

1 Gregory F. Coleman (*pro hac vice*)
 Mark E. Silvey (*pro hac vice*)
 2 **MILBERG COLEMAN BRYSON PHILLIPS**
GROSSMAN, PLLC
 3 800 S. Gay Street, Suite 1100
 Knoxville, TN 37929
 4 Telephone: 865-247-0080
 Facsimile: 865-522-0049
 5 Email: *gcoleman@milberg.com*
msilvey@milberg.com

6
 7 Thien An Vinh Truong (*pro hac vice*)
SIMMONS HANLY CONROY LLC
 112 Madison Avenue
 8 New York, New York 10016-7416
 Telephone: (212) 784-6400
 9 Facsimile: (212) 213-5949
 Email: *mbreit@simmonsfirm.com*

10
 11 Laurence D. King (SBN 206423)
 Matthew B. George (SBN 239322)
KAPLAN FOX & KILSHEIMER LLP
 12 1999 Harrison Street, Suite 1560
 Oakland, CA 94612
 13 Telephone: (415) 772-4700
 Facsimile: (415) 772-4707
 14 Email: *lking@kaplanfox.com*
mgeorge@kaplanfox.com

15 *Class Counsel*

16
 17
 18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20 **SAN FRANCISCO DIVISION**

21 CODY MEEK, *et al.*

22 Plaintiffs,

23 v.

24 SKYWEST, INC. and SKYWEST
 25 AIRLINES, INC.,

26 Defendant.

Case No.: 3:17-cv-01012-JD

**DECLARATION OF JEREMY BARNES
 IN SUPPORT OF MOTION FOR
 ATTORNEYS' FEES, EXPENSES, AND
 INCENTIVE AWARDS**

Judge: Hon. James Donato
 Date: February 23, 2023
 Time: 10:00 a.m.
 Courtroom: 11

1 I, Jeremy Barnes, declare as follows:

2 1. I am one of the named Plaintiffs and a Settlement Class Representative in this
3 litigation. I have personal knowledge of the following facts and, if called a witness, could and would
4 testify competently thereto.

5 2. I submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees,
6 Expenses, and Incentive Awards. I have worked as a ramp agent for SkyWest from 2009 through
7 2016 at the San Francisco airport except for a time period that I worked at the Portland airport in the
8 early 2010s.

9 3. In September 2021, the Court granted Plaintiffs' Motion for Class Certification. In
10 its order, the Court appointed me as one of the Class Representatives. In September 2022, the Court
11 granted Plaintiffs' Motion for Preliminary Approval of the Settlement with SkyWest. In its order,
12 the Court appointed me as one of the Settlement Class Representatives. I respectfully request that
13 the Court consider our application to award the Settlement Class Representatives an Incentive Award
14 in the amount of \$5,000 as permitted for in the Settlement Agreement.

15 4. Before filing this lawsuit in July 2018, I retained the law firm of Kaplan Fox &
16 Kilsheimer LLP and conferred with my attorneys and was fully informed of my responsibilities as a
17 named plaintiff and class representative to protect the interests of the class and to put the class's
18 interests before my own. Indeed, I understood that in order to achieve the best outcome for the entire
19 class, I may have to sacrifice a better and much quicker potential outcome for myself individually.
20 I have never served as a class representative before but I felt that the issues in this case regarding the
21 underpayment of wages and failure to provide meal and rest breaks for SkyWest's workers were
22 important enough to me in order to do so. I understand these responsibilities and have taken them
23 seriously throughout the case. I closely monitored the developments of the case and conferred with
24 my attorneys both by text message and telephone regularly. When my attorneys asked me to review
25 documents, I carefully read them and if I did not understand something, I would ask my attorneys to
26 explain them to me.

27 5. During the course of the litigation, I was asked to participate in discovery. In addition
28 to searching for and producing documents, including a lot of time searching posts in my Facebook

1 account and reviewing and copying files from my computer to a thumb drive for my lawyers, and
2 responding to interrogatories, I was asked to prepare for and attend my deposition, on October 16,
3 2020. In order to complete the deposition, which occurred during a time that I was moving
4 apartments, I used my days off from work to meet with my attorney to prepare for my deposition
5 and then I attended my deposition that was taken on Zoom by SkyWest's attorney in Kaplan Fox's
6 Oakland office. Prior to the deposition, I met with my attorney for a few hours at a park outdoors
7 because of the ongoing COVID-19 pandemic. I also understand that this case was very close to
8 going to trial in early 2022 and was willing to take time off work in order to testify at and attend the
9 trial if necessary.

10 6. After SkyWest's operations at SFO ceased in the fall of 2016, I took employment at
11 another airline at SFO as a ramp agent. Many of the other SkyWest ramp agents who worked with
12 me at SkyWest also took up work with my current airline. During the years that this lawsuit was
13 taking place, I would frequently get asked questions about the status of the case from many other
14 former SkyWest employees that I worked at my new job with and have kept in contact with over the
15 years. I received inquiries about the status of the case regularly—I would estimate that I received
16 questions multiple times a month. I would provide any information that I was able to and then refer
17 them to my attorney. I would also encourage them to participate in the case and provide information
18 that could be helpful our attorneys and the Court. My understanding is that many of these individuals
19 ended up providing declarations to the Court in connection with Plaintiffs' Motion for Class
20 Certification that was ultimately granted. Now that the Settlement has been announced, I am getting
21 a lot of inquiries about it.

22 7. I understand that I have been exposed to certain risks by being a Plaintiff in this case.
23 I was aware that my name would be shared with SkyWest and that suing my former employer would
24 be a matter of public record after filing the lawsuit. I was concerned that I would suffer adverse
25 consequences from SkyWest as a result of asserting the wage and hour claims on behalf of me and
26 my co-workers.

27 8. I also believe that by filing this lawsuit I risked my future employment prospects
28 because if a potential employer discovered (for example, through a simple Google search) that I had

1 initiated a class action lawsuit against my employer, they may choose not to interview or hire me.
2 They may also ask me about it in a job interview. I was, and continue to be, worried that a current,
3 potential, or future employer will discriminate, retaliate, or perceive me negatively because of my
4 involvement in this lawsuit. These concerns are also impacted by the fact that I continue my career
5 as a ramp agent in the airline industry and wish to continue to do so for many years. If I were to lose
6 my ability to get work and income because of my participation in this suit, it would have a very
7 negative impact on my life and my career.

8 9. However, I was willing to take the risks associated with suing my employer and acting
9 as a class representative because I believed SkyWest needed to fairly pay its workers and provide
10 them breaks. I believed it was important to seek relief for myself and other workers who would be
11 unwilling, afraid, or unable to bring their own case, particularly if some were still working for
12 SkyWest or still employed in the airline industry.

13 10. I have reviewed the Settlement with SkyWest, and other case materials, and discussed
14 the terms of the Settlement with my attorney. I am extremely pleased with the Settlement we were
15 able to achieve for the Settlement Class, which will give substantial money back to Settlement Class
16 Members without any of them having to file a claim. I also understood that, by settling this case, the
17 parties would be able to avoid the additional costs, time, and risks of going through a trial. I was
18 also informed and aware that issues in this case regarding whether airline workers were entitled to
19 meal and rest breaks under California law were pending in appeals and before the U.S. Supreme
20 Court while this case was going on.

21 11. I have been informed that my attorneys will ask the Court to approve an Incentive
22 Award for myself in the amount of \$5,000. I understand that it is for the Court to determine whether
23 to grant such an award, but I believe that this is a fair amount given the total amount of the settlement
24 and the services I have performed as a named plaintiff and as a class representative in this case for
25 almost five years. This includes my initial consultations with my attorneys, reviewing documents
26 and filings for the case to ensure their accuracy, regular communications with my attorneys over
27 almost five years about the status of the case, helping with discovery and searching for responsive
28 documents, responding to interrogatories, preparing for and attending my deposition, and conferring

1 with my attorneys about the terms of the Settlement. For me, being involved in a class action lawsuit
2 against a former employer for such a long period of time has been very stressful but I stayed
3 committed to achieving a good outcome for the Settlement Class. While it is hard to quantify the
4 amount of time associated with this lawsuit, I estimate that I have spent over 125 hours over almost
5 five years on this case, which includes my time meeting with counsel in person over a half-dozen
6 times, reviewing and signing documents, doing discovery, and regularly communicating with my
7 counsel and other class members about case and the Settlement.

8 I declare, under penalty of perjury of the laws of the United States that the foregoing is true
9 to the best of my knowledge and belief. Executed this 23rd day of November, 2022 at San Bruno,
10 California.

11
12
13 Jeremy Barnes
14 Jeremy Barnes
15
16
17
18
19
20
21
22
23
24
25
26
27
28