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13	UNITED STATES DISTRICT COURT	
14 15	FOR THE SOUTHERN DISTRICT OF CALIFORNIA	
16	DAVID GREENLEY, individually and on behalf of others similarly situated,	CASE NO. 21-cv-339-WQH-MDD
17 18	Plaintiffs,	[Judge: Hon. William Q. Hayes]
19	v. MAYFLOWER TRANSIT, LLC,	DECLARATION OF DAVID GREENLEY IN SUPPORT OF MOTION FOR (1) ATTORNEYS' FEES;(2) REIMBURSEMENT OF LITIGATION EXPENSES; (3)
20	Defendant.	
21		
22   23		APPROVAL OF SETTLEMENT ADMINISTRATION FEES; AND
24		(4) APPROVAL OF CLASS REPRESENTATIVE SERVICE
25		AWARD
26		Date Action Filed: February 25, 2021 Date: August 4, 2022 at 10:30 am
27		Courtroom: 14B
28		

## **DECLARATION OF DAVID GREENLEY**

## I, DAVID GREENLEY, declare:

- 1. I am over the age of 18 and the named Plaintiff in this above-captioned proposed class action against Mayflower Transit, LLC ("Defendant" or "Mayflower"). If called as a witness, I would competently testify to the matters herein from personal knowledge.
- 2. I am filing this declaration in support of Plaintiff's Motion for (1) Attorney Fees[ (2) Reimbursement of Litigation Expenses; (3) Approval of Settlement Administration Costs; and (4) Approval of Class Representative Service Award.
- 3. Through my attorneys, I commenced this lawsuit on February 25, 2021, against Defendant for the main purpose of stopping or correcting what I believe to be an unlawful business practice of Defendant in systematically failing to give disclosure to Defendant's customers that its telephone calls with those customers were being audio recorded.
- 4. My attorneys have informed me of the responsibilities of a class representative. I understand these responsibilities and was prepared to, and believe I have, put the interest of the class ore my own, seeking a settlement or result that is fair to the class members as a whole.

## My Personal Background

- 5. I am a proud former member of the United States Armed Forces, who enlisted before and was assigned to force protection during the 9/11 terrorist attacks in 2001.
- 6. I received an Honorable Discharge from the military on June 1, 2007, but continued serving in the inactive ready reserves (IRR) until July 24, 2009, when my 8-year service obligation was successfully completed.
- 7. I volunteered and served at a variety of military facilities as an Assistant Tactical Intelligence Officer where I was granted a SECRET security

- commendations, including the National Defense Service Medal.
  8. I was also eligible to be licensed as a peace officer in the State of Minnesota where I served with distinction in a variety of police departments, including with the State of Minnesota at the public safety department for Minneapolis
  - Officer and was certified as an assistant instructor at the college's self-defense

program, training a variety of students and staff in self-defense techniques to

Community and Technical College. I achieved the rank of Public Safety

clearance, and in administration achieved the highest rank of Cadet Officer

through the U.S. Army Reserve Officers' Training Corps. I simultaneously

served in the Army National Guard and received various medals and

- fight off attackers.
- 9. I served as a Reserve Police Officer for the MN State Fair Police and provided security, policing, and emergency medical response to the largest state fair in the world ,with more than 2.1 million attendees over its 12-day run.
- 10. I served as a volunteer Minneapolis Election Judge for approximately four years, two years of which were as a Precinct Assistant Chair Judge, registering voters for citywide, state, and national elections.
- 11. I was also so proud to have served my community as a volunteer K-9 Search & Rescue (SAR) Handler from 2012-2014, where I was certified through the North American Police Work Dog Association in Tracking, as well as certified via a regional governing body in narcotics detection, with my German Shepherd K-9 Lazar.
- 12. As an expert dog handler, I helped give speeches and live demos at state parks, where my K-9 team would demonstrate how a lost child/person could be found using an article of clothing, or by other means. I also promoted the use of McGruff Safe Kids ID Cards to parents to help law enforcement quickly locate lost children in remote locations such as in wooded areas and during Amber Alerts.

13. My myriad military, intelligence and law enforcement experiences have served me well in my current life as an independent filmmaker in Hollywood where I recently completed a short film produced on location in Burbank in the heart of Hollywood and other locations around southern California.

- 14. My film career includes graduating with honors from the New York Film Academy in 2016 with a master's degree in Screenwriting, working as a background actor on a variety of comedy and drama television shows, stunt work as a military stunt driver, film producing, film directing, and associated visual arts work.
- 15. I value my personal reputation for honor, community service, and integrity and understood that one of the risks involved in serving as class representative was that Defendant might choose to attack my adequacy as a class representative by attacking that reputation. In fact, I understand that Defendant in fact questioned my integrity in its Opposition to the Motion for Class Certification.

## My Work as Class Representative

- 16. Through my attorneys I have responded to written discovery requests from Defendant in this lawsuit, and I appeared in person for my full eight-hour deposition that was taken by Defendant.
- 17. I spent several hours in preparation for my deposition with my attorneys over multiple sessions.
- 18. I also met in person with my attorney Peter F. Barry to prepare for my deposition and ensure that I had a complete command of both the facts and the law in this case, as well as reviewing the myriad discovery produced by Defendant.
- 19. I spent several hours reviewing and assisting my counsel in carefully, fully, and accurately responding to Defendant's written discovery requests, which

- included researching numerous specific historical facts about my personal background that the Defendant inquired about.
- 20. I have listened to the hours of phone call recordings provided by Defendant to my counsel and have confirmed that I was not given a recording disclosure on any of those calls, either by the prerecorded menu at the beginning of the call or by the live representative. This is consistent with my specific recollection that I did not receive any notification that the calls were being monitored and/or recorded.
- 21. I have consulted with my attorneys regarding the risks and expenses of continued litigation through trial and possible appeal and regarding the benefits conferred by settlement. My attorneys have kept me fully informed of the status of the litigation at all stages and particularly regarding the settlement discussions and the proposed settlement.
- 22. In addition I willingly executed a general release of **all claims** which I understand was broader than the release required of the other class members.
- 23. I believe that my attorneys at the Swigart Law Group, APC and The Barry Law Office, Ltd are experienced in representing consumers in class action cases, and I believe they have achieved an exceptional result through this settlement.
- 24. I respectfully request that they be awarded 25% of the common fund created by the settlement as attorney fees to compensate them for the work performed on behalf of the class.
- 25. Other than the requested service award, which I understand is subject to the approval by the Court, I have no expectation of receiving any additional compensation or benefit which will not also be provided to each class member. In other words, I am not receiving any special benefits through this settlement as a result of my position a class representative apart from any service award that might be approved by the Court.

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