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Attorneys for Plaintiff, the Class, and Aggrieved Employees
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SOLANO**

DIEN TRUONG, as an individual and on
 behalf of all others similarly situated,

Plaintiffs,

vs.

DS SERVICES OF AMERICA, INC., a
 Delaware corporation; and DOES 1
 through 50, inclusive,

Defendants.

Case No.: FCS054399

[Assigned to the Hon. E. Bradley Nelson, Dept. 4]

**DECLARATION OF PLAINTIFF IN
 SUPPORT OF PLAINTIFF'S MOTION FOR
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT**

Date: March 29, 2021

Time: 9:00 a.m.

Dept.: 4

ADDITIONAL ATTORNEYS

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Attorneys for Plaintiff, the Class, and Aggrieved Employees

1 I, DIEN TRUONG, hereby declare and state as follows:

2 1. I am an individual over the age of 18 years old. I am the named plaintiff in this
3 matter. I have personal knowledge of the facts set forth below, and if called to testify I could and
4 would do so competently.

5 2. I was previously employed by Defendant DS Services of America, Inc.
6 (“Defendant”) as an hourly, or non-exempt route delivery driver from on or about March 27,
7 2004, until on or about October 28, 2019. During my employment, I was paid less than
8 California’s minimum wage. For example, in 2019, California’s minimum wage was \$12.00 per
9 hour, but I was paid \$11.00 per hour. It is also my understanding that California requires paid
10 rest breaks. However, these rest breaks were also paid at a rate less than California’s minimum
11 wage.

12 3. During the pendency of this lawsuit, I was required to provide assistance to my
13 attorneys, including meeting with them and providing them with documents and information. I
14 estimate that I spent approximately 20 hours meeting and/or conferring with my attorneys in
15 connection with the assistance of the class claims, such as providing information and various
16 documents and reviewing the settlement agreement in this case. Throughout this case, I have
17 continuously been kept apprised of the status of this case.

18 4. I understand that the class claims alleged in this action were brought on behalf of
19 other similarly situated employees, and thus I am acting as a representative for the Class. As the
20 class representative, I understand that it is my responsibility to act in the Class’s best interest and
21 not my own. I agree that I will not put my own interests ahead of that of the Class. Moreover, I
22 am not aware of any conflicts that exist between my interest and the interests of the Class that
23 would impair or affect my ability to serve as representative for the Class.

24 5. I have and continue to be willing to assist in the investigation of this matter as
25 well as make myself available for trial or any further proceeding in this matter as required to
26 represent the interests of the Class. I also understand my duties and responsibilities to the
27 proposed class and will carry out those duties as necessary.

4 7. I understand that I could have been liable for Defendant's costs had Defendant
5 prevailed. I also understand that this lawsuit was filed in the public court records, which may
6 affect my ability to obtain future employment.

7 8. I am also executing a general waiver of any and all claims, known and unknown,
8 including a waiver of Civil Code § 1542, which was not required of class members.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct.

11 Executed on December 22, 2020, at American Canyon, California.

DocuSigned by:

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DIEN TRUONG