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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

DEISY SALAS, KRISTAL CARMONA,
ISRAEL LINTHROP, ALICIA KRUEGER-
AGUIRRE, 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;

Plaintiffs,

vs.

J & S RESTAURANTS, INC., a California
corporation; TOPP END ENTERPRISES, INC., a
California corporation; RED FLASH, INC., a
California corporation; VALENCIA TPP, a
general partnership; YEASTIE BOYS, a general
partnership; and DOES 1 through 100,
inclusive,

Defendants.

THEODORE CHRISTOPHER MILLER,
NOLAN MALONE, individually, and on behalf
of other members of the general public similarly
situated;

Plaintiffs,

Lead Case No.: 56-2019-00526959-CU-
OE-VTA (*Salas* Action)
(*Consolidated with 56-2020-00546726-
CU-OE-VTA*)

[Assigned to the Hon. Honorable
Henry J. Walsh, Dept. 42]

**DECLARATION OF NOLAN MALONE
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

CLASS ACTION

Date: April 4, 2022
Time: 8:30 a.m.
Department: 42

Salas Complaint Filed: March 29, 2019
Salas FAC: August 2, 2019
Salas SAC: November 7, 2019
Salas TAC: October 29, 2020
Miller Complaint Filed: August 5, 2019
Miller FAC: September 29, 2019
Jury Trial Date: None Set

1 vs.

2 VENTURA COUNTY RESTAURANT
3 SERVICES INC. DBA TOPPERS PIZZA
4 PLACE, a California corporation; and DOES 1
through 100, inclusive,

5 Defendants.
6

1 I, Nolan Malone, hereby declare and state as follows:

2 1. I am an individual over the age of 18 years old, and reside in Los Angeles, California. I
3 am the named plaintiff in this matter. I have personal knowledge of the facts set forth below, and if
4 called to testify I could and would do so competently.

5 2. I was previously employed by Defendant Ventura County Restaurant Services, Inc., dba
6 Toppers Pizza Place as a pizza driver approximately January through October of 2019, and also from
7 January 2016 through July of 2017. During my employment with Defendant, I allege that I worked 3.5
8 hours without being provided with off-duty 10-minute rest breaks. I also allege that I was not paid for
9 the time periods between being clocked out and being allowed to leave the premises. I believe that the
10 wage statements I received were not accurate because they did not reflect all of the unpaid overtime and
11 minimum wages and rest break premium wages that I believe I should have been paid. I also allege that
12 the lump \$2.10 sum paid by Defendant for each delivery did not adequately reimburse my expenses, and
13 that I was deducted wages for uniform items.

14 3. During the pendency of this lawsuit, I was required to provide assistance to my attorneys,
15 including providing them with documents and information over the phone and/or via text messages.

16 4. Throughout this case, I have been continuously kept informed of the status of the lawsuit.
17 From the time I first spoke to my attorneys in July 2020 through the present, I estimate that I spoke to
18 them on the phone or via text messages about 40 times. I estimate that I spent around hours assisting
19 my attorneys with the case, including gathering additional information requested by attorneys.

20 5. I understand that the class claims alleged in this action were brought on behalf of other
21 employees, and thus I am acting as a representative for the Class. As the class representative, I
22 recognize that it is my responsibility to act in the Class's best interest and not my own. I will not put my
23 own interests ahead of that of the Class. I am also not aware of any conflicts that exist between my
24 interest and the interests of the Class that would impair or affect my ability to serve as representative for
25 the Class.

26 6. I have been and continue to be willing to assist in the investigation of this matter as well
27 as make myself available for trial or any further proceeding in this matter as required to represent the
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1 interests of the Class. I understand my duties and responsibilities to the proposed class and will carry
2 out those duties as necessary.

3 7. Based on my understanding of the case, I am of the opinion that settlement for the
4 amounts and on the terms set forth in the Settlement Agreement is fair, reasonable, and adequate and is
5 in the best interests of the Class.

6 8. I was aware that in cases like mine, there is the risk that if I do not win my case, then I
7 could be liable for Defendant's costs.

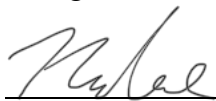
8 9. I also understood that filing this lawsuit is a public record and I accepted that burden. As
9 such, I risked my future employment in order to bring this action. Moreover, this lawsuit, which is a
10 public record, is something that potential employers can look into, and which may cause a negative
11 impact of my employment prospects.

12 10. I am proud of the results of this lawsuit and feel it is a positive accomplishment for
13 myself and my former co-workers. I understand that because of my actions, many others have benefited
14 by this case.

15 11. I feel that I took upon myself the risk of this lawsuit and achieved a result for my other
16 former co-workers who did not have to file suit.

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

19 Executed on March 4, 2022, at Los Angeles, California.

20  .
21 _____

22 NOLAN MALONE
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