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22 Attorneys for Plaintiffs and the Putative Class

23 SUPERIOR COURT OF CALIFORNIA

24 COUNTY OF SAN BERNARDINO

25 DEVIN SMITH, individually and on behalf of all
26 others similarly situated, and as a proxy for the
27 LWDA; MYRICA SMITH, individually and on
28 behalf of all others similarly situated;
and KEVIN OCHONMA, individually and on
behalf of all others similarly situated and as a
proxy for the LWDA,

Plaintiffs,
vs.

DI LOGISTICS, LLC, a California limited-
liability corporation; DI OVERNITE, LLC, a
Nevada limited liability company; DI OVERNITE
INVESTMENTS, LLC, a California limited
liability company,

Defendants.

Case No.: CIV DS 2011469

**DECLARATION OF THOMAS D.
RUTLEDGE IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: February 21, 2023

Time: 8:30 a.m.

Dept.: S31

Judge: John M. Pacheco

1 **DECLARATION OF THOMAS D. RUTLEDGE**

2 I, THOMAS D. RUTLEDGE, declare and state as follows:

3 1. I am counsel of record for the named Plaintiffs, putative Class, Aggrieved
4 Employees, and as a quasi-assistant attorney general for the State of California
5 pursuant to the Private Attorney General Act (PAGA) in this matter. As such, I am
6 fully familiar with the facts, pleadings, and history of this matter. The following facts
7 are within my own personal knowledge, and if called as a witness, I could testify
8 competently to the matters stated herein.

9 2. This declaration is submitted in support of Plaintiffs' Motion for
10 Preliminary Approval of Class Action Settlement.

11 **Experience and Views of Counsel.**

12 3. The Law Office of Thomas D. Rutledge consist of me, one associate,
13 several paralegals, and support staff during all times relevant to this litigation.

14 4. At all times, I have been an attorney of record in the above-entitled action
15 and I am the originating attorney.

16 5. My office is in San Diego County.

17 6. I have been licensed to practice law for more than 27 years.

18 7. Before practicing law, I served the public in a number of capacities.

19 8. From about April 1987 to April 1994, I served in the U.S. Army National
20 Guard: First, as a Private First Class in a combat engineer's unit; and in 1990, after
21 receiving my commission via the Massachusetts' State Officers' Candidate School, as
22 a field artillery officer, mortar platoon leader, and infantry company executive officer.

23 9. In 1990, I earned a B.A. in History and Political Science from the
24 University of Massachusetts, Boston, Massachusetts.

25 10. In 1992, I earned a C.S.S. in Management and Administration from
26 Harvard University, Cambridge, Massachusetts.

27 11. In 1995, I earned a J. D. from Temple University and became a member
28 of the State Bars of Florida and Massachusetts.

1 12. In 1999, I was admitted to the California Bar.

2 13. I am an active member in the California Employment Lawyers
3 Association and Consumer Attorneys of San Diego (“CASD”).

4 14. I am the former Co-Chairman to the San Diego County Bar Association
5 Labor and Employment Law Section.

6 15. I am a former Board of Director for CASD.

7 16. I am a former U.S. Navy Judge Advocate General’s (“JAG”) Corps
8 attorney.

9 17. From 1995 to 2008, I served the U.S. Navy in various capacities, e.g., as a
10 prosecutor, defense attorney, tax officer, and staff judge advocate, handling hundreds
11 of criminal and civil litigation matters.

12 18. I served a total of 20 years in the U.S. military retiring from the U.S.
13 Naval Reserve in 2008.

14 19. From 2002 to 2004, I was a litigation associate at Christensen, Miller,
15 Fink, Jacobs, Glaser, Weil & Shapiro, LLP in Los Angeles, California, a firm of more
16 than 100 lawyers at that time, working on complex litigation.

17 20. From 2004 to 2009, I was a litigation associate for Branton & Wilson,
18 APC, a firm of more than 15 lawyers at that time, working mostly on employment law
19 matters (defense and plaintiff).

20 21. From 2009 to the present, I have focused my practice exclusively on
21 prosecuting employment law claims on behalf of employee-plaintiffs, with a very
22 small amount of my practice devoted to personal injury, landlord-tenant, and family
23 law matters.

24 22. All my employee-plaintiffs cases, including this case, are accepted on a
25 nothing down contingency fee basis.

26 23. I personally have represented hundreds of plaintiffs in over three dozen
27 class and/or representative (Private Attorney General Act) actions prosecuting wage
28 and hour claims against employers, more than ten of which were certified as class

actions. (See, e.g., *Julio, et al. v. Express Tires*, S.D. Superior Court Case No.: 37-2010-00097801; *Epton v. ADP TotalSource, et al.*, U.S.D.C. Case No.: 11cv0856-JM; *Tuter, et al. v. King's Seafood Company, LLC, et al.*, San Diego Superior Court Case No.: 37-2011-00084756; *Crosby v. CHMB*, San Diego Superior Court Case No.: 37-2011-0087583-CU-OE-CTL; *Diego v. JMS Properties LLC, et al.*, San Diego Superior Court Case No.: 37-2013-00056177-CU-0E-CTL; *Mitchell, et al. v. Phone Ware Inc., et al.*, San Diego Superior Court Case No.: 37-2014-00008449-CU-OE-CTL; *Long, et al. v. Stanley Black & Decker, Inc., et al.*, U.S.D.C. Case No.: 14CV1246 JLS BGS; *Villagrana v. 7-Eleven*, San Diego Superior Court Case No.: 37-2014-00008449-CU-OE-CTL; *Parnell, et al. v. Harte-Hanks Shoppers, Inc., et al.*, Orange Superior Court Case No.: 10-2014-00736236-CU-OE-CXC; *Martz v. T.R.L. Systems, Inc.*, San Bernardino Superior Court Case No.: CIVDS1515312; *Rosentein v. Pratt and Whitney, et al.*, U.S.D.C. Case No.: 15CV2183 JM/JLB; *Don v. Penn*, San Diego Superior Court Case No.: 37-2016-00025005; *Scott v. Coastal Trans. Serv.*, San Diego Superior Court Case No.: 37-2016-00020248; *Horton v. Neostrata*, U.S.D.C. Case No.: 16CV2189 AJB JLB; *Velez v. CoWorx Staffing Services LLC*, San Bernardino Superior Court Case No.: CIVDS1803229; and many more).

24. I have attended dozens of lectures presented by legal professionals on the topic of prosecuting class action litigation in the last 16 years, I have tried wage and hour cases in the Superior Court of California, I have appeared before the Labor Commissioner on scores of wage claims, and I have handled the representation of parties in dozens of mediations before well-known mediators, such as Mark Rudy, Robert Kaplan, Jeff Ross, Michael Dickstein, and the Honorable Judge Herbert B. Hoffman (Ret.).

Recommendation to Approve the Settlement.

25. I have been closely involved in this case, have reviewed my co-counsel's moving papers, and what they have written is accurate.

26. For the reasons explained in our moving papers, I recommend (and very

respectfully request) the Court to approve the Settlement.

Except as to those matter made upon information and belief, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed December 7, 2022, at San Diego, California

By: /s/Thomas D. Rutledge
Declarant, Thomas D. Rutledge