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Attorneys for PLAINTIFFS

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

DAVID EZELL, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiffs,

vs.

DIAB LEASING, INC., a California
Corporation; and DOES 1-50, Inclusive.

Defendants.

Case No. 34-2021-00305329

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

Hearing Date: May 5, 2023
Hearing Time: 9:00 a.m.
Department: 28

Trial Date: None
Action Filed: July 30, 2021

1 I, DAVID EZELL, 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 DIAB LEASING, INC. (hereinafter "Defendant").

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

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

10 4. I worked for Defendant in California from approximately October of 2020 to March of
11 2021. At all times during my employment, I was denied legally mandated meal and rest periods,
12 minimum wages, and overtime compensation. Throughout my employment, I was subject to
13 Defendant's written policies and procedures.

14 5. Generally, my lawsuit claims that Defendant failed to pay minimum wages, failed to
15 pay overtime wages, failed to provide compliant meal and rest periods, furnished inaccurate itemized
16 wage statements, failed to provide wages when due, and failed to reimburse employees for required
17 business expenses.

18 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
19 to represent because I was subject to the same alleged unlawful employment policies and practices at
20 issue in this action, including but not limited to, Defendant's failure to pay minimum wages, failure to
21 pay overtime wages, failure to provide compliant meal and rest periods, failure to furnish accurate
22 itemized wage statements, failure to provide wages when due, and failure to reimburse employees for
23 required business expenses. Factually, Defendant's policies and practices apply class wide, and
24 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

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, undertaking extensive class discovery, and evaluating the
3 proposed settlement to assure that it is fair.

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

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

16 I declare under the penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct. Executed Apr 5, 2023, at Sacramento (City/Location),
18 California.

19
20 By:  (Apr 5, 2023 11:05 PDT)
21 DAVID EZELL