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individually and on behalf of all others similarly situated.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

ANDREW D. TAPPIN, DONYEISHA MISH,
DARNELL LEE, LUIS ROBLES, XOCHITL
VELASCO, and VICTOR GONZALEZ,
individually, and on behalf of all other similarly
situated,

Plaintiffs,

v.

TFORCE FREIGHT, INC., a Virginia
Corporation; and DOES 1 through 50, inclusive,
Defendants.

Case No. 34-2022-00314820-CU-OE-GDS

Assigned for All Purposes to:
Hon. Jill Talley
Dept. 27

DECLARATION OF VICTOR GONZALEZ
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT

Hearing Date: June 21, 2024
Hearing Time: 9:00 a.m.

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24 DARNELL LEE, LUIS ROBLES, and

25 XOCHITL VELASCO

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1 I, Victor Gonzalez, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary Approval
4 of Class Settlement and Representative Action Settlement and in support of my application for an
5 Enhancement Award.

6 2. I have personal knowledge of all the facts stated herein. I could and would competently
7 testify under oath to these facts in court if requested to do so.

8 3. I am a former employee of TForce Freight, Inc. ("TForce"). I began working in California
9 for TForce in 2006 and worked for the company during the class period as a non-exempt employee.

10 4. I retained my attorneys who are experienced in both class action and PAGA
11 representative action litigation and claims against employers for violations of the California Labor
12 Code. I have no personal relationship or family ties to my attorneys or any officer of the Court. I
13 am not aware of having any actual or potential conflicts of interest with another class member in
14 this case nor am I aware of having any actual or potential conflicts of interest with CPT Group,
15 Inc., the settlement administrator. I am not aware of any other pending matter or action asserting
16 claims that will be extinguished or adversely affected by this settlement.

17 5. I decided to file this class action lawsuit and be a plaintiff/class representative because
18 I felt that my legal rights as an employee and others like me were violated. For example, I
19 regularly did not receive compliant meal and rest breaks which were often late, interrupted or
20 missed entirely. Also, I did not receive all the meal and rest break premium payments I was entitled
21 to when these violations occurred. Also, there were many times where I was interrupted during my
22 meal breaks and had to work while clocked out. I did not receive any minimum wages for this time
23 I spent working off the clock during my meal breaks. I also had to use my personal cell phone for
24 work-related purposes, such as communicating with my supervisors during work hours, but was
25 not reimbursed by TForce for any cell phone charges I incurred.

1 6. I spoke to my attorneys several times and discussed how TForce implemented its company
2 policies and procedures. I also assisted my attorneys in their investigation into my claims by
3 providing them documents and answering their questions. I reviewed the complaint before it was
4 filed and after it was filed I was given access to an electronic file sharing program that alerted me
5 via email when important documents were filed so that I could review them and keep up with the
6 developments in the case which I understood was one of my duties as a class representative. I
7 would also contact my attorneys from time to time if I had any questions about the case.
8

9 7. Even though this action is in the process of settling, I was and remain prepared to
10 perform all the duties of a class representative. I understand that as a class representative I have
11 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
12 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
13 benefit of the class members and surrender any right to compromise the group action for an
14 individual gain.
15

16 8. I understood that being a plaintiff/class representative in this case meant that I was
17 seeking damages not only for myself but also other current and/or former non-exempt employees
18 working for TForce in California. I felt that these individuals were not aware of their labor law rights
19 and even if they were they would probably be apprehensive about speaking up or even simply
20 because of the time, effort and risk involved in filing a class action lawsuit.
26

22 9. I understood that being a part of this lawsuit involved risks. For example, my
23 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to pay
24 for all or part of the attorney fees and costs paid by TForce to defend this lawsuit. Also, I know there
25 is a risk that potential future employers, if they ever find out about this lawsuit, could hold it against
26 me or downgrade me as a potential hire. As a Plaintiff in this case it would not be difficult for a
27 future employer to become aware that I sued an employer for labor law violations. Ultimately I
28 decided these risks were worth it and decided to fight for my rights and the rights of others regardless

of the risks, time and effort I spent on this case.

10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up to date on important developments by reviewing court filings that were made available to me electronically as I described above.

11. A mediation took place on May 17, 2022 with Michael Young, a well-respected and experienced mediator of wage and hour class actions. The case did not settle at the mediation on that day but the Parties continued to negotiate through the mediator for several months until they reached an agreement in principle to settle the action. I communicated with my attorneys regarding the terms of the settlement which was reached between the parties and understood that I was representing absent class members and therefore wanted the best possible result to be obtained for the class members and I believe a very positive result was in fact achieved via settlement.

12. I have been actively involved with this lawsuit performing the duties described above. Although I did not keep time records, I was in regular contact with my attorneys, reviewed court filings, and spent a significant amount of time on the issues presented during the lawsuit and in the settlement process. I estimate that I spent approximately 40-50 hours working on this case up until this point. I believe I have been diligent and have done what is expected of a named plaintiff and a proposed class representative to date, and will continue to do so. I have and always will maintain the best interest of the class members.

13. My attorneys explained to me that the settlement process involves a two-step review by the Court to determine whether the settlement is fair before approving the settlement. I know this process also involves notifying all class members of the settlement terms and of their rights to make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

14. I believe I did the right thing by filing this case on behalf of the class members who, subject to court approval, are in line to receive monetary payments as a result of this case and settlement. This is money they may never have ever gotten if I did not pursue this action on their

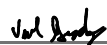
1 behalf. I feel significant personal satisfaction to know that I played a role in the class members
2 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the
3 requested Enhancement Award of \$10,000 from the settlement is fair compensation for the work I
4 performed and the risks I undertook.

5 15. As part of the settlement it was necessary for me to sign a general release of claims I
6 may have against TForce. I believe the Enhancement Award I have requested provides me with
7 some compensation for this agreed release.
8

9 16. In light of all the time and effort I have spent on this case, the risk I undertook by
10 suing an employer, the exposure to being responsible for paying TForce's costs in the event we did
11 not win the case, the reputational risk that future employers may hold this lawsuit against me, the
12 general release, and in light of the size of the settlement, I believe the request for \$10,000 as an
13 Enhancement Award is fair and reasonable.

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

16 Executed on Mar 15, 2024, at Beaumont ca
17 (city, state)

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19 Victor Gonzalez (Mar 15, 2024 08:07 PDT)
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