

Larry W. Lee (State Bar No. 228175)
Max W. Gavron (State Bar No. 291697)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder (State Bar No. 170131)
Polaris Law Group
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

Attorneys for Plaintiff, the Class, and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA

JAMIE KENNEDY, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

UNIVAR SOLUTIONS USA INC., a
Washington corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: MSC21-00272

[Assigned for all purposes to the Hon. E. Weil,
Department 39]

**DECLARATION OF JAMIE KENNEDY IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: TBD
Time: 9:00 A.M.
Dept: 39

Complaint Filed: February 16, 2021
Trial Date: Not Set

DECLARATION OF JAMIE KENNEDY

I, Jamie Kennedy, declare as follows:

1. I am an individual over the age of 18 years old and am a resident of California. I am the named Plaintiff in this matter. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I worked for Defendant Univar Solutions USA Inc. ("Defendant") as a truck driver from about April 2020, until about January 2021. Throughout my employment with Defendant, I worked as an hourly, non-exempt, non-union employee.

3. During my employment with Defendant, I was paid sick pay and non-discretionary incentives, like job premium and shift differential pay, in the same workweek. However, Defendant only paid sick pay to me at the base rate of pay, without factoring in said non-discretionary wages into the calculation of the regular rate of pay.

4. I understand that this action was brought on behalf of all other employees in the State of California, and that I am acting as a representative for the Class. As the Class Representative, I understand that it is my responsibility to act in the best interests of the Class and not my own. I agree that I will not put my own interests ahead of that of the Class. Moreover, I am not aware of any conflicts that exist between my interests and the interests of the Class that would impair or affect my ability to serve as representative for the Class.

5. I have and continue to be willing to assist in the investigation of this matter, including meeting, conferring, discussing the case with my attorneys, providing any necessary information and documents, making myself available for trial or any further proceedings in this matter as required to represent the interests of the Class. I also understand my duties and responsibilities to the proposed Class and will carry out those duties as necessary.

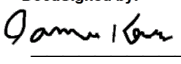
6. I have discussed the case with my attorneys on a number of occasions, provided information and documents to my attorneys to help with the prosecution of the case, and reviewed documents in the case, including the Settlement Agreement.

7. I have discussed the terms of the Settlement Agreement with my attorneys, and based on the information provided, I believe the settlement to be fair, adequate, and reasonable

1 for myself and for the entire Class.

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

4 Executed on this 27th day of July 2022, at Stockton, California.

5 DocuSigned by:
6 
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
32652086625B142
Jamie Kennedy