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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

TARA JOY, as a private attorney general and as
an individual and on behalf of all others similarly
situated,

Plaintiffs,

vs.

CONTROL AIR ENTERPRISES LLC, a
Delaware limited liability company; CONTROL
AIR CONDITIONING CORP., a California
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. 30-2020-01155488-CU-OE-CXC

[Hon. Glenda Sanders, Department CX101]

**DECLARATION OF ROGER R. CARTER
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

*[Filed concurrently with Notice of Motion and
Motion for Preliminary Approval of Class Action
Settlement; Declaration of Larry W. Lee;
Declaration of Simon L. Yang; Declaration of
Marc J. Phelps; Declaration of Tara Joy;
[Proposed] Order]*

Date: July 8, 2022
Time: 1:30 p.m.
Department: CX101

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I, Roger R. Carter, declare as follows:

1. I am an individual over the age of 18. I am the named plaintiff in the above-referenced action. I have personal knowledge of the facts set forth below, except as to those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could testify competently as to the matters stated in this declaration.

2. My firm and The Phelps Law Group were retained by Plaintiff, Tara Joy, to pursue claims against her former employers, Control Air Enterprises LLC and Control Air Conditioning Corp. After initial meetings and review of documents, Mr. Phelps and I decided to associate the law firm of Diversity Law Group, P.C. to assist with prosecution of this case, with Larry W. Lee and Simon L. Yang being the lead attorneys. Plaintiff consented to the association.

3. I am admitted, in good standing, to practice as an attorney in the State of California, the District of Columbia, and the United States District Courts for the Central, Northern and Southern Districts of California. I have never been subject to discipline by any state bar.

4. I graduated from Tufts University in 1984 and received my law degree from William & Mary in 1987. In 1988 I earned a Master's Degree in International Business and Taxation (LL.M.) and I was admitted to the California bar in 1989. For the last twelve years I have narrowed my practice exclusively to class action litigation.

5. Since early 2007, my practice has been focused almost exclusively on wage and hour class action cases. I have been appointed as class counsel or co-class counsel in more than 80 class actions in state and federal courts, both through contested motions for class certification and motions for approval of class action settlements. These cases have resulted in substantial monetary recoveries for hundreds of thousands of employees. I have prosecuted wage and hour class actions against defendants such as AT&T, Sprint, Verizon, Brinks, Abercrombie & Fitch Trading Co., Cisco Systems, Experian, Home Depot, Big Lots, The Gap, Kmart, Kraft Foods, MetLife, Morgan Stanley, Petco, Ralphs, Rockwell Collins, T-Mobile, Toys-R-Us, Burlington Coat Factory, Babies-R-Us and Western Digital, among others.

1 6. I have litigated many cases involving the same issues raised in this case and am well-
2 versed in the law that applies to this case. I have a deep working knowledge of applicable case law,
3 statutes, and regulations relating to the claims alleged in this and related cases involving wage statement
4 requirements and unpaid or untimely paid wages. I keep track of and review trial court and appellate
5 decisions on these issues as they are released.

6 7. Based on this research and knowledge of the law, along with my extensive experience in
7 wage and hour class actions, I believe that the settlement in this case is fair and appropriate given all
8 factors involved. We consider ourselves experienced and qualified to evaluate Class claims and viability
9 of the defenses. That experience and those qualifications allowed our firm to assist in achieving an
10 efficient resolution of the claims in this matter.

11 8. I have successfully resolved cases involving wage and hour claims and have been
12 approved as Class Counsel on numerous occasions in both State and Federal Courts. I have certified
13 classes in *Gabriel Jimenez v. O'Reilly Automotive, et al.* (USDC Case No. SACV 12-310 AG, class
14 certified October 2016); *Felix, et al. v. Automobile Club of Southern California* (OCSC Case No.
15 07CC01421, class certified January 2012); and *Greg Smith, et al. v. California Pizza Kitchen, Inc.*
16 (SDSC Case No. 37-2008-0083992-CU-OE-CTL, class certified December 2009).

17 9. In the matters of *Michael Raziano, et al. v. Albertson's LLC*. Case No. 19-CV-04373
18 JAK (ASx) (July 2021) *Mercado, et al. v. Gate Gourmet, et al.* Case No. CV07-2305 JHN (CWx),
19 (October 2010) and *Buncio v. Host, International, et al.* CV09-01374DMG (PJWx), (July 2011)
20 certification motions were fully briefed and argued. Prior to the Court's issuance of an order on the
21 certification motion, the defendants in both cases agreed to mediate the matters and the cases
22 subsequently settled.

23 10. My firm has a record of commitment to high standards of practice in both state and
24 federal courts and possesses extensive knowledge and experience in the field of wage and hour class
25 actions, which has resulted in meaningful recoveries for classes in courts throughout the state. *See Plows*
26 *et al. v. Rockwell Collins, Inc.*, Case No. SACV 10-1936 DOC (MANx) (C.D. Cal., August 2012)
27 (misclassification of high-tech engineers); *Henshaw et al. v. Home Depot U.S.A., Inc.*, Case No. SACV
28 10-01392-CJC (RNBx) (C.D. Cal., August 2012) (underpayment of vacation pay); *Dunn v. The Kroger*

1 *Company et al.*, Case No. BC323252 (Los Angeles Superior Court, May 2012) (meal and rest period
2 violations); *Smith v. California Pizza Kitchen, Inc.*, Case No. 37-2008-00083992-CU-OE-CTL (San
3 Diego County Superior Court, February 2012) (misclassification of restaurant managers); *Brown v.*
4 *Experian Information Solutions, Inc.*, Case No. 30-2010-00375163 (Orange County Superior Court,
5 December 2011) (misclassification of computer software employees); *Negrete v. Parker Hannifin, et al.*,
6 Case No. 30-2009-00241508-CU-OE-CXC (Orange County Superior Court, October 2011) (meal and
7 rest period violations); *Mercado v. Gate Gourmet, Inc.*, Case No. CV07-2305 JHN (CWx) (C.D. Cal.,
8 April 2011) (meal and rest period violations); *Durrani v. Western Digital Corporation*, Case No. 30-
9 2009-00268212 (Orange County Superior Court, February 2011) (misclassification of high-tech
10 engineers); *Gregg v. Belo Corp.*, Case No. RIC 523697 (Riverside County Superior Court, February
11 2011) (misclassification of newspaper delivery drivers as independent contractors); *Polar v. Kraft*
12 *Foods, Inc.*, Case No. 30-2008-00096152 (Orange County Superior Court, December 2010) (meal and
13 rest period violations due to donning and doffing requirements); *Azurin v. Harbor Distributing*, Case
14 No. BC 421392 (Los Angeles County Superior Court, November 2010) (misclassification of beverage
15 distributors); *Kohlenberg v. Lululemon USA, Inc.* Case No. 30-2009-00255551 (Orange County Superior
16 Court, September 2010) (meal and rest period violations); *Shana Mayfield v. International Coffee Bean*
17 *& Tea LLC*, BC 397233 (Los Angeles County Superior Court, September 2010) (meal and rest period
18 violations); *Glen Graham v. DST Output of California, et al.*, Case No. PC 2008-0109 (El Dorado
19 County Superior Court, September 2010) (misclassification of computer software employees).

20 11. My firm will continue to dedicate the necessary resources, both in terms of money and
21 time, to prosecute this case properly, aggressively, and efficiently on behalf of the putative class.

22 I declare under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct. Executed this 8th day of June 2022, at Newport Beach, California.

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26 Roger R. Carter
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