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Attorneys for Plaintiffs MARIE DEMARTINI, and JOSE SOTO
on behalf of themselves and all others similarly situated

ADDITIONAL COUNSEL ON NEXT PAGE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MARIN

MARIE DEMARTINI, WILLIE
AUSTIN, JR., and JOSE SOTO, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

SAFELITE FULFILLMENT, INC.,
DBA SAFELITE AUTO GLASS,
a Delaware Corporation; SAFELITE
SOLUTIONS, LLC, a Delaware
Corporation; BARRETT BUSINESS
SERVICES, INC., a Maryland
Corporation; and DOES 1-50, inclusive,

Defendants.

Lead Case No. CIV20002076

Other Included Actions: *Jose Soto v. Safelite
Fulfillment, Inc. et al*, Case No. 5:22-cv-02092

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF WILLIE AUSTIN, JR.
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Dept.: Dept. D19
Judge: Hon. James T. Chou

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Attorneys for Plaintiff WILLIE

AUSTIN JR., on behalf of himself and
all others similarly situated.

1 I, Willie Austin, Jr., declare as follows:

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

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

8 3. I began working for the defendants (“Safelite”) in California in April of 2016 and have
9 worked for Safelite during the class period. At all times I was classified by Safelite as a non-exempt,
10 hourly paid employee.

11 4. I retained my attorneys who are experienced in both class action and representative
12 action litigation and claims against employers for violations of the California Labor Code. I have
13 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
14 of having any actual or potential conflicts of interest with another class member in this case nor am
15 I aware of having any actual or potential conflicts of interest with ILYM Group, Inc., the settlement
16 administrator. I am not aware of any other pending matter or action asserting claims that will be
17 extinguished or adversely affected by this settlement.

18 5. I decided to pursue this action and be a plaintiff/class representative because I felt
19 that my legal rights as an employee and others like me were violated. For example, due to my
20 heavy workload I was not always able to take compliant meal and rest periods which were often
21 late, short and/or interrupted, or missed entirely – and when these break violations occurred I did
22 not receive all the meal or rest break penalty payments I was entitled to. I was also not paid for all
23 time worked, such as when I had to work while clocked out during my meal breaks.

1 6. I spoke to my attorneys several times and discussed how Safelite implemented
2 its company policies and procedures. I also assisted my attorneys in their investigation into my
3 claims by providing them documents and answering their questions. I reviewed the complaint
4 before it was filed and was given access to an electronic file sharing program that alerted me via
5 email when important documents were filed so that I could review them and keep up with the
6 developments in the case which I understood was one of my duties as a class representative. I
7 could also access court filings from this case on my attorney's law firm website.
8

9 7. Even though this action is in the process of settling, I was and remain prepared to
10 perform all the duties of a class representative. I understand that as a class representative I have
11 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
12 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
13 benefit of the class members and surrender any right to compromise the group action for an
14 individual gain.
15

16 8. I understood that being a plaintiff/class representative in this case meant that I was
17 seeking damages not only for myself but also other individuals working for Safelite in California
18 who make up the class. I felt that these individuals were not aware of their labor law rights and
19 even if they were they would probably be apprehensive about speaking up or even simply because
20 of the time, effort and risk involved in filing a class action lawsuit.
21

22 9. I understood that being a part of this lawsuit involved risks. For example, my
23 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
24 pay for all or part of the attorney fees and costs paid by Safelite to defend this lawsuit. Also, I knew
25 there was a risk that future employers, if they ever find out about this lawsuit, could hold it against
26 me or downgrade me as a potential hire. Since I am a plaintiff in this case which is in the public
27 record, it would not be difficult for a future employer to become aware that I sued my employer for
28

1 labor law violations. Ultimately I decided these risks were worth it and decided to fight for my
2 rights and the rights of others regardless of the risks, time and effort I spent on this case.

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

6 11. A mediation took place on March 22, 2022 with John Leo Wagner, a well-respected
7 and experienced mediator of wage and hour class actions. Following the mediation the parties were
8 eventually able to reach an agreement to settle the action based on a mediator's proposal. I
9 communicated with my attorneys regarding the terms of the settlement which was reached between
10 the parties and understood that I was representing absent class members and therefore wanted the
11 best possible result to be obtained for the class members and I believe a very positive result was in
12 fact achieved via settlement.

13 12. I have been actively involved with this lawsuit performing the duties described above.
14 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
15 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
16 settlement process. I estimate that I spent approximately 30-40 hours working on this case up
17 until this point. I believe I have been diligent and have done what is expected of a plaintiff and a
18 proposed class representative to date, and will continue to do so. I have and always will maintain
19 the best interest of the class members.

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

24 14. I believe I did the right thing by filing this case on behalf of the class members who,

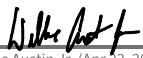
1 subject to court approval, are in line to receive monetary payments as a result of this case and
2 settlement. This is money they may never have ever gotten if I did not pursue this action on their
3 behalf. I feel significant personal satisfaction to know that I played a role in the class members
4 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the
5 requested Class Representative Service Payment of \$10,000 from the settlement is fair
6 compensation for the work I performed and the risks I undertook.

7
8 15. As part of the settlement it was necessary for me to sign a general release of all claims I
9 may have against Safelite. I believe the Class Representative Service Payment I have requested
10 provides me with some compensation for this agreed release.

11
12 16. In light of all the time and effort I have spent on this case, the risk I undertook by
13 suing my employer, the exposure to being responsible for paying Safelite's costs in the event we
14 did not win the case, the reputational risk that future employers may hold this lawsuit against me,
15 the general release and in light of the size of the settlement, I believe the request for
16 \$10,000 as a Class Representative Service Payment is fair and reasonable.

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

19
20 Executed on Apr 23, 2024, at Oakland , California
(city, state)

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22 
Willie Austin Jr. (Apr 23, 2024 14:39 PDT)

23 Willie Austin, Jr.
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