

MARRON LAWYERS, APC

Paul Marron (SBN 128245)

pmarron@marronlaw.com

Steven C. Rice (SBN 109659)

srice@marronlaw.com

5000 E. Spring St., Suite 580

Long Beach, CA 90815

(562) 432-7422 Telephone

(562) 683-2721 Facsimile

Attorneys for Defendants, TForce Final Mile, LLC

(erroneously sued as TForce Final Mile, LLC and

TForce Critical), and TForce Logistics, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

GUSTAVO DIAZ, an individual, on behalf
of the State of California, as a private
attorney general,

Plaintiff,

vs.

TFORCE FINAL MILE, LLC; BEAVEX,
INC.; TFORCE LOGISTICS, LLC;
TFORCE CRITICAL; and DOES 1 through
50, inclusive,

Defendants.

CASE NO.: 30-2021-01209725-CU-OE-CXC

**SUPPLEMENTAL DECLARATION OF
STEVEN C. RICE IN SUPPORT OF
PLAINTIFF'S MOTION FOR APPROVAL
OF REPRESENTATIVE ACTION
SETTLEMENT**

Assigned for all purposes to: Hon. William
Claster, Dept. CX-104

Date: December 10, 2021

Time: 9:00 am

Dept.: CX104

Complaint Filed: July 9, 2021

Trial Date: None Scheduled

I, Steven C. Rice, declare as follows:

1. I am an attorney with the law firm of Marron Lawyers, APC, which represents Defendants TForce Final Mile, LLC and TForce Logistics, LLC (collectively "TForce") in the above-captioned matter. I am duly licensed to practice law before all courts of the State of California. I have personal knowledge of all the matters set forth herein, except as to those matters stated upon information and belief, as to those matters, I am informed and believe them to be true.

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2. In this Court's Tentative Ruling issued in connection with the hearing previously scheduled for Nov. 5, 2021, to consider approval of the parties' proposed settlement of this matter, the Court requested additional relevant information. Among the items of additional information requested by the Court was the following:

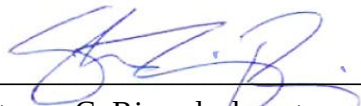
Defense counsel states that several of the contractors at issue were business entities, not individuals. (Rice Decl. ¶ 7) Will this settlement result in Defendants writing checks to businesses? Is that permitted under PAGA? Can a business entity be an "aggrieved employee" under PAGA?

3. The answer to both questions is "no." Since the PAGA action was filed as an action purporting to represent the interests of (allegedly) "similarly aggrieved" delivery drivers, as described in the Complaint and PAGA letter, the persons identified as being within the PAGA Group are all individuals. They would receive money as individuals. In my declaration, I had highlighted the fact that these individuals had signed agreements as independent contractors – and some of them had actually established separate business *entities* to do so. This was for the purpose of emphasizing evidence supporting Defendants' position in negotiating the settlement with Plaintiff's counsel - that all PAGA Group members were actually independent businesspersons operating delivery *businesses* and that their claims for Labor Code damages as alleged *de facto* employees was, at best highly questionable. More to the point, Defendants view the settlement negotiated between the parties in the action as quite substantial in light of a high likelihood of Defendants' eventual success in achieving a defense verdict in which the PAGA Group would receive nothing for these claims.

I declare under penalty of perjury under the laws of California that the foregoing facts are true and correct and personally known to me, except where indicated on information and believe, in which case I have actually been informed of this fact and believe it to be true.

Executed this date, November 30, 2021, at Long Beach, California.

Dated: November 30, 2021



Steven C. Rice, declarant

(PROOF OF SERVICE)

[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On December 1, 2021, I served all interested parties in this action the following documents described as: **SUPPLEMENTAL DECLARATION OF STEVEN C. RICE IN SUPPORT OF PLAINTIFF'S MOTION FOR APPROVAL OF REPRESENTATIVE ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

MARRON LAWYERS, APC

Paul Marron, Esq.

pmarron@marronlaw.com

Steven C. Rice, Esq.

srice@marronlaw.com

Paul B. Arenas, Esq.

parenas@marronlaw.com

Alexander T. Marx, Esq.

amarx@marronlaw.com

5000 E. Spring St., Suite 580

Long Beach, CA 90815

Attorneys for Defendant

JOSE GARAY, APLC

Jose R. Garay, Esq.

jose@garaylaw.com

249 E. Ocean Blvd. #814

Long Beach, CA 90802

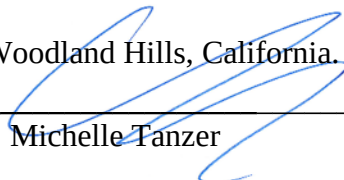
Attorneys for Plaintiff

[XX] (BY ELECTRONIC MAIL TRANSMISSION): I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

[XX] (BY ELECTRONIC SERVICE): I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (STATE): I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 1, 2021, at Woodland Hills, California.


Michelle Tanzer