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Attorneys for Plaintiff KENNEDY ELUGHIEM, individually and
On behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DANIEL G. LOZANO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

THE HOME DEPOT USA, INC., a
Delaware Corporation, HD SUPPLY, INC.
and DOES 1 through 50, inclusive,

Defendants.

Case No. 22STCV18980

ASSIGNED FOR ALL PURPOSES TO:

JUDGE: Elihu M. Berle

DEPT: 6

**DECLARATION OF DANIEL LOZANO IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: November 9, 2022

Time: 10:00 a.m.

Dept.: 6

DECLARATION OF DANIEL LOZANO

I, DANIEL LOZANO, declare as follows:

1. I am over the age of eighteen. I submit this Declaration in support of the concurrently filed Motion for Preliminary Approval of the parties' settlement agreement. The following is based upon my personal knowledge, and if called as a witness, I could and would competently testify regarding the statements in this Declaration.

2. I am currently a resident of Whittier, California. I worked for Defendants from Approximately July 2013 through August 2019 as a driver making deliveries to Home Depot customers and other stores. During the Settlement Class Period, my job duties and responsibilities were the same as other non-exempt settlement class member driver employees employed by Defendant in California.

3. Prior to filing this lawsuit, I searched for an attorney and found James Hawkins, APLC. I never knew James Hawkins, APLC before my consultation with them. After my consultation, I asked them to represent me in bringing a class action on behalf of myself and all other similarly situated non-exempt employees of Defendant.

4. I knew the actions complained of in the complaint not only happened to me but happened to the other employees of Defendant that I worked with. I wanted to help the other class members vindicate their rights, so I decided to bring the lawsuit that we filed on or about April 7, 2020.

5. I believe my situation is similar and has been similar to all other non-exempt employees like me who worked for Defendant during the class period. The complaint which I brought against Defendant alleges claims on a class and representative basis for the failure to provide lawful meal and rest periods, failure to timely pay wages, failure to provide accurate itemized wage statements, unfair business practices, and violations of the Private Attorneys' General Act. I believe my claims are typical of the other Class Members and I can represent our common claims because I believe Defendant applied the same policies, practices and schedules for us all and treated me and all Class Members similarly throughout the class period and in California.

1 6. I believe that my interests have been and continue to be in alignment with the
2 Class Members, and I am willing to continue to pursue and prosecute their class and
3 representative claims against Defendant in this litigation. I believe I do not have any interests
4 which are against the interests of the Class Members, and I will continue to do what is best for
5 all the Class Members rather than myself, as I have done from the beginning of this case.

6 7. My relationship with James Hawkins, APLC is purely an attorney client
7 relationship and there are no other business, familial or social relationships between my attorney
8 and myself. In addition, I do not have any relationship with Defendant other than being a
9 former employee of Defendant. For these reasons, there is no conflict of interest between
10 myself, my attorney, between Defendant, and myself or between the Class. and myself

11 8. As the Class Representative in this case, I participated in every aspect of the
12 litigation and have been apprised of its progress. I believe I have maintained the best interests
13 of the Class Members while performing my Class Representative duties, and I participated in
14 many interviews and conferences with class counsel regarding the conduct and settlement of this
15 matter. I prepared for my deposition, although one was not taken because we settled the case, I
16 have spoken with several other Class Members and provided information regarding their claims
17 to my counsel in support of proving the class claims and establishing what happened to us as a
18 group of employees. I also participated in the mediation via telephone.

19 9. My counsel has informed me that this information, along with the details and
20 support I provided for my class claims, were very important in convincing Defendant to
21 negotiate the settlement now before the Court for approval. I have also provided many
22 documents to class counsel in support of the class claims, have helped my attorneys with
23 preparing written questions and what documents to ask for, and I have invested a lot of time and
24 effort in performing my duties on behalf of the Class. I also conducted numerous meetings with
25 my counsel to prepare for and discuss Defendant's information requests in advance of the
26 mediation.

27 10. After reviewing the settlement agreement and speaking with my counsel about
28 it, I agreed to sign it on behalf of myself and all the other Class Members. I signed the

1 settlement because I believe the Settlement obtained in this case on behalf of the Class is very
2 fair, sufficient, and reasonable in view of the facts I know and have been made aware of, and
3 due to the risk of going through further litigation. I believe the average payouts for the class
4 members are very reasonable considering all the facts and evidence and risks moving the case
5 forward to trial.

6 11. I have not received and understand I will not receive any consideration or
7 promises that are different from any of the other Class Members will receive under the
8 Settlement. I understand this is because all Settlement Class Members who do not ask to be
9 excluded will receive individual settlement payments under the formulas in the settlement
10 agreement, which I understand to be fair.

11 12. I also understand and believe to be fair the settlement allocation formula and
12 believe it fairly accounts for the individual settlement payments based on the strengths and
13 weaknesses of the various alleged claims and also considering the individual compensation and
14 pay rates for the various class members over the settlement period.

15 13. I also understand my counsel will request that I be awarded an enhancement
16 payment of \$10,000 for my efforts as Class Representative, and that this additional payment is
17 not guaranteed, but must be approved by the Court. I believe the requested enhancement
18 payment is fair and reasonable based upon the results we have achieved for the Class Members
19 and because of the tasks I have performed on their behalf, including:

20 • Compiling many documents for my attorneys;
21 • Reviewing documents with my attorneys;
22 • Conducting preparation with my attorneys and participating in responding to
23 information for mediation and to informal discovery requests;
24 • Participating in telephone conferences with my attorneys and their representatives; and
25 • Participating in the mediation, preliminary approval and eventual final approval process
26 with class counsel and reviewing and signing related documents.

27 14. I estimate that I have spent approximately 50 hours helping to prosecute this
28 matter.

16. I declare under penalty of perjury under the laws of California that the foregoing is true and correct. Executed on this 5TH day of October 2022 at Whittier, California.

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