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6 Attorneys for Defendants
LIGHTNING SOURCE LLC; INGRAM
7 DISTRIBUTION MANAGEMENT INC.; INGRAM
CONTENT GROUP LLC
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF FRESNO
11

12 Eric Garcia individually and on behalf of all
others similarly situated,

13 Plaintiff,
14

15 v.

16 Lightning Source LLC; Ingram Distribution
Management Inc.; Ingram Content Group LLC;
and Does 1 through 25,
17

18 Defendants.

Case No. 20CECG01641

**DECLARATION OF JACQUELINE
LETSON**

ASSIGNED FOR ALL PURPOSES TO
JUDGE KIMBERLY A. GAAB

Trial Date: TBD
Complaint Filed: June 10, 2020

19 I, Jacqueline Letson, declare as follows:

20 1. My name is Jacqueline Letson. I am over 18 years old. Except where otherwise
21 indicated, I have personal knowledge of the facts set forth in this declaration and, if called as a witness,
22 I could and would testify under oath competently thereto.

23 2. I am currently employed by Defendant Lightning Source LLC as the Vice
24 President of Human Resources. In my position as Vice President of Human Resources, I am familiar
25 with and have access to personnel records regarding the employment information of employees,
26 including but not limited to names, dates of employment, job location, and job titles. These personnel
27 records are made in the regular course of business and made at or near the time of the act, condition,
28

1 or event relating to the employment information in question.

2 3. It is my understanding that Plaintiff ERIC GARCIA (“Garcia”) seeks to
3 represent a proposed class of individuals defined as “All current and former non-exempt employees
4 who worked for Defendants in the State of California between April 6, 2016 to June 28, 2021.”

5 4. There are approximately 127 individuals, including Garcia, that fall within the
6 class definition. All 127 individuals within the class are (or were) employees of Defendant Lightning
7 Source LLC. Notwithstanding Garcia’s legal claim that there were other joint employer entities of
8 these 127 individuals, it is Defendants’ position that none of the individuals are (or were) employees
9 of Defendant Ingram Distribution Management Inc. or Ingram Content Group LLC.

10 5. All 127 individuals within the class worked at the same location, at 3145 S.
11 Northpointe Dr. in Fresno, California.

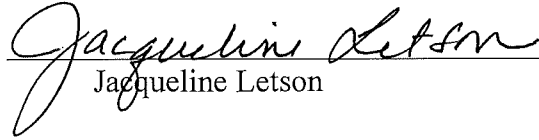
12 6. All 127 individuals within the class were “Production” employees. Within the
13 universe of “Production” employees, there were individual job titles, such as “Operations Team
14 Leader,” “Maintenance Tech I,” “Maintenance Tech II,” “Maintenance Tech III,” “APOD Equipment
15 Operator,” and “Administrative Assistant.” Approximately 87% of the individuals were “APOD
16 Equipment Operators,” 8% were “Maintenance Tech,” 4% were “Operations Team Leader,” and 1%
17 were “Administrative Assistant.” However, employees shifted between job titles at times, so these
18 figures are not exact.

19 7. Regardless of job title, all employees working at 3145 S. Northpointe Dr. were
20 subject to the same written policies set forth in an Associate Handbook distributed to all employees,
21 as well as the written policies set forth in a separate “California Addendum to Associate Handbook,”
22 that was also distributed to all employees. Pertinent sections of those written policies covering “Time
23 Reporting,” “Overtime,” and “Meal and Rest Breaks” are attached as Exhibit “A” and incorporated
24 herein by reference.

25 8. Similarly, regardless of job title, all employees working at 3145 S. Northpointe
26 Dr. followed the same practices for timekeeping. All employees punched in and out by swiping a
27 badge at the time clock located in the facility. Also, all employees could also submit a “Time Clock
28 Missed Punch Request Form” to report additional time worked that was not captured by time punches

1 for any reason. Examples of "Time Clock Missed Punch Request Form" submissions from Plaintiff
2 ERIC GARCIA are attached as Exhibit "B" and incorporated herein by reference.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct to the best of my knowledge. This declaration is executed on August 4,
5 2022, in La Vergne, Tennessee.

6 
7 Jacqueline Letson
8 —

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EXHIBIT A

Pay Practices

Hours of Work

Revised: 4/19/2010

The standard work week is 40 hours, beginning on Saturday and ending on Friday. As starting and ending times vary with departments and work locations, please check with your supervisor regarding your work schedule.

Time Reporting

Revised: 1/1/2016

All hourly and non-exempt associates use an identification card and an electronic time-keeping (KRONOS) system to record daily hours worked. It is used to compute amount earned and is kept as part of an associate's record per retention policies. The electronic time record must be verified and approved by the associate's immediate supervisor, and any days off, vacation, holidays, sick, etc. must be noted. Each associate is responsible for the accurate use of his or her own identification / time record at the clocking stations. Clocking another associate's time record in or out is a violation of Company policy, and is grounds for termination of employment.

Exempt associates electronically report days off for vacation, sick, or other reasons by entering their attendance record on the electronic time-keeping system (KRONOS). This computerized record is then maintained in the Payroll Department.

Overtime

Revised: 4/19/2010

When business conditions demand, associates are expected to work overtime. When this occurs, your supervisor will make every effort to provide timely advance notice and will expect your full cooperation.

A request to work overtime will be considered mandatory for regular associates provided management notifies you on the day before the overtime is to be worked.

Hourly and nonexempt associates are paid 1.5 (one and one half) times their regular rate of pay for all hours worked which are:

- a. more than 40 hours in any one week.
- b. worked on a recognized Company holiday (plus holiday pay).

Overtime pay will also comply with any specific state requirements that may be in addition to those above. Overtime is paid in the pay period it is earned.

All overtime hours must be approved by an associate's supervisor prior to working such time. A supervisor's failure to approve overtime hours in advance may result in disciplinary action.

For purposes of computing whether overtime pay is due, the payroll office credits "non-worked" time for vacation, personal and authorized holidays as "time worked" toward the determination of total hours earned during the workweek, but no time is credited during the workweek for any other type of absence.

INGRAM CONTENT GROUP CALIFORNIA ADDENDUM TO ASSOCIATE HANDBOOK

The following policies apply to California employees of Ingram Content Group (“ICG”). ICG’s California employees are also subject to the policies in the Ingram Content Group Associate Handbook. In the event of inconsistency between the policies, the policies in this Addendum govern over inconsistent Handbook policies. California employees with questions about the policies contained in this Addendum or any other matter should contact the Human Resources Department.

Equal Employment Opportunity Policy

In addition to the protections set forth in the Equal Employment Opportunity policy in the Associate Handbook, the California Fair Employment and Housing Act (FEHA) also protects employees against discrimination, retaliation, and harassment in employment due to their membership in any of the following categories: sex (including breastfeeding and conditions related to breastfeeding), religion (including religious dress and grooming practices), medical condition, registered domestic partner status, gender (including gender identity and gender expression), and genetic characteristics and information.

In addition, in accordance with California law, ICG does not discriminate against employees on the basis of a lawful change of name, Social Security Number or federal employment authorization document; receipt of Medi-Cal coverage; or having a California driver’s license with a “federal limits apply” notation.

No Harassment Policy

In addition to the protected categories set forth in the Equal Employment Opportunity and No Harassment or Discrimination policies in the Associate Handbook, ICG prohibits job-related harassment of California workers (which includes employees, contractors, unpaid interns and volunteers), by employees or non-employees on the basis of sex (including breastfeeding and conditions related to breastfeeding), religion (including religious dress and grooming practices), medical condition, ancestry, marital status, registered domestic partner status, gender (including gender identity and gender expression), genetic characteristics and information, or any other legally protected characteristic. This policy both protects these workers and governs their conduct while engaged in ICG business and interacting with other ICG workers.

Meal and Rest Breaks

In California, non-exempt employees are provided with appropriate rest periods on each day they work more than 3.5 hours total: a 15-minute paid rest period for every four-hour work period (or work period of more than 2 hours), taken in approximately that middle of that period. For example, full-time employees regularly who work between six (6) and eight (8) hours per day are entitled to two 15-minute break periods, in approximately the middle of the morning and the afternoon. Breaks should be arranged with your supervisor to accommodate the work flow. Employees who choose to smoke during their breaks are not entitled to additional break time.

Employees who find that the work is preventing them from taking a rest break they desire to take must notify their supervisor so that arrangements can be made. Unless the employee provides this notification, the Company will assume the employee is either taking or voluntarily foregoing the rest breaks to which the employee is entitled.

Non-exempt employees who work more than a five-hour shift also are provided with a mandatory one-half hour unpaid meal period each workday, in approximately the middle of the day. Employees will be relieved on all duties during the meal period. ***Taking a half-hour duty-free meal period is mandatory***, except that employees who work six hours or less may voluntarily forego the meal period. An employee who believes that work responsibilities are preventing the employee from taking a meal period must notify the supervisor so that arrangements can be made. Employees who wish for personal reasons to forego the meal period may not do so unless they first obtain the supervisor's permission.

Non-exempt employees must record the time they leave for and return from the meal period on their time sheets. Employees who fail to comply with this policy will be subject to disciplinary action.

Overtime

The Company pays overtime compensation to non-exempt employees in accordance with California and federal wage and hour requirements. Unless an alternative workweek schedule has been adopted, overtime is paid as follows: (1) One and one-half times the employee's regular rate of pay for hours worked over 8 in a day, over 40 in a workweek, and up to 8 hours on the seventh consecutive day of work in the workweek; and (2) twice the employee's regular rate of pay for hours worked over 12 in a day and over 8 on the seventh consecutive day of work in a workweek. In accordance with California law, daily overtime hours do not count toward the 40-hour weekly overtime threshold.

Associate Records

California employees have the right to inspect or request a copy of their personnel file once per year with 30 days' advance written notice.

Vacation & Personal Days

California employees have the same accrual schedule and procedure for taking vacation as set forth in the Associate Handbook. California employees, however, accrue vacation on a pro-rata basis each day they work, and vacation is not credited in advance of accrual. It is not necessary to use vacation in the year it was accrued, and all unused vacation time carries over into the next year.

ICG will pay out accrued unused vacation to California employees and any earned and unused personal days when they leave the Company.

EXHIBIT B

Subject: (none)
 Date: Monday, August 27, 2018 at 10:17:21 PM Central Daylight Time
 From: Garcia, Eric
 To: Her, Seng
 Attachments: Image-1.png

INGRAM.

TIME CLOCK MISSED PUNCH REQUEST FORM

To be filled out and signed by associate

Employee Name: Eric Garcia Badge ID: 075390

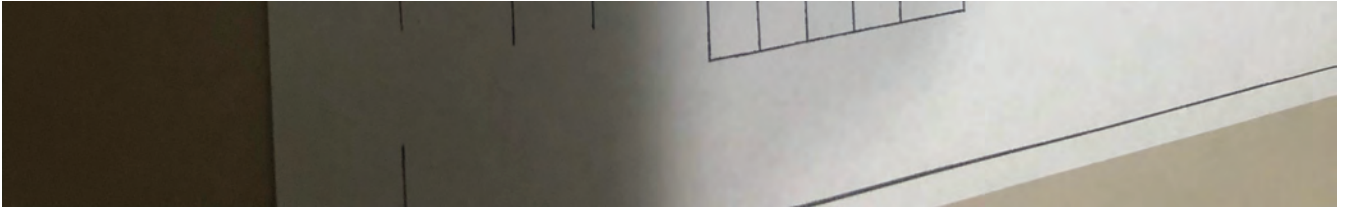
Date of Missed Punch: 8/23/18

Type of Missed Punch (Check Box)	Time
☐ Initial clock in	
☐ Clock out for lunch	
☐ Clock in from lunch	
☐ End of day clock out	<u>11:00 pm</u>

Reason for Missed Punch / Modification (Check Box)	
☐	Forgot to swipe
☐	Lost Badge
☐	Double Punch
☐	Other

Associate Signature: Eric Garcia Date: 8/27/18

Supervisor Signature: _____ Date: _____



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Subject: Re: I lost my badge in the building yesterday
Date: Thursday, November 15, 2018 at 10:12:00 AM Central Standard Time
From: Garcia, Eric
To: Garcia, Eric
Attachments: Image-3.png

But I found it on second break.

INGRAM.

TIME CLOCK MISSED PUNCH REQUEST FORM

To be filled out and signed by associate

Employee Name: Eric Garcia Badge ID: _____

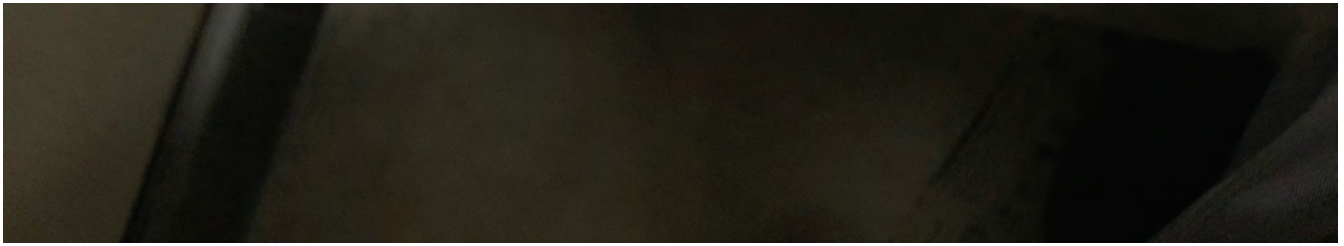
Date of Missed Punch: 9/23/18

Type of Missed Punch (Check Box)	Time
☐ Initial clock in	
☐ Clock out for lunch	<u>6:57pm</u>
☐ Clock in from lunch	<u>7:27pm</u>
☐ End of day clock out	

Reason for Missed Punch / Modification (Check Box)
☐ Forgot to swipe
☐ Lost Badge
☐ Double Punch
☐ Other

Associate Signature: Eric Garcia Date: 9/24/18

Supervisor Signature: _____ Date: _____



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From: Garcia, Eric

Sent: Tuesday, September 25, 2018 12:23:26 AM

To: Her, Seng

Subject: I lost my badge in the building yesterday

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Subject: Lunch

Date: Sunday, September 16, 2018 at 1:18:15 AM Central Daylight Time

From: Garcia, Eric

To: Her, Seng

Attachments: Image-2.png

INGRAM.

TIME CLOCK MISSED PUNCH REQUEST FORM

To be filled out and signed by associate

Employee Name: Eric Garcia Badge ID: _____

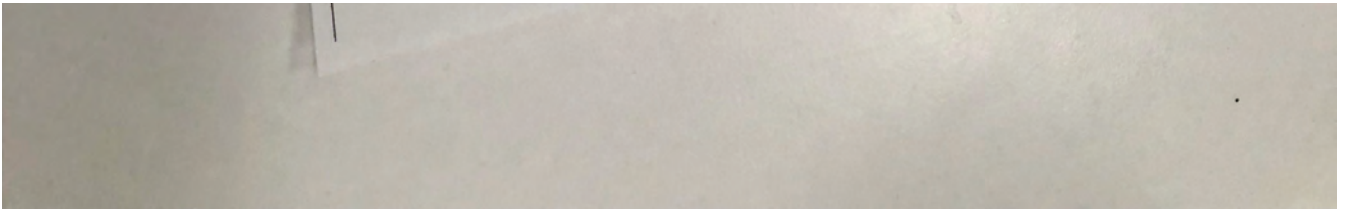
Date of Missed Punch: 9/15/18

Type of Missed Punch (Check Box)	Time
☐ Initial clock in	
☐ Clock out for lunch	<u>7:30</u>
☐ Clock in from lunch	<u>8pm</u>
☐ End of day clock out	

Reason for Missed Punch / Modification (Check Box)
☐ Forgot to swipe
☐ Lost Badge
☐ Double Punch
☐ Other

Associate Signature: *Eric Garcia* Date: 9/15/18

Supervisor Signature: _____ Date: _____



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