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Attorneys for Plaintiff MICHAEL HILLSTROM

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF NAPA

MICHAEL HILLSTROM, an individual, on
behalf of himself and on behalf of all persons
similarly situated,

Plaintiff,

v.

CONSTELLATION BRANDS, INC., a
Delaware Corporation; TPWC, INC., a
Delaware Corporation; ROBERT MONDAVI
WINERY, a California Corporation;
CONSTELLATION BRANDS U.S.
OPERATIONS, INC., a New York
Corporation; FRANCISCAN VINEYARDS,
INC., a Delaware Corporation;
CONSTELLATION WINES U.S., INC., a
corporation; and DOES 1-50, Inclusive,

Defendants.

Case No. 22CV000006

**DECLARATION OF MICHAEL
HILLSTROM IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: April 19, 2024

Time: 9:30 a.m.

Judge: Hon. Cynthia P. Smith

Dept.: A

1 I, MICHAEL HILLSTROM, declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiff's Motion
4 for Final Approval of Class Action and PAGA Settlement and in support of Plaintiff's Motion for
5 Attorneys' Fees and Expenses and Service Award. I have personal knowledge of all the facts stated
6 herein. I could and would competently testify under oath to these facts in court if requested to do so.

7 2. I retained Class Counsel in September 2021 and filed the lawsuit in January 2022. I filed
8 the case on behalf of myself and a class of all non-exempt employees who worked for Constellation
9 Brands, Inc. and TPWC, Inc. in California at any time between the period beginning January 3, 2018,
10 to July 27, 2023.

11 3. I worked for Defendants from May of 2014 to May of 2021 and was at all times classified
12 by Defendants as a non-exempt employee. Throughout my employment, I was subject to Defendants'
13 written policies and procedures contained in, among other documents, the "Employee Handbook."

14 4. I filed the case because I believed my rights as an employee were violated by Defendants
15 and also the rights of other employees that worked for Defendants. During my employment, I was
16 denied legally compliant meal and rest periods, minimum wages and overtime compensation, was not
17 reimbursed for necessary business expenses, was not timely paid wages due upon separation of
18 employment and was not furnished with compliant wage statements. Generally, my lawsuit claims that
19 Defendants failed to pay for all time worked, failed to furnish compliant wage statements, failed to
20 reimburse necessary business expenses, failed to timely pay wages due during employment and at
21 separation and failed to provide compliant meal and rest periods and pay correspondent premiums at the
22 correct rate of pay.

23 5. Before I initiated the case as a plaintiff and Class Representative, I spoke at length with
24 my attorneys. We discussed my work experience and how company policies were applied to me and
25 other employees. I provided the attorneys with the documents they requested. We reviewed the
26 documents together and asked and answered many questions regarding my experience working for
27 Defendant, the litigation process and about class actions generally. I answered several questions leading
28 up to both mediations and provided additional details to assist in our case.

1 6. I decided to go through with the case because I believed violations occurred and most
2 employees would not know what their rights are and even if they did, they would be apprehensive to file
3 a lawsuit against their employer for fear of retaliation.

4 7. **Review and Approval of Settlement:** Two mediations were held. The second mediation
5 was held on April 27, 2023. Even though I could not attend, I was available by telephone to speak with
6 my attorneys and did speak with them regarding the mediation before it took place, as well as during the
7 mediation itself. I also spoke with my attorneys after the mediation and discussed the settlement. I am
8 satisfied with the terms of the settlement that was agreed to by the parties. I reviewed and signed the
9 Memorandum of Understanding on May 12, 2023, and when the settlement papers were ready, I signed
10 them on October 12, 2023.

11 8. **Participation:** Since I retained Class Counsel approximately thirty months ago, I have
12 been actively involved with this class action lawsuit performing the duties described above. While I did
13 not keep formal time records, I was in regular contact with my attorneys, attended hearings, reviewed
14 important court filings, and spent considerable time on the issues presented during the litigation and in
15 the settlement process. I estimate that I spent approximately 30 hours working on this case.

16 9. Also, my attorneys explained to me that the settlement process involved a two-step review
17 by the Court to determine whether the settlement was fair before ordering that the settlement be funded
18 and paid. I knew this process also involved notifying all class members of the settlement terms and of
19 their rights to make a claim for their settlement share, to opt out of the settlement or to object to the
20 settlement.

21 10. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
22 now stand to receive substantial monetary payments as a result of this case and settlement. I also believe
23 that the requested Service Award in the amount of \$12,500 from the settlement is fair compensation for
24 (1) the work I performed, (2) the sacrifices made not pursuing this case individually, and (3) the risks I
25 undertook.

26 11. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
27 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendants'
28

1 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
2 for \$12,500 as a service award is fair and reasonable.

3 12. Further, I support my attorneys' application for a Class Counsel Award in the amount of
4 \$868,333.33, comprised of \$833,333.33 for attorneys' fees (one-third of the Gross Settlement Amount)
5 and up to \$35,000.00 for reimbursement of actually incurred litigation expenses.

6
7 I declare under penalty of perjury under the laws of the State of California that the foregoing is
8 true and correct. Executed on 03/26/2024, at Rohnert Park, California.

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10 By: 
11 Michael Hillstrom (Mar 26, 2024 15:21 PDT)
12 MICHAEL HILLSTROM
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