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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 RICHARD
LIVELY ISO MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

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

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MARK BUFORD, RICHARD LIVELY, on behalf of
Themselves and all others similarly situated

DECLARATION OF RICHARD LIVELY

I, RICHARD LIVELY 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.

3. I started my employment with Defendants on approximately June 15, 2020 as a local driver in Indianapolis and eventually became an over the road driver with routes in California. I eventually moved to San Bernardino where I continued my over the road profession. I typically worked 6 days a week and approximately 70 hours per week through my separation in 2021.

4. 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.

5. 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.

6. 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.

1 7. My attorneys provided me with a draft of the complaint for my review and
2 approval. I closely reviewed the complaint to ensure accuracy and completeness. As a
3 result, I caused my attorneys to file the class action complaint alleging claims for the allegations
4 alleged therein. Thereafter, I have been fully involved in my case. Following the filing of the
5 complaint, I collaborated with my attorneys on the prosecution of my claims, and I regularly
6 contacted my attorneys to stay current on the status of the litigation, and to discuss my attorneys'
7 progress in prosecuting the claims.

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

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

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

12 I declare under penalty of perjury under the laws of the state of California that
13 the foregoing is true and correct. Executed on October 17, 2023, at Parkville,
14 Maryland.

DocuSigned by:
Richard K. L...
712AD03BDED04

RICHARD LIVELY