

KINGSLEY & KINGSLEY, APC
ERIC B. KINGSLEY, Esq. (SBN 185123)
eric@kingsleykingsley.com
KELSEY M. SZAMET, Esq. (SBN 260264)
kelsey@kingsleykingsley.com
16133 Ventura Blvd., Suite 1200
Encino, CA 91436
(818) 990-8300, Fax (818) 990-2903

Attorneys for Plaintiff and the proposed class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

MARCOS TAFOLLA an individual, on
behalf of himself and others similarly situated

PLAINTIFF,

v.

DAYLIGHT TRANSPORT, LLC; and DOES
1 thru 50, inclusive,

DEFENDANTS.

CASE NO. 21STCV16822

[Case Assigned for All Purposes to Hon. Elihu
M. Berle in Dept. 6]

**DECLARATION OF PLAINTIFF
MARCOS TAFOLLA IN SUPPORT OF
PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

*[Filed concurrently with Plaintiff’s Motion for
Preliminary Approval of Class Action
Settlement; Declaration of Kelsey
M. Szamet in Support of Plaintiff’s Motion for
Preliminary Approval of the Class Action
Settlement; and Proposed Order]*

Date: February 28, 2024
Time: 11:00 AM
Dept.: 6

Complaint Filed: May 3, 2021
Trial Date: None Set

DECLARATION OF MARCOS TAFOLLA

I, MARCOS TAFOLLA, state and declare as follows:

1. I am a competent adult, over the age of eighteen and the Class Representative Plaintiffs in the matter of *MARCOS TAFOLLA, an individual, on behalf of himself and others similarly situated v. DAYLIGHT TRANSPORT, LLC*; and DOES 1 thru 50, inclusive, Los Angeles County Superior Court, Case No. 21STCV16822. The foregoing is based upon my personal knowledge and, if called as a witness, I could and would competently testify thereto. I am making this sworn declaration in support of my claims and the claim of my co-workers, and in support of my qualifications as Class Representative. If called as a witness, I could and would competently testify as to the truth of the matters set forth herein.

2. I worked as a warehouse worker for DAYLIGHT TRANSPORT, LLC (“Defendant” or “Daylight”) from approximately January 2020 to February 2021. I was a non-exempt employee who was paid on an hourly basis.

3. Before filing this action, in May 3, 2021, I researched and identified Counsel that I believed could best represent the interests of the Class Members. My goal was to identify Counsel with experience in employment class actions. I believe that I found competent legal Counsel to handle this matter who regularly handles these types of cases.

4. Once retained, I assisted the attorneys with investigation and gathering of information including discussing my work experience and the experience of others that I observed while working for Daylight and providing all relevant employment documents in my possession.

5. I have always shared all information regarding my insights and experience working for Defendant and their practices and procedures to help the Class obtain a favorable settlement.

6. I believe that the other Class Members and I had unpaid wage/overtime claims, meal period claims for not being able to take all compliant meal breaks, inaccurate itemized wage statement claims, and waiting time penalties, among other allegations.

7. I understand that by signing the full release in this matter, I lose the right to pursue these claims any further. I also am aware and understand that I have agreed to sign a broader release of the claims than the release applicable to the Class Members in reaching the settlement.

1 8. I understand that I have agreed to act as a Class Representative and that I represent
2 all other workers who are similarly situated. I understand that I have a responsibility to act in the
3 best interests of all other Class Members. I believe that I have put the Class Members interests
4 ahead of my own interests at all times during this litigation. I have made myself available and
5 spoken to many other Daylight employees during this process about their work experiences and
6 will continue to make myself available to provide updates on the status of this case.

7 9. Throughout the entirety of this litigation, I have maintained regular contact with
8 Class Counsel and assisted in any way possible by providing information and making myself
9 available as needed.

10 10. I was aware that by helping to initiate this lawsuit, my name would become known
11 and it was possible that my involvement in this matter could make it more difficult for me to obtain
12 employment. Regardless, I believed it was important to proceed with this matter on my behalf and
13 on behalf of all others who were subject to the same problems during their employment with
14 Daylight.

15 11. Based upon my participation in this case, I understand the merits of this settlement
16 and I strongly support the settlement and believe it is fair and reasonable, and in the best interest
17 of the class. I believe that a \$425,000.00 settlement is fair and reasonable, and this Settlement will
18 benefit the Class Members.

19 12. It is my opinion that a fair and adequate Plaintiff enhancement payment for me as
20 a named Plaintiff is \$7,500.00. I believe that it is fair and reasonable in view of all the work I have
21 performed in my role as a named Plaintiff. In addition to finding Counsel and keeping abreast of
22 all issues in the case through regular contact, I have worked to prepared written discovery
23 responses with my counsel, prepared for a full day deposition, and attended a full day mediation
24 remotely. In addition, I have had regular contact with many other class members to discuss this
25 case. Altogether, to date I estimate that I spent approximately 50-60 hours of time working on this
26 matter.

27 ///

(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On January 30, 2024, I served all interested parties in this action the following documents described as: **DECLARATION OF PLAINTIFF MARCOS TAFOLLA IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

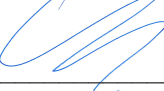
Robert R. Vorhees
robert.vorhees@ogletree.com
David A. Garcia
david.garcia@ogletree.com
Susan M. Susebach
susan.susebach@ogletreedeakins.com
Ogletree, Deakins, Nash, Smoak, & Stewart, P.C.
Park Tower, 695 Town Center Drive, Fifteenth Floor
Costa Mesa, CA 92626

[XX] BY ELECTRONIC MAIL THROUGH CASE ANYWHERE: On interested parties set forth on the attached service list.

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 30, 2024, at Woodland Hills, California.



Michelle Tanzer