

Victor J. Cosentino, Esq., State Bar No. 163672
LARSON & GASTON, LLP
200 South Los Robles Avenue, Suite 530
Pasadena, California 91101
Telephone: (626) 795-6001
Facsimile: (626) 795-0016
victor.cosentino@larsongaston.com

Attorneys for Defendant,
QUALITY CAR SHIPPERS, LLC

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

KENNETH KERNITZKI, individually, and
on behalf of all others similarly situated,

Plaintiff,

v.

QUALITY CAR SHIPPERS, LLC, a
California Limited Liability Company, and
DOES 1 through 50, inclusive,

Defendants.

) Case No. CVRI 2100564
) Honorable Harold Hopp
) Dept. 10

) **DECLARATION OF DEFENDANT**
) **QUALITY CAR SHIPPERS, LLC IN**
) **SUPPORT OF PRELIMINARY**
) **APPROVAL**

) Complaint Filed: 2/5/2021
) Trial Date: None Set

DECLARATION OF DEFENDANT QUALITY CAR SHIPPERS, LLC IN
SUPPORT OF PRELIMINARY APPROVAL

I, Bethany Billington, do hereby declare as follows:

1. I am the Business Manager for the Defendant QUALITY CAR SHIPPERS, LLC
("QCS"). I have served in this capacity for 4 years. I have personal knowledge of the facts stated
below. If called upon as a witness, I could and would competently testify as follows.

2. The Court's Class Action Management Order requires a declaration from
Defendant QCS to address section G(3)(k)(ii), which states:

To assist the Court in determining whether those documents comply with
that directive, the motion shall be supported by a declaration of the defendant on
personal knowledge concerning the likely age, education, and experience of the
class members, and of their ability to read and comprehend English.

1 3. In response to this section, I can state that I have personally met and spent time
2 with some of the truck drivers that worked for QCS and are members of the Class. I engage in
3 QCS's Human Resources and related management issues. Through this, I have dealt with many
4 of the drivers who are part of the Class and have come to generally understand the makeup of
5 drivers in the Class.

6 4. In my experience, most drivers in the Class generally speak English, although in
7 some cases it is their second language. In fact, these drivers are required to understand basic
8 English pursuant to federal regulations governing commercial truck drivers operating in interstate
9 commerce. (See 49 CFR § 391.11(b)(2).)

10 5. When drivers apply for work as contractors with QCS, they provide information
11 about their education. I have reviewed some of these applications during the course of my work.
12 Based on what I have seen, the educational status of the drivers varies widely but most have at
13 least a high school education.

14 6. The minimum age to drive a commercial vehicle in interstate commerce is 21. (See
15 49 CFR § 391.11(b)(1).) Most of the drivers I have met appear to have been between 30 and 60
16 years old.

17 7. My personal knowledge of the drivers' work experience is limited and based
18 mostly on my review of the work history the drivers provide when they apply to drive as a
19 contractor with QCS. I also have limited anecdotal information based on my conversations with
20 some drivers. Most of the drivers I have met have many years of experience as truck drivers, often
21 changing back and forth in their careers between being company drivers (employees) and owner-
22 operators (independent contractors). QCS has a practice of hiring drivers that have at least several
23 years of experience as commercial truck drivers.

24 8. I believe that this general profile of the drivers above, based on the drivers I have
25 met and the documents I have reviewed during the course of my work for QCS, would apply to
26 most drivers in the Class. However, I cannot declare that this is the case for any specific driver
27 in the Class or every driver in the Class because I have not met them all.
28

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

3 Executed on 03 / 16 / 2023
4 _____,

5 By Bethany Billington
6 Bethany Billington, Declarant
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28