

1 Norman B. Blumenthal, Bar No. 068687
2 Kyle R. Nordrehaug, Bar No. 205975
3 Aparajit Bhowmik, Bar No. 248066
4 Nicholas J. De Blouw, Bar No. 280922

BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP

2255 Calle Clara
La Jolla, CA 92037
Telephone: (858) 551-1223
Fax: (858) 551-1232

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE**

11 MANUEL FRANCO and ALFONSO
12 GUZMAN, on behalf of themselves, on behalf
13 of all persons similarly situated, and on behalf
14 of the State of California, as a private attorney
general,

15 Plaintiffs,

16 vs.

17 STATES LOGISTICS SERVICES, INC., a
18 California Corporation; and DOES 1
19 through 50, inclusive,
20 Defendants.

Case No.: **30-2022-01239095-CU-OE-CJC**

**DECLARATION OF MANUEL FRANCO
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date:
Hearing Time:

Judge: Hon. Lon Hurwitz
Dept.: CX103

Date Action Filed: July 6, 2021
Trial Date: Not set

21
22
23
24
25
26
27
28

DECLARATION OF MANUEL FRANCO

1 I, Manuel Franco, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the above-
3 entitled matter. I submit this declaration in support of the Motion for Preliminary Approval of
4 Class Settlement and in support of my application for a class representative service award.

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

7 3. I worked for the defendant States Logistics Services, Inc. ("States Logistics") in California
8 from July of 2011 to January of 2021, and during that time period I was classified by States
9 Logistics as a non-exempt employee.

10 4. I retained my attorneys who are experienced in both class action and PAGA representative
11 action litigation and claims against employers for violations of the California Labor Code. I have
12 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
13 of having any actual or potential conflicts of interest with another class member in this case. I am
14 not aware of any other pending matter or action asserting claims that will be extinguished or
15 adversely affected by this settlement.

16 5. I decided to file this class action lawsuit and be a plaintiff/class representative because I
17 felt that my legal rights as an employee and others like me were violated. For example, I was
18 forced to work off the clock due to waiting time clocking into the time-clock system, the
19 obligation to arrive early before being allowed to clock-in, and by often receiving multiple phone
20 calls from co-workers and supervisors while off the clock. I did not always receive compliant meal
21 and rest breaks which were often late, short or missed entirely. Further, I was not reimbursed for
22 the use of my personal cell phone which was an essential tool necessary to perform my job duties.

23 6. I spoke to my attorneys several times and discussed how States Logistics implemented its
24 company policies and procedures. I also assisted my attorneys in their investigation into my
25 claims by providing them documents and answering their questions. I reviewed the complaint
26 before it was filed and was given access to an electronic file sharing program that alerted me via
27 email when important documents were filed so that I could review them and keep up with the

28
DECLARATION OF MANUEL FRANCO

1 developments in the case which I understood was one of my duties as a class representative. I
2 could also access court filings from this case on my attorney's law firm website. Also, I was
3 informed that States Logistics had the right to take my deposition, and that the preparation and
4 deposition itself could take multiple days. Although my deposition was not taken, I feel I would
5 have been adequately prepared and comfortable to give testimony on my experiences.

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

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

17 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
18 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
19 or part of the attorney fees and costs paid by States Logistics to defend this lawsuit. Also, I knew
20 there was a risk that future employers, if they ever find out about this lawsuit, could hold it against
21 me or downgrade me as a potential hire. As one of the named Plaintiffs in this case it would not
22 be difficult for a future employer to become aware that I sued a former employer for labor law
23 violations. Ultimately, I decided these risks were worth it and decided to fight for my rights and
24 the rights of others regardless of the risks, time and effort I spent on this case.

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

28

DECLARATION OF MANUEL FRANCO

1 11. A mediation took place on May 14, 2024, with the Hon. William C. Pate (Ret.), a well-
2 respected and experienced mediator of wage and hour class actions. After the mediation the
3 parties were able to come to an agreement to settle the action based on a mediator's proposal. I
4 communicated with my attorneys regarding the terms of the settlement which was reached
5 between the parties and understood that I was representing absent class members and therefore
6 wanted the best possible result to be obtained for the class members and I believe a very positive
7 result was in fact achieved via settlement. I reviewed and signed the Memorandum of
8 Understanding on May 31, 2024. When the final settlement agreement is ready, I intend to review
9 it closely before signing.

10 12. I have been actively involved with this lawsuit performing the duties described above.
11 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
12 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
13 settlement process. I estimate that I spent approximately 30-40 hours working on this case up
14 until this point. I believe I have been diligent and have done what is expected of a named plaintiff
15 and a proposed class representative to date, and will continue to do so. I have and always will
16 maintain the best interest of the class members.

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

21 14. I believe I did the right thing by filing this case on behalf of the class members who,
22 subject to court approval, are in line to receive monetary payments as a result of this case and
23 settlement. This is money they may never have ever gotten if I did not pursue this action on their
24 behalf. I feel significant personal satisfaction to know that I played a role in the class members
25 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the
26 requested class representative service award of \$10,000 from the settlement is fair compensation
27 for the work I performed and the risks I undertook.

28
DECLARATION OF MANUEL FRANCO

15. As part of the settlement, it was necessary for me to sign a general release of claims I may have against States Logistics. I believe the class representative service payment I have requested provides me with some compensation for this agreed release.

16. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying States Logistics costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, the general release and in light of the size of the settlement, I believe the request for \$10,000 as a class representative service payment is fair and reasonable.

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

Executed on Aug 6, 2024, at Menifee California.
(city, state)


Manuel Franco (Aug 6, 2024 15:43 PDT)

Manuel Franco

DECLARATION OF MANUEL FRANCO