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7 JOHN UTNE AND ALFRED PINTO

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN UTNE, on behalf of himself, all others
similarly situated, and the general public,
Plaintiff,

vs.

HOME DEPOT U.S.A., INC., a Delaware
corporation; and DOES 1-50, inclusive,
Defendants.

CASE NO. 3:16-CV-01854-RS

**DECLARATION OF ALFRED PINTO IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

DECLARATION OF ALFRED PINTO

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2 1. I, Alfred Pinto, declare I am over 18 years of age. The following facts are stated from my
3 personal knowledge, except those facts stated on information and belief, which I believe to be true and
4 correct, and if called as a witness, I could and would testify competently thereto under oath. I am a
5 named plaintiff and class representative in this class action against Defendant Home Depot U.S.A. Inc.

6 2. I make this declaration in support of Plaintiffs' Motion for Final Approval of Class Action
7 Settlement.

8 3. I worked for Home Depot in California from approximately March 2012 to May 2015. I
9 worked in an hourly position as a regular associate in the paint department.

10 4. I understand that, as a class representative, I have certain duties and responsibilities to the
11 class, and I believe that I have fairly represented the interests of all class members during the entirety
12 of my involvement in this action.

13 5. My counsel provided me with information regarding class actions, how they work, and what
14 my duties would be as a class representative. I agreed to serve as a class representative in this matter
15 so that I could seek to recover damages and penalties on behalf of myself and others similarly situated
16 to me.

17 6. I understand that the Settlement in this case is subject to this Court's approval to ensure that it
18 is in the best interest of the class as a whole. I have no conflicts with the members of the class.

19 7. As a class representative, I assumed a fiduciary role to the class. I agreed to: (1) consider the
20 interests of the class just as I would consider my own interests and, in some cases, to put the interests
21 of the class before my own interests; (2) actively participate in the lawsuit, as necessary, by among
22 other things, answering interrogatories, producing documents to Defendant, and giving depositions
23 and trial testimony, if requested; (3) travel to give such testimony; (4) recognize and accept that any
24 resolution of the lawsuit by dismissal or settlement is subject to court approval and must be designed
25 in the best interest of the class as a whole; (5) follow the progress of the lawsuit and provide all
26 relevant facts to my attorneys; (6) champion many other people with similar claims and injuries
27 because of the importance of the case and the necessity that all class members benefit from the
28 lawsuit; and (7) fight for a resolution in which the individual recoveries to each class member,

1 including me, maybe relatively small. I agreed to shoulder all of these responsibilities in exchange
2 for a proportionate share of funds made available for distribution to the class. I had no guarantee
3 of an enhancement award. I have spent at least 40 hours of my time in connection with this case
4 to date. The activities I have performed have included but have not been limited to: speaking with
5 my legal counsel on numerous occasions, assisting them in gathering information, gathering
6 documents from my employment with Defendant, and being deposed. I have also spent time
7 carefully reviewing the Settlement Agreement, and other case-related documents on my own and
8 with my counsel to make sure that the Settlement and other work my attorneys performed are in
9 the best interest of the class.

10 8. I understand Class Counsel are submitting an application to this Court for an enhancement
11 award to compensate me for my unique contributions to the success of this action in the amount
12 of \$7,500.00. This amount is only .01% of the total settlement amount of \$72,500,000. I believe
13 this amount is fair and reasonable compensation for my efforts in this case and the risks I have
14 taken in pursuing a fair recovery for the class.

15 9. Further, my counsel have advised me of the possibility that, if the case was lost, I could
16 have been ordered to pay Defendant's costs and even attorneys' fees in this case, which could
17 have been thousands of dollars by the end.

18 10. Because I am named in this lawsuit, there is a public record at the Court showing that I
19 served as a class representative in a class action lawsuit against my former employer. The
20 payment to me of the enhancement award of \$7,500.00 is not equal to the harm to my future
21 career prospects that this case may cause me.

22 I declare under the penalty of perjury of the laws of the State of California and the United
23 State of America that the foregoing is true and correct to the best of my knowledge. Executed

24 11/9/2023.

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ID: ZDsTEVbJvn2abWZisZhHie88

27 Alfred Pinto

eSignature Details

Signer ID:	ZDsTEVbJvn2abWZisZhHie88
Signed by:	Alfred Pinto
Sent to email:	timelessmusic2011@gmail.com
IP Address:	107.116.89.67
Signed at:	Nov 9 2023, 9:56 am PST