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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

REX TULLIO, individually, and on behalf
of other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the
California Private Attorneys General Act;

Plaintiff,

vs.

DACM INC. dba DEL AMO
MOTORSPORTS, a California corporation;
TOO FAST, INC., a California corporation;
CALIFORNIA MOTORCYCLE
ASSESSORIES, INC., a California
corporation; DASB, INC., a California
corporation; DAMLA, INC., a California
corporation; and DOES 5 through 100,
inclusive,

Defendants.

Case No.: 30-2020-01147256-CU-OE-CXC

Honorable William D. Cluster
Department CX104

CLASS ACTION

**DECLARATION OF REX TULLIO IN
SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, ATTORNEYS'
FEES, COSTS, AND ENHANCEMENT
PAYMENT**

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Enhancement
Payment; Declaration of Class Counsel (Edwin
Aiwazian); Declaration of Settlement
Administrator (Lindsay Kline); and [Proposed]
Final Approval Order and Judgment filed
concurrently herewith]

Date: October 28, 2022
Time: 9:00 a.m.
Department: CX104

Complaint Filed: July 8, 2020
FAC Filed: October 6, 2021
Trial Date: None Set

DECLARATION OF REX TULLIO

I, **Rex Tullio**, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am the named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by DACM Inc. dba Del Amo Motorsports (“Del Amo Motorsports”) as an hourly-paid, non-exempt employee from approximately February 2017 to approximately May 2019. I decided to seek legal advice about my work experiences with Del Amo Motorsports and about pursuing my grievances. I contacted Lawyers *for* Justice, PC and spoke with attorneys there, including Arby Aiwazian. I wanted to do whatever I could to make sure Del Amo Motorsports paid me and other employees what was owed to us and stopped its practice of not properly compensating its employees for all hours worked and non-complaint meal and rest breaks. After speaking with the attorneys, I investigated complex wage-and-hour and class action lawsuits my own and did some research into the leading class action and employment law firms in California for approximately 7 hours. Thereafter, I consulted with the attorneys at Lawyers *for* Justice, PC for 6 hours discussing my situation, complex wage-and-hour class actions and representative actions under the Private Attorneys General Act (“PAGA”) in general, and what it meant to be a named plaintiff and PAGA representative.

3. I have spent over 17 hours meeting with my attorneys regarding the case and fulfilling my responsibilities as a PAGA and class representative, which included gathering documents concerning my employment with Del Amo Motorsports, reviewing documents with my attorneys and answering their questions, and providing guidance regarding the duties of hourly-paid and non-exempt employees, and helping develop a strategy as to what documents and information to obtain from Del Amo Motorsports. I routinely checked in with my attorneys

1 and their staff to make sure that they had all of my most current information and any additional
2 information that I had obtained.

3 4. Throughout the case, I was available to answer any questions my attorneys had,
4 and available to speak and meet with my attorneys whenever they needed me. I responded to
5 them as quickly as possible and gave them as much information and identified as many
6 documents as I could. I spent at least 13 additional hours speaking with my attorneys about the
7 case, identifying potential witnesses, providing my attorneys with documents and information
8 concerning the case, and also describing policies, practices, and procedures of Del Amo
9 Motorsports.
10

11 5. As far as the settlement is concerned, I was available to review documents and
12 answer any questions my attorneys had. I spent about 4 hours reviewing the settlement
13 agreement and about 3 hours asking questions and discussing the potential settlement with my
14 attorneys before signing the settlement agreement.
15

16 6. I believe that I have done everything that my attorneys have asked of me and have
17 tried, to the best of my ability, to represent the class and seek relief for the aggrieved employees
18 and the State of California. I think my efforts helped to get the result obtained in this case, and
19 as a class and PAGA representative, I respectfully request that the Court award me an
20 enhancement payment in the amount of \$7,500.00 for my active participation in this
21 case. Taking into consideration the time that I have dedicated to this case, I believe that this
22 amount is reasonable.
23

24 7. I am not related to anyone associated with Lawyers *for* Justice, PC.

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

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

12/15/2021

Executed this ____ day of December 2021, at Redondo Beach, California.

Electronically Signed 2021-12-16 00:55:43 UTC - 67.158.63.129
AssureSign® Rex Tullio e517b2239-11f0-4789-ab1-aa00000c8b65

Rex Tullio