Electronically Filed DOUGLAS HAN (SBN 232858) by Superior Court of CA, 1 SHUNT TATAVOS-GHARAJEH (SBN 272164) County of Santa Clara, JUSTICE LAW CORPORATION 2 on 5/2/2023 3:07 PM 751 North Fair Oaks Avenue, Suite 101 Reviewed By: R. Walker Pasadena, California 91103 3 Case #20CV375150 Tel: (818) 230-7502 Envelope: 11865247 4 Fax: (818) 230-7259 5 Attorneys for Plaintiff 6 7 SUPERIOR COURT OF THE STATE OF CALIFORNIA 8 FOR THE COUNTY OF SANTA CLARA 9 JACOB BLEA, individually, and on behalf of Case No.: 20CV375150 10 aggrieved employees pursuant to the Private Attorneys General Act ("PAGA"); Assigned for All Purposes to: 11 Honorable Sunil R. Kulkarni 12 Plaintiff, Department 1 13 **CLASS ACTION** v. 14 **DECLARATION OF JACOB BLEA IN** PACIFIC GROSERVICE INC., a California corporation; PITTSBURG WHOLESALE SUPPORT OF PLAINTIFF'S MOTION 15 GROCERS, INC. d/b/a PITCO FOODS, a FOR FINAL APPROVAL OF CLASS **ACTION SETTLEMENT, ATTORNEY** 16 California corporation; and DOES 1 through 100, inclusive; FEE AWARD, COST AWARD, AND 17 **CLASS REPRESENTATIVE** ENHANCEMENT PAYMENT Defendants. 18 [Notice of Motion and Motion for Final 19 Approval; Declaration of Class Counsel (Douglas Han); Declaration of Settlement 20 Administrator (Veronica Olivares); and 21 [Proposed] Order and Judgment filed concurrently herewith] 22 Hearing Date: June 8, 2023 23 Hearing Time: 1:30 p.m. 24 Hearing Place: Department 1 25 Complaint Filed: December 28, 2020 FAC Filed: May 11, 2022 26 Trial Date: None Set 27 28

DECLARATION OF JACOB BLEA

I, **JACOB BLEA**, hereby declare as follows:

- 1. I am over eighteen (18) years of age and a resident of California. I am the named plaintiff in the above-captioned case, and I have personal knowledge of the facts and statements set forth herein. If called upon to testify, I could and would competently testify.
- 2. I was employed by Defendants as an hourly-paid, non-exempt employee from approximately 2018 to 2019. During my employment, it was often the case I was forced to forgo receiving compliant breaks primarily due to heavy workloads and the nature of my work. After I was terminated, I sought legal advice concerning my time with Defendants to explore the possibility of filing a lawsuit to redress my grievances. Pursuant to this, I contacted Justice Law Corporation and spoke with the attorneys there, including Douglas Han, Esq., to receive legal consultation about my work experience. During this time, Mr. Han informed me about other potential wage-and-hour violations I may have faced (*i.e.*, not being compensated for all hours worked, not being reimbursed for business expenses). Once I realized what had happened, I wanted to do whatever I could to ensure Defendants paid what was owed and stopped their improper, uniform practices.
- 3. Mr. Han explained the possibility of starting a class action and/or Private Attorneys General Act of 2004 ("PAGA") lawsuit. But Mr. Han also indicated I may have to sacrifice my potential individual claims in exchange for pursuing claims on behalf of all employees. In addition, I was informed of the risks and sacrifices associated with serving as a representative (*i.e.*, risking a judgment of attorneys' fees and costs entered against me, agreeing to a broader release). Thus, I struggled with the decision to bring my own claims versus seeking a claim on behalf of the Class and informed Mr. Han I would be in touch.
- 4. After my initial consultation, I investigated class action and PAGA lawsuits and did some research of the leading class action and employment law firms in California for about two and one-half (2.5) hours. I then spoke with the attorneys at Justice Law Corporation for around one and one-half (1.5) hours to further discuss my situation, class action and PAGA lawsuits in general, and what it meant to be a representative. Considering the violations I faced,

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I decided starting a PAGA lawsuit (later amended to include class action allegations) to stop Defendants' improper, uniform practices was worth sacrificing potential individual claims.

- 5. I initially provided written notice to the California Labor and Workforce Development Agency ("LWDA") and Defendants. I then filed a representative PAGA action in the Superior Court of California, County of Santa Clara. After engaging in discovery, investigations, and negotiations, Defendants and I decided to remotely attend mediation with the hopes of reaching a settlement. Under the auspices of the mediator after a full day of mediation, Defendants and I managed to negotiate a settlement. In line with the settlement, I filed a First Amended Complaint that added eight (8) wage-and-hour class action causes of action based on the information uncovered before and during mediation.
- 6. Since starting this case, I spent over fifty-five (55) hours meeting with my attorneys concerning the case and performing my responsibilities as a class representative. These many responsibilities included, among other things: (a) gathering my employment documents (i.e., personnel records) to give my attorneys an idea of the policies, practices, and procedures I was exposed to; (b) reviewing documents with my attorneys and answering all their questions and inquiries; (c) providing the names and contact information of several putative class members for my attorneys to locate and interview; (d) speaking with other current and former employees of Defendants to gather support for my claims; (e) providing guidance regarding other employees' duties and responsibilities to help determine commonality and typicality; (f) discussing my employment experience (and work environment created by Defendants); (g) reviewing the operative complaints, pleadings, and Settlement Agreement (and exhibits); (h) reviewing the written notices sent to the LWDA and Defendants; (i) aiding my attorneys look over Defendants' answer to the operative complaint; (i) helping my attorneys develop a strategy to obtain additional documents from Defendants and other sources; (k) looking over my attorneys' formal discovery requests before propounding them onto Defendants; and (1) preparing for and making myself available all day to remotely participate in and provide my input for mediation. I also routinely checked in with my attorneys and their staff to ensure they had my most current information and any additional material I obtained.

- 7. Throughout this case, I made myself available to meet and speak with my attorneys whenever they needed me. I responded to my attorneys' questions and inquiries as quickly as possible and gave them as much information as I could gather (*i.e.*, names and contact information of several putative class members, various violations I experienced and witnessed, policy documents I was given during my employment). I also spent at least eight to nine (8-9) additional hours discussing the case with my attorneys (*i.e.*, applicable legal theories to explore, pertinent information to request, importance of the documents produced, relative strengths of certain allegations) and sending them relevant documents and information. The aid I provided my attorneys played an important role in allowing this matter to eventually settle as opposed to being litigated for several more months, or even years.
- 8. The description of my work experience coupled with authorizing the receipt of my employment documents helped my attorneys develop their legal theories and determine the extent and frequency of the alleged day-to-day violations. In addition, by providing the names and contact information of several putative class members, my attorneys located and interviewed them, allowing my attorneys to corroborate the legal theories already developed. Collectively, this information refined my attorneys' understanding of the policies, practices, and procedures in place and informed them of the legal theories to further develop and emphasize at mediation. In other words, my assistance was integral to preparing my attorneys for mediation, thereby increasing the likelihood of negotiating an excellent settlement.
- 9. During discovery, I spent over an entire day digging though emails seeking documents and information that would be responsive to potential discovery requests. In fact, discovery was another essential component that contributed to the settlement of this case. For instance, the several consultations with my attorneys assisted them with determining the relevant documents to request and gather from Defendants and other sources (*i.e.*, personnel records, employee handbook, sampling of time and pay records, etc.) By extension, obtaining a correct sampling of time and pay records aided my attorneys with accurately calculating potential damages for mediation purposes, giving them the necessary leverage to negotiate an exceptional settlement. I was also informed I may be called in for a deposition at one point.

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While I was ultimately not deposed, I was ready and willing to spend as much time as necessary to give my testimony regarding the violations I experienced and witnessed.

- 10. Regarding the settlement itself, I was available to answer any questions my attorneys had. During mediation, I made myself accessible all day via phone call and Zoom to respond to any inquiries and provide my input regarding the negotiations. When my attorneys asked me to review the Settlement Agreement (and exhibits), I took about two (2) hours to review it. I then spent around an hour asking questions and discussing the terms and provisions of the settlement with my attorneys before signing it.
- 11. Before initiating this case, I was advised by my attorneys I might have difficulty finding employment in the future compared to candidates who have not been a part of class action and/or PAGA lawsuits against their employers. Furthermore, as a class representative, I was required to provide a broader release compared to other Class Members. This included a general release of all known or unknown claims and a waiver of Civil Code section 1542. Consequently, it was a serious risk being a part of a class action and PAGA lawsuit, but I did not allow this to deter me from seeking justice on behalf of my former coworkers.
- 12. For the better part of over two and one-half (2.5) years, I have done everything my attorneys have asked of me and tried to represent the Class to the best of my abilities. In fact, I think my efforts greatly contributed to getting the results obtained herein. Thus, as a class representative, I request the Court award me a Class Representative Enhancement Payment of \$10,000 for my active participation and sacrifices in this matter.
- 13. Serving as a class representative is not something I took lightly. Considering the time dedicated, benefits conferred to the Class, lack of personal benefits received (*i.e.*, forgoing potential individual claims to be a part of a class action and PAGA lawsuit instead of filing a quicker individual lawsuit), risking a judgment of attorneys' fees and costs entered against me, agreeing to a broader release, and losing a potential source of income, I believe the Class Representative Enhancement Payment is reasonable and justified.

1	14. I am not related to anyone associated with Justice Law Corporation nor have I
2	entered any undisclosed agreements or received any undisclosed compensation in this case.
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4	I declare that under the penalty of perjury under the laws of California the foregoing is
5	true and correct. Executed this at Stockton, California.
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	DECLARATION OF JACOB BLEA