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7 Attorneys for Plaintiff(s),
HAROLD THOMAS, and all others similarly situated
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN DIEGO**
11 **(UNLIMITED JURISDICTION)**
12

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

16 *Plaintiff(s),*

17 vs.

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

20 *Defendant(s).*
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Case No. 37-2020-00035860-CU-OE-CTL

**DECLARATION OF PLAINTIFF
HAROLD THOMAS 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 Hon. Joel R.
Wohfeil

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

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DECLARATION OF HAROLD THOMAS

I, Harold Thomas, declare as follows:

1. I am the Plaintiff in the matter known as *O’Grady and Thomas v. Team Car Care et al.*, San Diego Court Case No. 37-2020-00035860-CU-OE-CTL. I am thoroughly familiar with and have personal knowledge of all of the facts set forth herein.

2. On or about February 18, 2017, I began my employment with Defendant as a non-exempt, hourly Automotive Technician. I worked for Defendants for nearly four years without a promotion. I resigned from my employment in May of 2022.

3. During the entirety of my employment with Defendants, I was denied meal and rest breaks. In fact, I worked over 8 hours in a day within a 40-hour work-week without taking a meal or rest break. To the best of my knowledge, I never was paid a premium for missing either my rest break or meal break during my employment with Defendants.

4. Beginning in September 2017, I was instructed by my superiors not to clock out for lunch. I was told that one of my superiors would do that for me. Despite not actually taking a meal break, my time-records incorrectly reflected that I had actually clocked-out to take a lunch break.

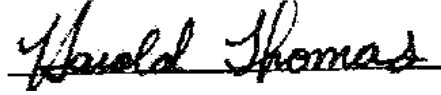
5. Moreover, I ended up working overtime on the days I was told not to clock out because I didn’t actually take a break and worked beyond 8 hours. For those pay periods where I worked overtime because of this practice, I saw that I was not paid overtime despite working overtime hours.

6. In or around March 2020, I asked my supervisors why my paycheck did not include the overtime hours I had worked. Sean Olds, the General Manger at that time, told me that if corporate payroll found out that employees were working overtime, the General Manger would “get in trouble.” Consequently, I was not paid for overtime hours worked.

7. Finally, I filed an additional claim against Defendant for Age Discrimination related to denial of a promotion that was given to a younger, less experienced tech. That claim was resolved, in addition to my individual wage claims, in a separate agreement for a gross sum of \$50,000.

1 I declare under the penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

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4 Dated: December 12, 2022



5 By: Harold Thomas
6 Declarant
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