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10 Attorneys for ABEL ESCOBEDO and CHRISTOPHER
11 CARVER, on behalf of themselves, all others similarly
situated, and on behalf of the general public.

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **IN AND FOR THE COUNTY OF SAN DIEGO**
14

15 ABEL ESCOBEDO and CHRISTOPHER
16 CARVER on behalf of themselves, all
17 others similarly situated, and on behalf of
the general public,

18 Plaintiffs,

19 v.

20 MATHESON TRI-GAS, INC. an unknown
21 business entity; and DOES 1 through 25,
22 inclusive,

23 Defendants.

Case No. 37-2020-00044507-CU-OE-CTL

**DECLARATION OF ABEL ESCOBEDO IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: October 20, 2023
Time: 8:30 a.m.
Judge: Hon. Ronald F. Frazier
Dept.: C-65

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28 I, Abel Escobedo, hereby declare under penalty of perjury as follows:

1. I have personal knowledge of all matters stated herein, and if called as a witness, I could and would competently testify thereto, except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.
2. I am a named Plaintiff and Class Representative in the above-captioned lawsuit, and I submit this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement.
3. I worked for Matheson Tri-Gas, Inc. ("Matheson") as a truck driver in California for at least the four years preceding this lawsuit.
4. I originally decided to contact an attorney because I felt that some of Matheson's policies and practices violated the law.
5. Based on my communications with other drivers, what I witnessed while working at Matheson, and my personal experience working for Matheson, it was my belief that my experiences were not unique to me but were shared by all of the drivers that worked for Matheson.
6. I communicated directly with my attorneys during the prosecution of this case and I have shared all documents and information I had in order to assist them.
7. I understood that a large amount of work could be required of me as a class representative, and I was willing to act as class representative and did engage in this work. I had regular discussions with my attorneys, provided them with information, responded quickly to them whenever they needed me. I also reviewed and analyzed the settlement agreement and settlement papers to ensure the settlement was fair and reasonable and in the best interests of the class.
8. I also understood that there were other risks involved in bringing this kind of lawsuit, especially because this case could be so costly to Matheson. I understood that being a plaintiff in a class action could subject me to the stigma that is sometimes associated with those who bring these kinds of lawsuits. I was still willing to be a plaintiff and pursue the case on behalf of all the other drivers because I felt Matheson was wrong in its employment practices and policies. I was not afraid to stand up for what I believed was

1 right but was nervous about the negative consequences that could have resulted from my
2 decision to be class representative.

3 9. I have and will continue to adequately represent all of the interests of the class, which
4 consists of all non-exempt drivers, truck drivers, truck workers, or similar job
5 designations and titles, and all other similarly situated non-exempt employees who
6 worked for Matheson in California from December 4, 2016 and July 28, 2022. I do not
7 have any interests different from those of the class members. I initiated this lawsuit on
8 behalf of myself and the class because of Matheson's mistreatment of its workers. I
9 wanted to fix what I perceived as problems affecting all of us.

10 10. With my status as class representative, I will treat the interests of the class above my
11 interests.

12 11. My claims are typical of the class, because I am similarly situated to all the drivers who
13 worked for Matheson in California from December 4, 2016 and July 28, 2022. Thus, my
14 interests are the same as all members of the proposed class.

15 12. Due to Matheson's mistreatment, I gave my consent to settle with Matheson for the gross
16 settlement amount of \$750,000, which I find to be fair and reasonable.

17 13. I believe the \$10,000 enhancement award request is reasonable.

18 14. I understand that this service award is subject to Court approval. My opinion about the
19 fairness and adequacy of the settlement in the case is not based on this potential payment.

20 15. While I truly believe that I was doing the right thing in pursuing this case, I do believe
21 that I have paid a price for the greater good of other drivers, who will now obtain some
22 relief through the terms of the proposed settlement.

1 16. I recognize that any resolution of this matter must be approved by the Court in terms of
2 whether the settlement is fair and reasonable, and that I am obligated to protect the
3 interests of all of class members for the class period.

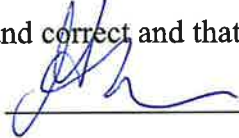
4 I declare under penalty of perjury under the laws of the State of California that all the
5 foregoing is true and correct.

6 Dated: 9/26/23 By: 
7 ABEL ESCOBEDO

8 Declaration of Translation:

9 I, Guadalupe Escobedo, hereby declare as follows: I am fluent in English and in Spanish.
10 I read the Declaration of Abel Escobedo in Support of Final Approval to my husband, Abel
11 Escobedo by accurately translating them into Spanish.

12 I declare under penalty of perjury, under the laws of the State of California that the above
13 is true and correct and that this Verification was executed in San Diego County, California.

14 Signed: ; Dated: 9/26/23
15 Guadalupe Escobedo