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Attorneys for Plaintiff QUINTON FOWLER,
individually and on behalf of all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

QUINTON FOWLER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

UPDIKE DISTRIBUTION LOGISTICS,
LLC; a Delaware Limited Liability Company,
and DOES 1 through 50, inclusive,

Defendant.

CASE NO.: 20STCV17074

Assigned For All Purposes To:
Judge: Hon. Elihu M. Berle
Dept.: 6

**DECLARATION OF QUINTON FOWLER
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: March 15, 2023
Time: 10:00 a.m.
Dept.: 6

DECLARATION OF QUINTON FOWLER

I, QUINTON FOWLER hereby declare as follows:

1. I am over the age of eighteen and I submit this Declaration in support of the motion for preliminary approval of the settlement and fees, costs and enhancement. The following is based upon my personal knowledge and if called as a witness, I could and would competently testify thereto.

2. I was employed by Defendant UPDIKE DISTRIBUTION LOGISTICS, LLC ("Defendant") as a Non-Exempt Employee working as a driver and worked during the liability period for Defendant until my separation from Defendant's employ in approximately July 2019. I typically worked 5-6 days a week and 12-13 hours per day.

3. As a non-exempt employee, I suffered the same damages as other employees. These included not being paid all my wages, not provided meal periods or permitted rest periods, not reimbursed for business expenses incurred, not timely paid wages upon my separation from Defendant's employ, not provided accurate itemized wage statements, not paid minimum wages under the FLSA, violations of the Private attorney's General Act of 2004, as well as violations under the UCL all in accordance with California law. As a result of these alleged violations, I sought consultation with my attorneys at James Hawkins, APLC.

4. Based upon my allegations, and after consultation and full disclosure from my attorneys about the potential risks I faced as a Plaintiff in a putative class action, I freely decided to pursue this lawsuit to try and vindicate my rights and the rights of others who also worked for Defendant and suffered similar harms due to Defendant's common practices and policies.

5. Prior to filing my action, my attorneys and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. During those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff.

6. My attorneys provided me with a draft of the complaint for my review and

1
2 approval. I closely reviewed the complaint to ensure accuracy and completeness. As a
3 result, I caused my attorneys to file the class action complaint alleging claims for the allegations
4 alleged therein. Thereafter, I have been fully involved in my case. Following the filing of the
5 complaint, I collaborated with my attorneys on the prosecution of my claims, and I regularly
6 contacted my attorneys to stay current on the status of the litigation, and to discuss my
7 attorneys' progress in prosecuting the claims.

8 7. Since I believe I was not accurately paid all my wages, not provided meal periods
9 or permitted rest periods, not reimbursed for business expenses incurred, not timely paid wages
10 upon my separation from Defendant's employ, not provided accurate itemized wage
11 statements, not paid minimum wages under the FLSA, violations of the Private attorney's
12 General Act of 2004, as well as violations under the UCL all in accordance with California law.
13 I believe that I have been similarly injured as to all other class members in the settlement who
14 worked for Defendant during the class period. I believe the claims asserted in the Complaint is
15 also shared by the other Class Members. I worked with various other non-exempt employees
16 and I believe we were all treated the same and subject to the same unlawful policies.

17 8. Since I agreed to become a Class Representative, I have worked every step
18 of the way with my attorneys. During the course of the litigation I have always kept the best
19 interest of the Class Members on equal footing as mine. I have been, and I am willing to
20 continue to pursue the Class Members' claims vigorously on our collective behalf if the
21 Settlement is not finally approved. As a result, I firmly believe that I do not have any interests
22 adverse to the interests of the Class Members. I have maintained the Class Members best
23 interest from the inception of the case.

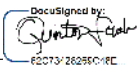
24 9. As one of the Class Representatives, I have spent numerous hours consulting
25 with my attorneys, providing documentation, consulting with other Class Members, responding
26 to questions by my attorneys, providing documents to my attorneys, working with my attorneys
27 to review documents received, helping my attorneys in preparing for the mediation and
28 attending the mediation via telephone. I was consulted about the status of the case and provided
constant feedback about the case from my attorneys including the mediation, settlement

1 negotiations and eventual settlement. I estimate I have spent approximately 45 hours working
2 on this case.

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4 10. From the beginning of this case, I have freely chosen to accept the risks of
5 being one of the Class Representatives in this class action lawsuit. I chose to assume these risks
6 and pursue the claims on behalf of the Class Members as I wanted to vindicate their rights. I
7 believe we have achieved that result with the settlement and the individual payments to the
8 Class Members. I believe the settlement is fair reasonable and adequate based on the numerous
9 defenses asserted by Defendant. I believe the efforts and work I put forth helped to achieve the
10 fair settlement that will benefit the Class Members. As a result of my efforts, I also believe the
11 Named Plaintiff Enhancement Payment is reasonable, and I respectfully request the Court
12 approve the amount of \$7,500.00 as fair and reasonable.

13 I declare under penalty of perjury under the laws of the state of California
14 that the foregoing is true and correct. Executed on February 21, 2023, at Pasadena,
15 California

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DocuSigned by:

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QUINTON FOWLER