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Attorneys for Plaintiff MARQUAN NESBITT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN BERNARDINO

MARQUAN NESBITT, an individual, on
behalf of himself, and on behalf of all persons
similarly situated,

Plaintiff,

vs.

AUTONOMOUS, INC. WHICH WILL DO
BUSINESS IN CALIFORNIA AS
AUTONOMOUS LABS INC., a Delaware
Corporation; and DOES 1 through 50,
Inclusive,

Defendants.

Case No. CIVSB2204742

**DECLARATION OF MARQUAN NESBITT
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA SETTLEMENT**

Date: November 20, 2023

Time: 1:30 p.m.

Judge: Hon. Joseph T. Ortiz

Dept.: S-17

1 I, MARQUAN NESBITT, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the named Plaintiff in the above
4 wage and hour class action filed against AUTONOMOUS, INC. WHICH WILL DO BUSINESS IN
5 CALIFORNIA AS AUTONOMOUS LABS INC., (hereinafter "Defendant").

6 2. This declaration is being submitted in support of Plaintiff's Motion for Preliminary
7 Approval of Class Action and PAGA Settlement.

8 3. I believe that I am, have been and will continue to represent the interests of the class
9 fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking
10 to represent.

11 4. I worked for Defendant as an hourly, non-exempt, employee in California from March
12 of 2017 to September 2021. At all times during my employment, I earned an hourly wage and was
13 entitled to legally compliant meal and/or rest periods, and minimum, regular and overtime wages for
14 all hours worked. Throughout my employment, I was subject to Defendant's written policies and
15 procedures contained in, among other documents, the "Employee Handbook."

16 5. Generally, my lawsuit claims that Defendant failed to furnish accurate itemized wage
17 statements, failed to provide compliant meal and rest periods, failed to pay for all time worked, and
18 failed to pay all wages upon separation.

19 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
20 to represent because I was subject to the same alleged unlawful employment policies and practices at
21 issue in this action, including but not limited to, Defendant's failure to provide compliant meal and
22 rest periods, failure to pay for all hours worked, failure to furnish accurate itemized wage statements,
23 and failure to pay all wages when due. Factually, Defendant's policies and practices apply class wide,
24 and Defendant's liability can be determined by facts common to all members of the Class.

25 7. Further, there is no conflict between my interests and the interests of the class that I am
26 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
27 I was injured by the same company-wide policies and practices to which the proposed Class was
28

1 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
2 of the Class by initiating this litigation, assisting in the investigation of claims alleged in the action,
3 and evaluating the proposed settlement to assure that it is fair.

4 8. I do not have an interest, direct or indirect, in the chosen Cy Pres—the Community Law
5 Project.

6 9. I understood at the time that I filed this action, that as a Class Representative, I owed a
7 duty to the putative class members to faithfully prosecute this action with their best interests at the
8 forefront of every decision. I understood that I could not make any decision in this action for the sole
9 benefit of my personal interest. I understood that in executing this duty, I might have been asked to
10 sacrifice my personal best interests for the benefit of the interests of the putative class members.
11 Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible
12 relief for my former co-workers for what I perceived to be Defendant's unlawful wage and hour
13 practices. I believe that I faithfully executed the duties of a Class Representative throughout this
14 litigation and will continue to do until this litigation is fully and finally resolved.

15 10. I believe that the proposed settlement before the Court is fair, reasonable, and adequate,
16 and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and
17 humbly, I ask the Court to grant preliminary approval of the Settlement and all of its terms.

18
19 I declare under the penalty of perjury under the laws of the State of California that the foregoing
20 is true and correct. Executed Oct 23, 2023, at Las Vegas, NV, California.

21
22 By: 
23 Marquan Nesbitt (Oct 23, 2023 12:15 PDT)
24 MARQUAN NESBITT
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