District of California.

4 2. I am over the age of eighteen. The following statements are based on my personal
5 knowledge. If called on to do so, I could and would testify competently to these statements.

6 3. I submit this declaration in support of Plaintiff's Motion for Attorneys' Fees and
7 Costs and for Service Award in this Action.

8 4. I was employed by Stellar Management Group VII, LLC; Stellar Management
9 Group, Inc. d/b/a QSI Quality Service Integrity; and The Vincit Company, LLC d/b/a The Vincit
10 Group and Vincit Enterprises (collectively, "QSI") in approximately August 2018. I worked for
11 QSI as a Sanitation Worker at the Foster Farms plant in Livingston, California. In this role, I
12 performed many tasks like putting on/taking off protective equipment, convening for safety
13 meetings at the start of each shift, cleaning off and sanitizing poultry equipment, preparing and
14 spraying liquid chemicals, performing regular maintenance on sanitation equipment, preparing the
15 facility for audits by federal and state agencies, practicing food safety procedures, and ultimately
16 protecting the brand image of meat processing companies.

17 5. I was required to work long hours for QSI. However, I was not paid for all of the
18 hours that I actually worked. For example, I had to put on or take off my personal protective
19 equipment while I was off-the-clock. I was required to walk from a specified parking lot each day
20 to a security gate, wait in long lines to have my belongings inspected, and then drop off my
21 personal belongings at a designated break room while I was off-the-clock, and repeat these tasks
22 in reverse order at the end of the day. I was also required to clean and sanitize my own personal
23 protective equipment regularly as well. I was further regularly unable to take meal and rest
24 breaks, because I was interrupted to continue working, to take off or put on my personal
25 protective equipment during the breaks, and/or I was provided late breaks.

26 6. As a result of these issues, I believed that I experienced wage violations and meal
27 and rest break violations. I knew that my co-workers had similar experiences. I wanted to do
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1 something about these issues for all of us, so I decided to contact an attorney. Schneider Wallace
2 Cottrell Konecky LLP are my attorneys in this case.

3 7. I first reached out to Schneider Wallace Cottrell Konecky LLP in August 2018.
4 Prior to filing the case, I had multiple telephonic interviews with my attorneys regarding the case
5 and my work experiences with QSI. I have been involved with this case for almost three years.

6 8. I knew that there was no guarantee that we would be successful in this case, and
7 that there was a significant chance of protracted litigation. I understood I could potentially be
8 liable for fees and costs, and that there was a risk that some of the claims could be compelled to
9 arbitration. I also understood that I could have to spend a significant amount of time in the
10 discovery process.

11 9. Additionally, I realized that my name would be on a class and representative action,
12 and that this information could be visible to others. This is particularly significant for me, because
13 I knew that employers may refuse to hire me based on my involvement in this Action.

14 10. Nonetheless, I felt strongly that QSI had unlawful wage and hour policies.
15 Therefore, I decided to proceed as a representative plaintiff and file a lawsuit. I understood that I
16 would serve as the Named Plaintiff, the representative of a proposed class of California workers,
17 and the representative employee for claims under the California Labor Code Private Attorneys
18 General Act (“PAGA”).

19 11. After learning about the duties and procedures involved with representing the
20 interests of the Class, I decided I wanted to serve as a Named Plaintiff and Class representative.
21 Being a Named Plaintiff and Class representative was no small task. It was a major time
22 commitment and demanded my attention and focus. Although I knew being a class representative
23 was a serious and time-consuming commitment, I felt a sense of duty to represent my co-workers
24 who faced the same difficulties at QSI that I did, but were too afraid to challenge QSI’s practices.

25 12. I worked with my attorneys to prepare the initial class and representative action
26 complaint. I supplied large amounts of information and documents to my attorneys to assist with
27 the drafting process. I reviewed a draft of the complaint carefully and provided my attorneys with
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1 input. We filed the case on around March 13, 2019, in federal court, and on March 14, 2019, in
2 California Superior Court of Sonoma County.

3 13. I estimate that I devoted around 4 hours to the Action during the initial interviews
4 with my attorneys and the complaint-drafting process.

5 14. Around March 2020, QSI asked me to respond to multiple questions and sets of
6 written discovery requests. The requests were lengthy and required hours out of my personal time
7 to discuss them with my attorneys, diligently search for responsive documents, and carefully
8 verify that all my answers were true. My attorneys submitted my responses and my amended
9 responses in around April 2020 and June 2020.

10 15. I estimate that I spent at about 8 hours carefully reviewing the discovery requests,
11 discussing the requests with my attorneys, compiling responsive documents, and answering and
12 verifying my answers.

13 16. We eventually mediated this dispute on around September 24, 2020. I cleared my
14 schedule and made myself available for the mediation, but the case did not settle at that time.

15 17. I estimate that I spent approximately 2 or 3 hours on discussions with my attorneys
16 regarding the mediation.

17 18. After mediation, I was in regular contact with my attorneys regarding the ongoing
18 negotiations with QSI and the Settlement that we eventually reached in around October 2020.

19 19. I estimate that I spent approximately 15 to 20 hours on discussions with my
20 attorneys immediately following the mediation.

21 20. After the proposed Settlement was reached, I carefully reviewed the terms of the
22 proposed document. The Settlement is a lengthy document, and I reviewed it closely. I discussed
23 it with my attorneys. I spent time evaluating the proposed outcome to assure that it was fair.
24 Based on my own review and my attorneys' evaluation and recommendation, I believe the
25 Settlement is fair and reasonable and proposed Service Award is fair and reasonable. I signed the
26 Settlement on around March 12, 2021.

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1 21. In around April 2021, I knew the Court ordered the Parties to submit additional
2 documents regarding the Settlement and that subsequent negotiations with QSI's counsel were
3 ensuing to resolve any issues with the Settlement. After the proposed terms of the first
4 Amendment to the Settlement were reached, I carefully reviewed the terms of the proposed
5 document. The first Amendment was also a lengthy document, but I reviewed it closely and
6 discussed it with my attorneys. Based on my own review and my attorneys' evaluation and
7 recommendation, I believed the Settlement to be fair and reasonable, and signed the first
8 Amendment on around May 6, 2021.

9 22. In around July 2021, I knew that the Court had further concerns regarding the
10 Settlement and that subsequent negotiations with QSI's counsel were re-started to resolve the
11 remaining issues with the Settlement. After the proposed terms of the second Amendment to the
12 Settlement were reached, I, again, carefully reviewed and discussed with my attorneys about the
13 terms of the proposed document which was just as lengthy as the first Amendment. Based on my
14 own review and my attorneys' evaluation and recommendation, I believed the Settlement to be
15 fair and reasonable, and signed the second Amendment on around July 30, 2021.

16 23. Finally, around September 2021, QSI raised concerns regarding individuals who
17 were inadvertently left in the Settlement due to QSI's corporate restructuring. After the proposed
18 terms of the third Amendment to the Settlement was reached, I, for the last time, carefully
19 reviewed and discussed with my attorneys about the terms of the proposed document which fairly
20 lengthy as well. Based on my own review and my attorneys' evaluation and recommendation, I
21 believed the Settlement to be fair and reasonable, and signed the third Amendment on around
22 September 17, 2021.

23 24. I estimate that I spent at about 30 hours carefully reviewing the Settlement and its
24 three Amendments and discussing the terms with my attorneys.

25 25. Throughout this action, I have been in regular communication with my attorneys to
26 keep apprised of the status of the litigation. I have kept up-to-date on the status at every phase. I
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1 estimate that I have spent approximately 30 to 40 over the years on phone calls and emails
2 regarding status updates with my attorneys.

3 26. In sum, I worked with my attorneys to prepare the complaints against QSI;
4 strategized the assertion of claims and theories; spent hours assembling, discussing, and reviewing
5 documents; participated actively in the mediation process and settlement decisions; and otherwise
6 remained in constant contact with my attorneys. I have been involved with this litigation for
7 almost three years, and during that time I have contributed at least 89 hours of my own time to the
8 prosecution of these claims.

9 27. By participating in this case as a Plaintiff, I placed myself at personal risk. For
10 example, I faced: (a) risk to my reputation in my community as a result of stepping forward
11 publicly in a class action; (b) risk to my reputation as it concerns my future employment
12 opportunities; (c) risk that I would be subject to intrusive discovery and time demands in this
13 litigation; and (d) risk that I would have to pay defense costs if I lost this case.

14 28. These risks are front and center for me because this lawsuit may be visible to future
15 employers.

16 29. Nevertheless, I chose to face these risks to challenge the way that QSI treated its
17 employees on behalf of everyone in the California Class and the Aggrieved Employees who I
18 believed suffered similar violations of wage and hour law.

19 30. I understand that under the Settlement, I would be releasing much broader claims
20 under a general release than other Class members. But I am willing to agree to this broader release
21 because I know it helped the parties reach a compromise that I believe is a great result for the
22 Class members I represent. I took my role as Class representative to heart, and took my duties as
23 Class representative very seriously. Although I was concerned that my participation in this case
24 could result in negative personal or employment consequences, that did not stop me from stepping
25 forward as a representative and named plaintiff to help my fellow Class members who went
26 through the same struggles I did at QSI.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct. Executed on 11 / 18 / 2021, in Winton, California.

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4 David Chavez

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