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*Attorneys for Plaintiff*  
**DAVID GREENLEY AND THE**  
**PUTATIVE CLASS**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

DAVID GREENLEY, individually and  
on behalf of others similarly situated,

Plaintiffs,

v.

MAYFLOWER TRANSIT, LLC,  
Defendant.

CASE NO. 21-cv-339-WQH-MDD

[Judge: Hon. William Q. Hayes]

**DECLARATION OF DAVID  
GREENLEY IN SUPPORT OF  
MOTION FOR FINAL APPROVAL  
OF CLASS SETTLEMENT**

Date Action Filed: February 25, 2021

Date: August 4, 2022 at 10:30 am

Courtroom: 14B

**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

1 “Mayflower”). If called as a witness, I would competently testify to the  
2 matters herein from personal knowledge.

3 2. I am filing this declaration in support of Plaintiff’s Motion for (1) Attorney  
4 Fees[ (2) Reimbursement of Litigation Expenses; (3) Approval of Settlement  
5 Administration Costs; and (4) Approval of Class Representative Service  
6 Award.

7 3. Through my attorneys, I commenced this lawsuit on February 25, 2021,  
8 against Defendant for the main purpose of stopping or correcting what I  
9 believe to be an unlawful business practice of Defendant in systematically  
10 failing to give disclosure to Defendant’s customers that its telephone calls  
11 with those customers were being audio recorded.

12 4. My attorneys have informed me of the responsibilities of a class  
13 representative. I understand these responsibilities and was prepared to, and  
14 believe I have, put the interest of the class ore my own, seeking a settlement  
15 or result that is fair to the class members as a whole.

16 **My Personal Background**

17 5. I am a proud former member of the United States Armed Forces, who enlisted  
18 before and was assigned to force protection during the 9/11 terrorist attacks in  
19 2001.

20 6. I received an Honorable Discharge from the military on June 1, 2007, but  
21 continued serving in the inactive ready reserves (IRR) until July 24, 2009,  
22 when my 8-year service obligation was successfully completed.

23 7. I volunteered and served at a variety of military facilities as an Assistant  
24 Tactical Intelligence Officer where I was granted a SECRET security  
25 clearance, and in administration achieved the highest rank of Cadet Officer  
26 through the U.S. Army Reserve Officers' Training Corps. I simultaneously  
27 served in the Army National Guard and received various medals and  
28 commendations, including the National Defense Service Medal.

- 1 8. I was also eligible to be licensed as a peace officer in the State of Minnesota  
2 where I served with distinction in a variety of police departments, including  
3 with the State of Minnesota at the public safety department for Minneapolis  
4 Community and Technical College. I achieved the rank of Public Safety  
5 Officer and was certified as an assistant instructor at the college's self-defense  
6 program, training a variety of students and staff in self-defense techniques to  
7 fight off attackers.
- 8 9. I served as a Reserve Police Officer for the MN State Fair Police and provided  
9 security, policing, and emergency medical response to the largest state fair in  
10 the world ,with more than 2.1 million attendees over its 12-day run.
- 11 10. I served as a volunteer Minneapolis Election Judge for approximately four  
12 years, two years of which were as a Precinct Assistant Chair Judge, registering  
13 voters for citywide, state, and national elections.
- 14 11. I was also so proud to have served my community as a volunteer K-9 Search  
15 & Rescue (SAR) Handler from 2012-2014, where I was certified through the  
16 North American Police Work Dog Association in Tracking, as well as  
17 certified via a regional governing body in narcotics detection, with my  
18 German Shepherd K-9 Lazar.
- 19 12. As an expert dog handler, I helped give speeches and live demos at state parks,  
20 where my K-9 team would demonstrate how a lost child/person could be  
21 found using an article of clothing, or by other means. I also promoted the use  
22 of McGruff Safe Kids ID Cards to parents to help law enforcement quickly  
23 locate lost children in remote locations such as in wooded areas and during  
24 Amber Alerts.
- 25 13. My myriad military, intelligence and law enforcement experiences have  
26 served me well in my current life as an independent filmmaker in Hollywood  
27 where I recently completed a short film produced on location in Burbank in  
28 the heart of Hollywood and other locations around southern California.

1 14. My film career includes graduating with honors from the New York Film  
2 Academy in 2016 with a master's degree in Screenwriting, working as a  
3 background actor on a variety of comedy and drama television shows, stunt  
4 work as a military stunt driver, film producing, film directing, and associated  
5 visual arts work.

6 15. I value my personal reputation for honor, community service, and integrity  
7 and understood that one of the risks involved in serving as class representative  
8 was that Defendant might choose to attack my adequacy as a class  
9 representative by attacking that reputation. In fact, I understand that  
10 Defendant in fact questioned my integrity in its Opposition to the Motion for  
11 Class Certification.

12 **My Work as Class Representative**

13 16. Through my attorneys I have responded to written discovery requests from  
14 Defendant in this lawsuit, and I appeared in person for my full eight-hour  
15 deposition that was taken by Defendant.

16 17. I spent several hours in preparation for my deposition with my attorneys over  
17 multiple sessions.

18 18. I also met in person with my attorney Peter F. Barry to prepare for my  
19 deposition and ensure that I had a complete command of both the facts and  
20 the law in this case, as well as reviewing the myriad discovery produced by  
21 Defendant.

22 19. I spent several hours reviewing and assisting my counsel in carefully, fully,  
23 and accurately responding to Defendant's written discovery requests, which  
24 included researching numerous specific historical facts about my personal  
25 background that the Defendant inquired about.

26 20. I have listened to the hours of phone call recordings provided by Defendant  
27 to my counsel and have confirmed that I was not given a recording disclosure  
28 on any of those calls, either by the prerecorded menu at the beginning of the

1 call or by the live representative. This is consistent with my specific  
2 recollection that I did not receive any notification that the calls were being  
3 monitored and/or recorded.

4 21. I have consulted with my attorneys regarding the risks and expenses of  
5 continued litigation through trial and possible appeal and regarding the  
6 benefits conferred by settlement. My attorneys have kept me fully informed  
7 of the status of the litigation at all stages and particularly regarding the  
8 settlement discussions and the proposed settlement.

9 22. In addition I willingly executed a general release of **all claims** which I  
10 understand was broader than the release required of the other class members.

11 23. I believe that my attorneys at the Swigart Law Group, APC and The Barry  
12 Law Office, Ltd are experienced in representing consumers in class action  
13 cases, and I believe they have achieved an exceptional result through this  
14 settlement.

15 24. I respectfully request that they be awarded 25% of the common fund created  
16 by the settlement as attorney fees to compensate them for the work performed  
17 on behalf of the class.

18 25. Other than the requested service award, which I understand is subject to the  
19 approval by the Court, I have no expectation of receiving any additional  
20 compensation or benefit which will not also be provided to each class  
21 member. In other words, I am not receiving any special benefits through this  
22 settlement as a result of my position a class representative apart from any  
23 service award that might be approved by the Court.

1           26. I respectfully request the Court approve the requested service award.

2           I declare under penalty of perjury under the laws of the United States of America  
3 that the foregoing is true and correct.

4 Executed on: Apr 15, 2022  
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6  
7 *David Greenley*  
David Greenley (Apr 15, 2022 10:08 CDT)

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# Greenley Declaration in support of Motion for Final Approval

Final Audit Report

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