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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

JOHN ERVING, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

LAZER SPOT, INC., a Georgia corporation;
and DOES 1 through 100,

Defendants.

Case No.: CIVSB2101370

*[Assigned for all purposes to the Hon.
David Cohn; Dept. S-26]*

**DECLARATION OF JOHN ERVING
IN SUPPORT OF APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: November 7, 2022
Time: 10:00 a.m.
Dept.: S-26

Action Filed: January 27, 2021
Trial Date: None Set

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I, JOHN ERVING, declare as follows:

1. I am an individual over the age of 18 and the named plaintiff in this matter. This declaration is submitted in support of approval of the proposed class action settlement (“Settlement”) reached in this case. I have personal knowledge of the facts stated in this declaration and could testify competently to them if called upon to do so.

2. I worked for defendant Lazer Spot, Inc. (“Lazer Spot”) as a Truck Driver from approximately December 2019 until approximately January 4, 2021. Throughout my employment with Lazer Spot, my duties included picking up loaded cargo trailers and transporting them to assigned drop-off locations, and picking up empty trailers and taking them back to be loaded.

3. Throughout my employment with Lazer Spot, I was required to use my personal cell phone to text and call dispatchers to receive work assignments and instructions throughout the workday. For example, a dispatcher would send me a text message to my personal cell phone to let me know which trailer to pick up, then when I picked up the trailer, I was required to text the dispatcher a picture of the bill of lading. The dispatcher would then text me where to take the trailer, and once I transported the trailer to the drop site I would pick up an empty trailer and text the trailer number to the dispatcher, who would then tell me, via text, where to take the empty trailer. I was required to use my personal cell phone for all of these communications with the dispatcher. On any given workday, I completed as many as 20 different assignments during each shift. I was also required to download an ADP application to my personal cell phone for timekeeping purposes and to receive my paystubs. Additionally, during the COVID-19 pandemic, Lazer Spot required that I purchase and supply my own Personal Protective Equipment (PPE), including sanitizing sprays and wipes.

4. Despite being required to use my personal cell phone for work purposes and purchase my own PPE and sanitizing equipment during the COVID-19 pandemic, Lazer Spot never reimbursed me for any portion of my monthly cell phone bill and did not reimburse me for buying my own PPE and sanitizing equipment.

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1 5. I brought this lawsuit because I felt that I should have been reimbursed for using
2 my cell phone and purchasing my own PPE and sanitizing equipment when I worked for Lazer
3 Spot, and I want Lazer Spot to comply with the law and treat their employees fairly. I feel that I
4 have taken on a greater burden than any of the other class members because I have been actively
5 involved in the litigation, and because it is my name that is attached to the lawsuit. Although I
6 was aware of the risks of filing a lawsuit, I chose to move forward with the case anyway. Through
7 my efforts, Lazer Spot has agreed to a Settlement that will benefit current and former employees
8 of Lazer Spot, and I believe that I should be compensated for carrying the burden of this litigation
9 for the benefit of the other employees.

10 6. I have been actively involved in this case since it was filed. Among other things, I
11 searched for relevant documents for use in the lawsuit and provided factual information to my
12 attorneys, had various phone calls with my attorneys to discuss the claims in the lawsuit and Lazer
13 Spot's practices, and had conversations with my attorneys prior to mediation to help them prepare.
14 I estimate that I have spent approximately 10 to 15 hours in total on these activities.

15 I declare under penalty of perjury under the laws of the state of California and the United
16 States that the foregoing is true and correct. Executed on 07/19, 2022 at
17 San Bernardino, California.

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John Erving (Jul 19, 2022 22:41 PDT)

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