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14
 15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 16 FOR THE COUNTY OF SAN BERNARDINO

17 MARK BUFORD, ALBERT JOHNSON,
 18 RAUL MARTINEZ, TERRANCE LOVETT,
 ROBERT PARSONS, JAVIER CUEVAS
 19 MAGANA, and RICHARD LIVELY on behalf
 of themselves and all other similarly situated,

20 Plaintiffs,

21 v.

22 ESTENSON LOGISTICS, LLC, a Delaware
 limited liability company; HUB GROUP
 23 TRUCKING, INC., a Delaware corporation;
 HUB GROUP, INC. doing business in
 24 California as CALIFORNIA HUB GROUP;
 HUB GROUP DEDICATED, LLC, a
 25 Delaware limited liability company; and DOES
 1 through 100, Inclusive

26 Defendants.
 27
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CASE NO.: CIVSB2133332

[Assigned for all purposes to the Hon. Joseph
 T. Ortiz - Dept. S-17]

**DECLARATION OF MARK BUFORD
 IN SUPPORT OF MOTION FOR FINAL
 APPROVAL OF CLASS ACTION AND
 PAGA SETTLEMENT**

Date: August 20, 2024
 Time: 1:30 p.m.
 Dept.: S -17

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11 and all others similarly situated

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18 Themselves and all others similarly situated

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DECLARATION OF MARK BUFORD

I, MARK BUFORD 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 started my employment with Defendants on approximately June 15, 2020 as a pick up and delivery driver and typically worked 60-70 hours per week five days a week until my separation from Defendants' employ in approximately October 2020.

3. As a non-exempt employee, I suffered the same damages as other employees. These included not being not accurately paid all my wages, not provided meal periods or permitted rest periods, not provided accurate wage statements, not reimbursed for business expenses incurred, not paid timely during my employment, not timely paid wages upon my separation from Defendants' employ, 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 Defendants and suffered similar harms due to Defendants' 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 approval. I closely reviewed the complaint to ensure accuracy and completeness. As a

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

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

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

21 9. As one of the Class Representatives, I have spent numerous hours consulting with
22 my attorneys, providing documentation, consulting with other Class Members, responding to
23 questions by my attorneys, providing documents to my attorneys, working with my attorneys to
24 review documents received, helping my attorneys in preparing for the mediation and attending the
25 mediation via telephone. I was consulted about the status of the case and provided constant
26 feedback about the case from my attorneys including the mediation, settlement negotiations and
27 eventual settlement. I estimate I have spent approximately 45 hours working on this case.

28 10. From the beginning of this case, I have freely chosen to accept the risks of

1 being one of the Class Representatives in this class action lawsuit. I chose to assume these risks
2 and pursue the claims on behalf of the Class Members as I wanted to vindicate their rights. I
3 believe we have achieved that result with the settlement and the individual payments to the Class
4 Members. I believe the settlement is fair reasonable and adequate based on the numerous defenses
5 asserted by Defendants. I believe the efforts and work I put forth helped to achieve the fair
6 settlement that will benefit the Class Members. As a result of my efforts, I also believe the Class
7 Representative Incentive Award is reasonable, and I respectfully request the Court approve the
8 amount of \$10,000.00 as fair and reasonable as I understand this amount is subject to Court
9 approval.

10 I declare under penalty of perjury under the laws of the state of California that
11 the foregoing is true and correct. Executed on October 17, 2023, at Victorville,
12 California

DocuSigned by:

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MARK BUFORD