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Attorneys for Plaintiff
FRANK SICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANK SICA, on behalf of himself, and all
others similarly situated, and all aggrieved
employees,

Plaintiff,

v.

MADISON INDUSTRIAL SERVICES TEAM,
LIMITED PARTNERSHIP; and DOES 1
through 50, inclusive,

Defendant.

Case No: 4:20-cv-08347-KAW

CLASS ACTION

**DECLARATION OF PLAINTIFF FRANK
SICA IN SUPPORT OF PLAINTIFF'S
MOTION FOR AWARD OF ATTORNEYS'
FEES AND COSTS, CLASS
REPRESENTATIVE
INCENTIVE/GENERAL RELEASE
PAYMENT, AND SETTLEMENT
ADMINISTRATION COSTS**

Date: August 4, 2022
Time: 1:30 p.m.
Ctvm: TBD
Judge: Kandis A. Westmore

Complaint Filed: September 30, 2020
FAC filed: November 19, 2020
Removal Date: November 25, 2020

1 I, FRANK SICA, declare as follows:

2 1. I am the Class Representative Plaintiff in the case against Madison Industrial
3 Services Team, Limited Partnership (“Madison”). I submit this Declaration in support of the
4 Plaintiffs’ Motion for Award of Attorneys’ Fees and Costs, Class Representative Incentive
5 Payment/General Release Payment, and Settlement Administration Costs. I am a competent
6 adult, I have personal knowledge of the facts set forth in this declaration, and I could and would
7 testify competently under oath if called as a witness.

8 2. I worked for Madison as a pipefitter on a project that took place in October 2019 at
9 the Conoco Phillips refinery in Rodeo, California.

10 3. I believed it was wrong for MADISON to not pay employees for their time spent
11 riding on buses into the refinery locations. I have worked at numerous refineries and I always
12 knew that this was unfair. I also believe it was wrong for MADISON to fail to provide
13 employees adequate meal periods, as well as provide inaccurate wage statements.

14 4. When I decided to bring this action, I reached out to Keller Grover LLP and I first
15 spoke with my attorney Robert Spencer, Esq. We discussed Keller Grover LLP’s and the Law
16 Offices of Scot D. Bernstein’s extensive experience litigating refinery cases. I spent over an hour
17 describing to him the facts of my case. I also had a separate conversation with him for over an
18 hour to discuss the process of class action litigation as well as my responsibilities as a class
19 representative. We also discussed that the case would be brought as a “PAGA” representative
20 action under the Labor Code Private Attorneys’ General Act of 2004, Labor Code §§ 2698, *et*
21 *seq.* Mr. Spencer explained what PAGA is as well as the penalties available.

22 5. I also spent several days searching for documents that would aid my attorneys in
23 this case. After I found these documents, I had additional telephone calls with Mr. Spencer to
24 discuss them and how they affect the case.

25 6. Prior to filing the original complaint, I spent over an hour with Mr. Spencer
26 working on the PAGA exhaustion letter that was sent to the State of California. I understand that
27 I was required to send this letter to the State of California in order to bring the PAGA causes of
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1 action. I also spent approximately 30 minutes reviewing the PAGA letter to make sure it was
2 accurate.

3 7. My attorneys filed the original complaint on September 30, 2020 I spent an hour
4 reviewing the complaint prior to it to being filed.

5 8. On November 19, 2020 my attorneys filed the first amended complaint in this
6 action, adding the PAGA claims. I discussed this complaint with Mr. Spencer and spent half an
7 hour reviewing it prior to my attorneys filing it.

8 9. Defendant removed this case to federal court on November 25, 2020. I discussed
9 what this meant with my attorney Mr. Spencer.

10 10. Mr. Spencer provided me the alternative dispute resolution handbook from the
11 Court. I spent nearly a half hour discussing ADR with Mr. Spencer, then another 30-minutes
12 reviewing the handbook. I then signed the ADR certification and gave it to my attorneys.

13 11. Mr. Spencer let me know that Defendant was willing to mediate this action and we
14 discussed what that meant. The mediation took place on May 19, 2021. Prior to the mediation, I
15 had numerous telephone calls with Mr. Spencer. We discussed the mediation and I responded to
16 Mr. Spencer's questions and provided him with additional information he needed.

17 12. When this case settled, the parties prepared a memorandum of understanding
18 ("MOU"). I spent a little over 30 minutes talking to my attorney Mr. Spencer regarding the
19 MOU. When the formal settlement was ready, I spent another 30 minutes speaking with him
20 regarding the formal settlement, whether it was fair, and the plan of distribution. I also spent two
21 hours reviewing the settlement agreement before I signed it.

22 13. Throughout this litigation, I have had regular telephone conversations with Mr.
23 Spencer regarding this case, we speak at least once a month.

24 14. When I agreed to act as a named plaintiff/Class Representative, I understood that I
25 might be responsible for some of the costs incurred by Defendant if the lawsuit was
26 unsuccessful. In addition to this, I worried about my reputation in the community if people were
27 to find out I had sued somebody.

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1 15. I also am concerned about the possible repercussions to my future job
2 opportunities because I have been a plaintiff in a class action wage and hour lawsuit against an
3 employer. I am also concerned that it would affect my reputation with the union that supplies
4 workers for these refinery turnarounds.

5 16. I understood from the beginning that I was pursuing this case not only for my own
6 benefit, but for the benefit of large numbers of past and present employees who either were not
7 aware of their rights or were too afraid of retaliation to complain.

8 17. I believe that the settlement reached in this case is fair and, in light of the risks
9 involved, will justly compensate the employees who were and are affected by the violations that
10 were the subject of the action.

11 18. I believe that my proposed incentive award that I have requested is fair in light of
12 all the work I did in this case against MADISON. I further believe my proposed incentive award
13 is fair considering the work I put into the case, the risks I took, the harm that I believe my suing
14 my employer could cause me in terms of future job prospects, and the benefits that have been
15 achieved for the class members. I have also given a general release of my claims.

16 19. I declare under penalty of perjury under the laws of the State of California and the
17 United States that the foregoing is true and correct, and that this Declaration was executed on
18 this 2ND day May 2022 (insert date) at Concord, California.

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20 Frank Sica
21 FRANK SICA
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