

BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP

Norman B. Blumenthal (SBN 068687)

Kyle R. Nordrehaug (SBN 205975)

Aparajit Bhowmik (SBN 248066)

2255 Calle Clara

La Jolla, CA 92037

Telephone: (858) 551-1223

Facsimile: (858) 551-1232

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JAKARI WILSON, an individual, on)
behalf of himself and on behalf of all)
persons similarly situated,

Plaintiff,
vs.

WHOLESOME HARVEST BAKING,)
LLC, a Limited Liability Company;)
BIMBO BAKEHOUSE LLC, a Limited)
Liability Company; and DOES 1 through)
50, inclusive,

Defendants.

Case No. **4:20-cv-05186-YGR**

**DECLARATION OF JAKARI
WILSON IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: September 13, 2022

Hearing Time: 2:00 p.m.

District Judge: Hon. Yvonne Gonzalez
Rogers

Oakland Courthouse,
Courtroom 1 – 4th Floor

Action Filed: June 1, 2020

1 I, Jakari Wilson, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Final Approval of
4 Class Action Settlement and in support of my application for a Class Representative Service
5 Payment.
6

7 2. I have personal knowledge of all the facts stated herein. I could and would competently
8 testify under oath to these facts in court if requested to do so.

9 3. I worked for the Defendants Wholesome Harvest Baking, LLC and Bimbo Bakehouse
10 LLC ("Wholesome Harvest") in California from January of 2019 to August 2, 2019 and I was
11 classified by Wholesome Harvest as a non-exempt employee during that time period.
12

13 4. I retained the law firm of Blumenthal Nordrehaug Bhowmik De Blouw LLP, who are
14 experienced in both class action litigation and claims against employers for violations of the
15 California Labor Code. I have no personal relationship or family ties to my attorneys or any
16 officer of the Court. I am not involved in any litigation against another member of the class in
17 this case and my attorneys are not working on my behalf in another capacity other than
18 representing me in this lawsuit.

19 5. I decided to file this class action lawsuit for the benefit of myself and other current
20 and former non-exempt employees who worked for Wholesome Harvest and be a class
21 representative because I felt that my legal rights as an employee and others like me were
22 violated. For example, Wholesome Harvest failed to properly calculate my overtime wages by
23 not including all non-discretionary bonuses into my regular rate which resulted in an
24 underpayment of overtime. Wholesome Harvest also failed to issue me accurate wage
25 statements by not identifying the correct rates of pay and number of hours worked. In addition,
26

1 Wholesome Harvest failed to provide me with compliant meal and rest periods and failed to
2 provide me with reimbursement for the use of my personal cell phone for work-related matters.

3 6. This class action case was filed on June 1, 2020 in Contra Costa County Superior Court
4 and later removed to this Court by Wholesome Harvest. Before the complaint was filed I spoke
5 to my attorneys several times and discussed how Wholesome Harvest implemented its company
6 policies and procedures. I also assisted my attorneys in their investigation into my claims by
7 providing them documents and answering their questions. I reviewed the complaint before it
8 was filed and after it was filed I was given access to an electronic file sharing program that
9 alerted me via email when important documents were filed so that I could review them and keep
10 up with the developments in the case which I understood was one of my duties as a class
11 representative. I would also call my attorneys from time to time if I had any questions about the
12 case. My attorneys were regularly available when I contacted them.
13
14

15 7. Even though this action is in the process of settling, I was and remain prepared to
16 perform all the duties of a class representative. I understand that as a class representative I have
17 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent non-
18 exempt employees who worked for Wholesome Harvest during the class period. I have
19 understood that as a fiduciary, I have a duty to prosecute this action for the benefit of the
20 members of the class and surrender any right to compromise the group action for an individual
21 gain.
22

23 8. I understood that being a plaintiff/class representative in this case meant that I
24 was seeking damages not only for myself but also other current and/or former non-exempt
25 employees working for Wholesome Harvest in California. I felt that this group of current and
26 former employees were not aware of their labor law rights and even if they were they would
27

1 probably be apprehensive about speaking up or even simply because of the time, effort and risk
2 involved in filing a class action lawsuit.

3 9. I understood that being a part of this lawsuit involved risks. For example, my
4 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
5 pay for all or part of the attorney fees and costs paid by Wholesome Harvest to defend this
6 lawsuit. Also, I knew there was a risk that future employers, if they ever found out about this
7 lawsuit, could hold it against me or downgrade me as a potential hire. As the only named
8 Plaintiff in this case it would not be difficult for a future employer to become aware that I sued a
9 former employer for labor law violations. Ultimately I decided these risks were worth it and
10 decided to fight for my rights and the rights of others regardless of the risks, time and effort I
11 spent on this case.
12

13 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
14 kept up to date on important developments by reviewing court filings that were made available to
15 me electronically as I described above.
16

17 11. A mediation took place on April 14, 2021 with Tripper Ortman, an experienced
18 mediator of wage and hour class actions. Following the all-day mediation session, the parties
19 agreed to settle the action based on a mediator's proposal. I communicated with my attorneys
20 regarding the terms of the settlement which was reached between the parties and understood that
21 I was representing absent class members and therefore wanted the best possible result to be
22 obtained for the class and I believe a very positive result was in fact achieved via settlement. I
23 reviewed and signed the Memorandum of Understanding on April 21, 2021 and when the final
24 settlement papers were ready, I closely reviewed the Settlement Agreement which I signed on
25 September 28, 2021.
26

1 12. I have been actively involved with this class action lawsuit performing the duties
2 described above. Although I did not keep time records, I was in regular contact with my
3 attorneys, reviewed important court filings and spent a significant amount of time on the issues
4 presented during the lawsuit and in the settlement process. I estimate that I spent approximately
5 50-60 hours working on this case. I believe I have been diligent and have done what is expected
6 of a named plaintiff and proposed class representative to date, and will continue to do so. I have
7 and always will maintain the best interest of the class.
8

9 13. My attorneys explained to me that the settlement process involves a two-step
10 review by the Court to determine whether the settlement is fair before approving the settlement.
11 I know this process also involves notifying all class members of the settlement terms and of their
12 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
13 settlement.
14

15 14. I believe I did the right thing by filing this case on behalf of the class who are in
16 line to receive monetary payments as a result of this case and settlement. I also believe that the
17 requested Class Representative Service Payment of \$10,000 from the settlement is fair
18 compensation for the work I performed and the risks I undertook.
19

20 15. As part of the settlement it was necessary for me to sign a general release of all
21 claims I may have against the Wholesome Harvest. I believe the Class Representative Service
22 Payment I have requested provides me with some compensation for this agreed release.
23

24 16. I have not entered into any undisclosed agreements nor have I received any
25 undisclosed compensation in this case. The only compensation I will receive is whatever amount
26 the Court awards as a service payment, as well as my share as a class member of the settlement
27 fund.
28

17. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying Wholesome Harvest's costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, the general release, and in light of the size of the settlement, I believe the request for \$10,000 as a Class Representative service payment is fair and reasonable.

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

Executed on Aug 3, 2022, at Rodeo cA.
(city, state)

Jakan wilson (Aug 3, 2022 05:24 PDT)

Jakari Wilson