

EXHIBIT F

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19 Anielka Rodriguez, and putative Class

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

LORENA GOMEZ and ANIELKA
RODRIGUEZ, on their own behalf, on
behalf of others similarly situated and the
general public,

PLAINTIFFS,

vs.

MI PUEBLO SAN JOSE, INC., a
California corporation; BENJAMIN DE
ANDA, an individual; and DOES 1
through 10, inclusive,

DEFENDANTS

Case No.: RG 07354914

DECLARATION OF ANIELKA
RODRIGUEZ IN SUPPORT OF
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

DATE: July 22, 2009
TIME: 3:00 p.m.
DEPT: 17

Complaint Filed: November 7, 2007

1 I, Anielka Rodríguez, declare:

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3 1. I am one of the Plaintiffs in the case *Gómez, et al. v. Mi Pueblo San Jose,*
4 *Inc., et al.*, case number RG 07354914. This lawsuit was filed on behalf of hourly
5 employees for claims against Mi Pueblo San Jose, Inc. ("Mi Pueblo") for unlawful
6 deductions from our paychecks and associated penalties. I submit this Declaration in
7 support of the Motion for Preliminary Approval of Class Action Settlement. I make the
8 following statements based on my personal knowledge. I am prepared and competent
9 to testify to the matters set forth in this declaration.

10 2. I was employed by Mi Pueblo as an employee in the Deli Department in
11 one of its Hayward, California, supermarkets from approximately February 2006 to
12 March 2007. During the time I worked for Mi Pueblo, the company had a store policy
13 requiring that I, and the other hourly employees that I knew, wear a Mi Pueblo uniform,
14 which included a polo shirt with the Mi Pueblo insignia. If I wanted to wear a
15 sweatshirt at work, it also had to have the Mi Pueblo insignia. Mi Pueblo deducted
16 monies from my paychecks to pay for these shirts and sweatshirts. In addition, Mi
17 Pueblo also required that I purchase certain items, such as gloves, to perform my work.
18 Mi Pueblo deducted these amounts from my paychecks and at no time reimbursed me
19 for such expenses.

20 3. After contacting the Law Offices of Enrique Martínez and the Sullivan
21 Taketa LLP law firm regarding my claims, I had several meetings and discussions with
22 attorneys Joel Villaseñor and Enrique Martínez. During these initial investigative
23 meetings, we went over the paycheck deduction policies and procedures of Mi Pueblo,
24 and compared them against my experiences during my employment with Mi Pueblo.

25 4. My lawyers and I decided first to file my individual lawsuit, which also
26 included claims for sexual harassment, pregnancy discrimination, defamation, and
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1 retaliation. In the months that followed, I assisted the attorneys in their investigation of
2 the claims for pay deductions for uniforms, tools and equipment by putting them in
3 touch with other Mi Pueblo employees to gather more information about those potential
4 claims. I also helped the lawyers obtain additional documentation of the Mi Pueblo
5 policies, and when compared to my own experiences, that evidence supported the idea
6 of filing a class action for those claims.

7 5. I decided to step forward and represent other Mi Pueblo employees by
8 amending the lawsuit and filing it as a class action. I understood quite clearly that my
9 individual claims for sexual harassment, pregnancy discrimination, and retaliation were
10 separate and independent of the Labor Code claims for which I was representing my
11 coworkers at all the Mi Pueblo stores. During the lawsuit, I understood that I might be
12 responsible for some or all of Mi Pueblo's legal costs in this matter if the case was not
13 successfully concluded. I was willing to take the risk, because I felt that Mi Pueblo's
14 practices were wrong.

15 6. Both before and after the amended lawsuit was filed, I worked closely
16 with the attorneys at both firms. I was contacted by Mr. Villaseñor for additional
17 information on many occasions and met with Mr. Martínez many other times as well.
18 In response to the frequent phone calls from them requesting information, clarification
19 or documentation, I would devote my time to respond without delay to assist in
20 providing the information in a timely manner, especially if there was a deadline.

21 7. As part of my responsibilities as the Plaintiff/Class Representative in this
22 class action, I was required to gather, organize, and send my attorneys many documents
23 that reflected my paycheck deductions, in addition to other documents I had received
24 from the company. I was also required to work with my attorneys to answer
25 interrogatories and discovery demands. I spent many hours with my attorneys going
26 over documents and reviewing my work file.

1 8. I also provided my attorneys other information and items that they needed
2 for the case. In particular, I devoted a lot of time to locating and providing to my
3 lawyers examples of the Mi Pueblo uniforms and other items that Mi Pueblo employees
4 were required to purchase, and for which Mi Pueblo deducted monies from our
5 paychecks.

6 9. I was also required to prepare for and sit for my deposition. Prior to the
7 deposition I met and spoke with attorneys Donn Taketa, Enrique Martínez, and Joel
8 Villaseñor regarding the background facts supporting the lawsuit against Mi Pueblo,
9 and to prepare for the deposition. I spent most of one day with my attorneys, both in
10 person and on the telephone, preparing for the class action portion of the deposition. I
11 also spent almost an entire day in the deposition conducted by Mi Pueblo's attorney.
12 Altogether I personally attended four depositions, which were taken in Oakland and
13 San Francisco.

14 10. Throughout this matter I have stayed in constant contact with my
15 attorneys, even when I traveled out of the country, and let them know when I would not
16 be available or where they could reach me if they needed any information.

17 11. I understood from the very beginning that I was filing this case not only
18 for my own benefit, but also for the many past and present employees, who were not
19 aware of their rights or were too afraid of losing their jobs to complain to Mi Pueblo's
20 management or file a lawsuit on their own. I understood that there were risks involved
21 in class action lawsuits, and that the lawsuit could continue for several years.

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1. As the Class Representative, I took my duties and responsibilities very seriously. I provided Class Counsel with important information crucial to the prosecution of this action and final successful mediation of this lawsuit, including information regarding current and former Mi Pueblo employees, and the practices and policies at Mi Pueblo.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct and that this Declaration was executed on July 14, 2009, in Esteli, Nicaragua.

Anielka Rodríguez
ANIELKA RODRÍGUEZ

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22 California corporation; BENJAMIN DE
23 ANDA, an individual; and DOES 1
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24 **DEFENDANTS.**

Case No.: RG 07354914

**DECLARACIÓN DE ANIELKA
RODRÍGUEZ APOYANDO LA
APROBACIÓN PRELIMINAR DE LA
RESOLUCIÓN DE LA DEMANDA
COLECTIVA**

FECHA: 22 de julio del 2009

HORA: 3:00 p.m.

SALA: 17

Demanda entablada: 7 de nov. del 2007

1 Yo, Anielka Rodríguez, declaro:

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3 1. Yo soy una de las Demandantes en el caso *Gómez, et al. v. Mi Pueblo San*
4 *Jose, Inc., et al.*, número de caso RG 07354914. Esta demanda fue entablada a nombre
5 de empleados con salario por hora por reclamos en contra de Mi Pueblo San Jose, Inc.
6 ("Mi Pueblo") por deducciones de nuestro sueldo en contra de la ley y por multas
7 relacionadas. Yo presento la siguiente Declaración en apoyo a la Petición para la
8 Aprobación Preliminar de la Resolución de la Demanda Colectiva. Yo hago las
9 siguientes declaraciones basándome en mi propio conocimiento. Estoy preparada y
10 capacitada para testificar sobre los asuntos expuestos en esta declaración.

11 2. Fui empleada por Mi Pueblo como empleada en el Departamento de
12 Comidas Preparadas en uno de sus supermercados de Hayward, California, entre
13 aproximadamente febrero del 2006 y marzo del 2007. Durante el tiempo que trabajé
14 para Mi Pueblo, la compañía tenía una política en la tienda que requería que yo y los
15 otros empleados con salario por hora que yo conocía usáramos un uniforme de Mi
16 Pueblo, que incluía una camisa tipo polo con la insignia de Mi Pueblo. Si yo deseaba
17 usar una sudadera en el trabajo, la sudadera también tenía que llevar la insignia de Mi
18 Pueblo. Mi Pueblo descontaba dinero de mi sueldo para pagar por estas camisas y
19 sudaderas. Además, Mi Pueblo también requería que yo comprara ciertos artículos,
20 como guantes, para desempeñar mi trabajo. Mi Pueblo descontó estas cantidades de mi
21 sueldo y en ningún momento me reembolsó por estos gastos.

22 3. Después de comunicarme con los despachos de abogados de Enrique
23 Martínez y Sullivan Taketa LLP con respecto a mis reclamos, participé en varias
24 reuniones y conversaciones con los abogados Joel Villaseñor y Enrique Martínez.
25 Durante estas primeras reuniones de investigación, repasamos las reglas y
26 procedimientos de deducciones de salario de Mi Pueblo, y los comparamos con mis
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1 experiencias personales durante mi empleo con Mi Pueblo.

2 4. Mis abogados y yo decidimos primero entablar mi demanda individual,
3 que también incluía reclamos de acoso sexual, discriminación por embarazo,
4 difamación y represalias. En los meses siguientes, ayudé a los abogados con su
5 investigación de los reclamos de deducciones de sueldo por uniformes, herramientas y
6 equipo al ponerlos en contacto con otros empleados de Mi Pueblo para recaudar más
7 información sobre esos posibles reclamos. También les ayudé a obtener más
8 documentación sobre las políticas de Mi Pueblo, y al compararla con mis propias
9 experiencias, esas evidencias apoyaban la idea de entablar una demanda colectiva por
10 esos reclamos.

11 5. Yo decidí ofrecermé y representar a otros empleados de Mi Pueblo al
12 enmendar la demanda y entablarla con índole de demanda colectiva. Yo tenía muy
13 claro que mis reclamos individuales de acoso sexual, discriminación por embarazo y
14 represalias eran separados y eran independientes de los reclamos bajo el Código
15 Laboral para los cuales yo estaba representando a mis compañeros en todas las tiendas
16 de Mi Pueblo. Durante la demanda, yo entendí que podría ser responsable por algunos
17 o todos los gastos legales de Mi Pueblo en este asunto si el caso no concluía
18 exitosamente. Yo estaba dispuesta a tomar el riesgo porque sentía que las prácticas de
19 Mi Pueblo no eran correctas.

20 6. Antes y después de que la demanda enmendada se entablara, yo trabajé en
21 conjunto con los abogados de los dos despachos. El Señor Villaseñor se comunicó
22 conmigo en muchas ocasiones para obtener más información y también tuve muchas
23 juntas con el Señor Martínez. En respuesta a las muchas llamadas de ellos pidiendo
24 información, clarificación o documentación, yo dedicaba mi tiempo a comunicarme sin
25 demora para ayudar en proveer la información pronto, especialmente si había una fecha
26 límite.

1 para quejarse con la gerencia de Mi Pueblo o para entablar una demanda propia.
2 Entendí que las demandas colectivas conllevan riesgos, y que la demanda podría
3 continuar por varios años.

4 12. Como Representante del Grupo, tomé muy en serio mis deberes y
5 responsabilidades. Les proporcioné a los Abogados del Grupo importante información
6 que fue crucial para llevar esta demanda y para una exitosa mediación final de esta
7 demanda, incluyendo información acerca de ex empleados y empleados actuales de Mi
8 Pueblo, y de las prácticas y políticas en Mi Pueblo.

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10 Declaro bajo pena de perjurio de acuerdo con las leyes del Estado de California y
11 de los Estados Unidos de Norteamérica que lo antes mencionado es verdadero y
12 correcto, y que esta Declaración se formalizó el 14 de julio del 2009 en Estelí,
13 Nicaragua.

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 ANIELKA RODRÍGUEZ

