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9 WILLIAM DENNIS O'GRADY, and all others similarly situated
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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF SAN DIEGO**

13 **(UNLIMITED JURISDICTION)**

14 WILLIAM DENNIS O'GRADY and HAROLD
15 THOMAS, as "aggrieved employees" on behalf of
16 other "aggrieved employees" under the Labor
Code Private Attorneys General Act of 2004,

17 *Plaintiff(s),*

18 vs.

19 TEAM CAR CARE, LLC, a Delaware limited
20 liability company; and DOES 1-50, inclusive,

21 *Defendant(s).*

Case No. 37-2020-00035860-CU-OE-CTL

**DECLARATION OF WILLIAM
DENNIS O'GRADY IN SUPPORT OF
MOTION FOR APPROVAL OF PAGA
SETTLEMENT**

RESERVATION NO. 2913628

Hearing Date: March 3, 2023
Hearing Time: 9:00 a.m.
Hearing Dept.: C-73
The Honorable Joel R.
Wohlfeil

Action Filed:
Trial Date: October 7, 2020
Not Set



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1 **DECLARATION OF WILLIAM DENNIS O'GRADY IN SUPPORT OF MOTION FOR**
2 **APPROVAL OF PAGA SETTLEMENT**

3 I, WILLIAM DENNIS O'GRADY, declares as follows:

4 1. I am a resident of the City of Lakeside in the State of California and am over 18
5 years of age. I am one of the named Plaintiff in this action and am represented by David Spivak
6 of The Spivak Law Firm and Walter Haines of United Employees Law Group in this action.
7 Except as otherwise stated, I have personal knowledge of all matters set forth in this declaration
8 and could and would competently testify thereto if called upon to do so as a witness.

9 2. My employment with Team Car Care, LLC began on or about August 1, 2016
10 and ended on November 2019. I worked for Team Car Care, LLC as a Assistant General
11 Manager and Store Manager employee.

12 3. I understand that this lawsuit is a Private Attorney General action, otherwise
13 known as a PAGA lawsuit. I understand that I am the Plaintiff and that Team Car Care, LLC is
14 the Defendant. I understand that my name is on the cover of the lawsuit. I understand that I am
15 the representative of other Team Car Care, LLC employees. As the representative in this lawsuit,
16 I have duties to the State of California and other employees like me who weren't compensated
17 for all hours worked and didn't receive meal periods on time and rest periods in which we could
18 leave the Team Car Care, LLC worksite. I also understand that my lawsuit is on behalf of the
19 State of California. I have fairly represented the other employees and the State throughout this
20 lawsuit.

21 4. I was present for the mediation and I participated in it. The mediation ended with
22 a Settlement Agreement between me, on behalf of the State of California and the other all current
23 and former employees of Defendant, and the Defendant. I understand that the Court will decide
24 whether to approve the Settlement if it is in the best interests of Defendant's other all current
25 and former employees and the State. I don't have any disagreements with the other Team Car
26 Care, LLC employees I represent. I am not aware of any reason why I can't make the best
27 decisions for them in this lawsuit.

28 5. I understand that my attorneys have asked the Court to pay me \$15,000.00 in
addition to my share of the Settlement money that the Court will divide among all the employees
whose rights were violated. I believe this amount is fair for the time I have spent and my
involvement in this lawsuit. I also believe it is fair because of the risk that the Court could order



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me to pay Team Car Care, LLC's court costs if I lose the case. Additionally, I believe it is fair because I am giving up rights that the other hourly employees are not giving up to settle this lawsuit.

6. As part of this Settlement, I am giving up my right to sue Defendant for anything. I understand that if I had filed a personal lawsuit that did not involve the other employees or the State of California, I probably could have settled the case with Team Car Care, LLC long ago for much more than \$15,000.00 in unpaid wages and monetary penalties. I think it is fair that the Court pay me the \$15,000.00 award for these reasons and others I list below.

7. When I agreed to hire my attorneys to file this lawsuit, I also agreed that I would be the representative of the other all current and former employees and the State of California. In agreeing to be their representative, I agreed that their interests in the lawsuit are as important as my personal interests in suing Team Car Care, LLC. I agreed that when deciding whether or not to settle this lawsuit, I would do what is in the best interest of the other all current and former employees and the State. I also agreed to actively participate in the lawsuit by answering questions and requests for documents and other evidence by my attorneys and Team Car Care, LLC's attorneys. I understand that this process is known as "discovery." I understand that I also agreed to be interviewed under oath by the attorneys for Team Car Care, LLC. I understand that this process is known as a "deposition." As the representative of the other all current and former employees and the State of California, I have agreed to travel to the Court and to the offices of the lawyers for Team Car Care, LLC to testify about the case. I also understand that there will only be a settlement of the lawsuit if the Court allows it. As the representative of the other employees and the State of California, I have agreed to follow the progress of the lawsuit. I have done this since I hired my attorneys by reading the court documents they send me and by speaking with them over the phone. I understand that, even though I agreed to perform these tasks and accept these responsibilities, the Court can choose not to pay me any more money from the Settlement than the other Team Car Care, LLC employees will receive, even though they have not performed these tasks and accepted these risks and responsibilities. I have spent over 46.78 hours of my time on activities related to this lawsuit, including reading the court documents and speaking with my attorneys. Attached as **Exhibit A** to this declaration is a true and correct copy of a list of the work I have done on this case. It includes estimates of the amount of time I spent on each task. The work I have done on this case includes hiring my attorneys,

1 speaking with my attorneys on many occasions by phone, explaining what my employment at
2 Team Car Care, LLC was like, explaining what my employment at Team Car Care, LLC had in
3 common with other employees who worked for Team Car Care, LLC, helping my attorneys find
4 witnesses, documents, and other evidence, explaining my claims to my attorneys, attending a
5 full day of mediation, and communicating with my attorneys about the settlement agreement
6 and related documents. I have also carefully reviewed the Settlement agreement and other
7 documents to make sure that the Settlement and other work my attorneys performed are in the
8 best interests of the employees I represent and the State of California.

8 8. Because I filed this lawsuit, there is a public record at the Court showing my
9 name on the cover of the complaint for anyone to see. Any potential employer who finds the
10 lawsuit will know I sued a former employer. This could hurt my reputation. This could prevent
11 a potential employer from choosing to hire me. An award of \$15,000.00 is not equal to the harm
12 I would suffer if I can't find another job in the future.

13 9. Based on the time I have spent on the lawsuit, the risk I will have to pay Team
14 Car Care, LLC court costs if I lose, the harm to my chances of getting jobs in the future, and my
15 agreement to give up any personal claims for unpaid wages and monetary penalties I have
16 against Team Car Care, LLC, my request for an award of \$15,000.00 is fair and reasonable.

17 I declare under penalty of perjury of the laws of the State of California that the foregoing
18 is true and correct to the best of my knowledge.

19 Executed on 09 / 09 / 2022, at Lakeside, California.



20 WILLIAM DENNIS O'GRADY,
21 Plaintiff and Declarant



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EXHIBIT A

Client Time Log Exhibit

Approximate Date	Activity	Hours
12/12/2019	Calls and/or texts with law firm	0.50
12/15/2019	Gathering information and/or documents	1.00
1/2/2020	Calls and/or texts with law firm	1.00
1/10/2020	Calls and/or texts with law firm	0.50
2/6/2020	Reviewing documents: Retainer/FAQ	1.50
2/20/2020	Gathering information and/or documents	1.00
2/27/2020	Reviewing documents: Retainer/FAQ	2.00
2/28/2020	Emails to/from law firm	0.25
4/10/2020	Reviewing documents: Other docs from law firm	0.50
4/13/2020	Emails to/from law firm	0.25
5/2/2020	Emails to/from law firm	0.17
7/23/2020	Emails to/from law firm	0.25
7/27/2020	Calls and/or texts with law firm	0.08
9/22/2020	Calls and/or texts with law firm	0.33
9/24/2020	Reviewing documents: Complaint	1.00
9/24/2020	Emails to/from law firm	0.75
10/5/2020	Calls and/or texts with law firm	0.08
10/9/2020	Reviewing documents: Complaint	1.50
11/23/2020	Emails to/from law firm	0.17
12/1/2020	Gathering information and/or documents	2.00
12/10/2020	Reviewing documents: Complaint	0.75
2/2/2021	Reviewing documents: Complaint	0.75
2/25/2021	Reviewing documents: Other docs from law firm	0.75
3/15/2021	Reviewing documents: Other docs from law firm	0.25
3/16/2021	Calls and/or texts with law firm	0.08
3/22/2021	Calls and/or texts with law firm	0.08
4/9/2021	Calls and/or texts with law firm	0.30
4/9/2021	Reviewing documents: Other docs from law firm	2.00
4/15/2021	Reviewing documents: Other docs from law firm	0.50
4/16/2021	Emails to/from law firm	0.08
4/30/2021	Reviewing documents: Other docs from law firm	0.25
5/5/2021	Emails to/from law firm	0.17
6/11/2021	Emails to/from law firm	0.33
6/11/2021	Calls and/or texts with law firm	1.00
6/23/2021	Emails to/from law firm	0.17
6/28/2021	Emails to/from law firm	0.33
9/8/2021	Calls and/or texts with law firm	1.42
9/10/2021	Calls and/or texts with law firm	0.08
9/30/2021	Emails to/from law firm	0.17
10/29/2021	Emails to/from law firm	0.08
1/11/2022	Emails to/from law firm	0.08
2/8/2022	Calls and/or texts with law firm	0.50
2/9/2022	Emails to/from law firm	0.08
2/9/2022	Reviewing documents: Other docs from law firm	0.25
2/18/2022	Reviewing documents: Other docs from law firm	2.00
2/25/2022	Reviewing documents: Other docs from law firm	0.33
3/3/2022	Calls and/or texts with law firm	0.25
3/11/2022	Reviewing documents: Other docs from law firm	4.00

Client Time Log Exhibit

Approximate Date	Activity	Hours
3/17/2022	Calls and/or texts with law firm	0.08
3/17/2022	Emails to/from law firm	0.08
3/21/2022	Calls and/or texts with law firm	0.25
3/21/2022	Calls and/or texts with law firm	0.33
3/22/2022	Mediation: participation time	8.50
3/25/2022	Calls and/or texts with law firm	0.17
3/25/2022	Calls and/or texts with law firm	0.50
3/29/2022	Emails to/from law firm	0.17
4/6/2022	Emails to/from law firm	0.17
5/9/2022	Reviewing documents: Other docs from law firm	0.75
5/10/2022	Reviewing documents: Other docs from law firm	0.25
5/10/2022	Emails to/from law firm	0.17
6/1/2022	Calls and/or texts with law firm	0.58
6/2/2022	Emails to/from law firm	0.17
8/3/2022	Reviewing documents: Settlement Agreement	1.50
8/4/2022	Reviewing documents: Other docs from law firm	0.75
8/24/2022	Reviewing documents: Other docs from law firm	0.50
	TOTAL	46.78