

1 Michael Nourmand, Esq. (SBN 198439)
James A. De Sario, Esq. (SBN 262552)
2 **THE NOURMAND LAW FIRM, APC**
8822 West Olympic Boulevard
3 Beverly Hills, California 90211
Telephone (310) 553-3600
4 Facsimile (310) 553-3603

5 Attorneys for Plaintiff,
ALBERT JOHNSON, on behalf of himself and
6 all others similarly situated

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN BERNARDINO**
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11 MARK BUFORD, RICHARD LIVELY, ALBERT) CASE NO.: CIVSB2133332
JOHNSON, RAUL MARTINEZ, ROBERT)
12 PARSONS, JAVIER C. MAGANA, and) [Assigned for all purposes to the Hon.
TERRANCE LOVETT, on behalf of themselves and) Joseph T. Ortiz - Dept. "S17"]
13 all others similarly situated,)
14) **DECLARATION OF ALBERT**
Plaintiffs,) **JOHNSON IN SUPPORT OF MOTION**
15 v.) **FOR FINAL APPROVAL OF CLASS**
16) **ACTION SETTLEMENT**
ESTENSON LOGISTICS, LLC, a Delaware limited)
17 liability company; HUB GROUP TRUCKING, INC.,)
a Delaware corporation, doing business in California)
18 as CALIFORNIA HUB GROUP; HUB GROUP)
DEDICATED, LLC, a Delaware limited liability)
19 company; and DOES 1 through 50, Inclusive)

20 Defendants.
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1 I, ALBERT JOHNSON, say and declare, as follows:

2 1. I am a party to this action and have personal knowledge of all the facts stated
3 herein and if called as a witness, could and would competently testify therein.

4 2. I was employed by defendants ESTENSON LOGISTICS, LLC, and HUB
5 GROUP TRUCKING, INC. ("Estenson/Hub Group") as a driver in California in 2018.

6 3. During my employment with Defendants, I worked along side other drivers.

7 4. During my employment I recall that I was not paid for all the time I worked. For
8 instance, I would have to retrieve my truck keys from a lock box and then get paperwork from
9 dispatch. This off-the-clock work was performed prior to logging into my timekeeping system that
10 was located on my truck and I was not compensated for this off-the-clock time. I also recall not
11 being provided with duty free meal and/or rest periods. These same type of experiences were
12 common to other drivers that I worked with.

13 5. I decided to bring this lawsuit because of these types of issues that affected me and
14 other similarly situated workers. My claims are also set forth in more detail in the operative
15 complaint filed with the Court and my letter that was sent to the Labor and Workforce
16 Development Agency.

17 6. I realize that my brining this lawsuit, I have agreed to consider the interests of other
18 employees as I would consider my own interests and pursue these claims. I am aware of no
19 existing conflict of interest between my self and other similarly situated employees nor am I aware
20 of any personal claim I have against Defendants that would be inconsistent with the interest of
21 other similarly situated employees.

22 7. Prior to filing the lawsuit my attorneys and I had multiple conferences about the
23 factual basis for my claims that I wanted to pursue against Defendants. During those conferences,
24 my attorneys provided me of an overview of how the claims would be litigated. Therefore, I
25 understood and had knowledge of how the claims would be litigated and my role as a class
26 representative.

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1 8. During the course of litigation, I continued to be actively involved in assisting my
2 attorneys. I am not disclosing the specifics of my communications with my attorneys to avoid
3 waiving any attorney-client privilege; however, I recount my efforts in connection with the case
4 generally. Throughout the litigation, my attorneys provided me with copies of legal documents,
5 such as complaints, written discovery, for my review and/or approval. I reviewed these types of
6 documents to ensure accuracy and completeness and discussed the contents with my attorneys.

7 9. When I agreed to represent other employees who were treated like I was, I
8 understood it was my duty be readily available and to participate in the case. Therefore, I knew
9 that I needed to make sure I was always aware of the progress of the case and assist my attorneys in
10 litigating the case, such as providing first-hand knowledge and locating documentation within my
11 possession as to Defendants' policies and practices of recording work hours, meal and rest period
12 practices and the day to day job duties of the similarly situated non-exempt employees who I
13 worked with. Therefore, I certainly understood that as part of the lawsuit I would be required to
14 spend considerable time searching and locating all documents in my possession and provide them
15 to my attorneys, answer written questions that Defendants requested, potentially answer oral
16 questions at a deposition and appear in Court, if necessary. At all times, I worked to fulfil these
17 duties.

18 10. During the litigation, I also assisted in locating other drivers who shared the same
19 experiences as I did. I also assisted in reviewing time and payroll records produced by Defendants
20 in formal/informal discovery to confirm that other drivers were subject to the same timekeeping
21 system as I was and were issued the same type of payroll records. These records were sent to a
22 consultant to be analyzed and I believe that the analysis also supports my asserted wage and hour
23 claims.

24 11. I also participated in multiple telephone conferences with my attorneys to answer
25 questions and/or provide further clarification of issues concerning my work experiences and
26 Defendants' policies and procedures, especially when Defendants filed motions which attempted to
27 dispose of the claims set forth in my lawsuit and when the case was headed to mediation.

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1 12. I also assisted my attorneys in preparing for mediation and made myself available to
2 participate in the full day of mediation, which ultimately achieved the settlement that I ask the
3 Court approve now.

4 13. My attorneys provided me with a copy of the settlement agreement which I carefully
5 reviewed before signing it.

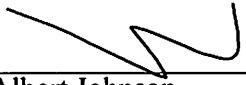
6 14. In all, since the filing of my lawsuit I estimate that I have devoted between 60 to 70
7 hours trying to vindicate the rights for me and my fellow co-workers. Throughout this litigation, I
8 have not sought individual benefits from the lawsuit.

9 15. By bringing this lawsuit, I understood that I could possibly earn an enhancement if
10 this case resolved favorably, but always knew that I could also be responsible for paying
11 Defendants' attorney's fees and costs if it did not. I also understood that I may be responsible for
12 costs associated with consultant or expert fees and mediation costs. Therefore, I believe that the
13 amount of the enhancement award is very reasonable considering the financial and professional
14 risks I took by brining this lawsuit against my former employer.

15 16. Finally, I believe that the enhancement award is fair and reasonable because I have
16 agreed to a general release, which is broader in scope than the release for other employees.

17 17. My goal of the lawsuit was to obtain a recovery on behalf of the class, and even
18 more importantly, to put an end to what I believe are illegal practices on the part of Defendants. I
19 believe I have achieved both through this lawsuit and settlement.

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21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct this 17/25/2024 day of July 2024.

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25 Albert Johnson