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Attorneys for Plaintiffs, on a representative basis and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

LAURA BARBOZA and DAMON POTTER,
individually, on a representative basis, and on
behalf of all others similarly situated;

Plaintiffs,

v.

RUDOLPH FOODS COMPANY, INC., an
Ohio Corporation; and DOES 1 through 20,
inclusive;

Defendants.

Case No.: CIVSB2129090
*[Assigned to Hon. Joseph T. Ortiz, Dept.
S17, for all purposes]*

**DECLARATION OF PLAINTIFF
DAMON POTTER IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

I, Damon Potter, state and declare:

1. I am a Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and could competently testify thereto. I make this declaration in support of the motion for preliminary approval of the class action settlement. I believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged.

2. During my employment with Defendant, I thought that there were issues with my pay as I felt that I was not being compensated for all my time worked. I started researching California law and contacted attorneys regarding issues with how I was paid.

3. I then contacted my attorneys (Lauby, Mankin & Lauby LLP) and discussed these claims. As part of this discussion, I understood that I could either bring a class action to help all

1 of the employees, but I would have to put their interests ahead of my own, or I could bring my
2 individual case and claims and attempt to maximize my individual recovery. This decision was
3 very difficult because I wanted to help everyone else that was wronged by the company, but I
4 also wanted maximize my individual recovery. I was also concerned that, if I brought this as a
5 class action, it might make it hard to find a job in the same industry in the future. I eventually
6 decided that – despite the risks – it was important to bring these claims as a class action to hold
7 the company accountable for how they treated their employees.

8 4. I respectfully request that the Court approve the agreed-upon service award for
9 the following reasons.

10 5. First, I have spent at least 80 hours engaged in activities to benefit the class. I
11 have been an active participant in this litigation, including assisting my attorneys in various ways
12 and making myself available when needed. For example, I have assisted my attorneys by
13 compiling and analyzing substantial documentation regarding claims. I helped locate contact
14 information for the staffing agency. I also helped to explain and discuss the company's practices
15 and their general practices and procedures, driving to a storage unit multiple times in order to
16 find documents and phone records, locating and analyzing company documents, among others. I
17 also spoke to other employees and discussed the issues and claims of the current lawsuit. I also
18 assisted in settlement discussions, helped obtain a highly favorable result for the class, and
19 reviewed all settlement documents and believe that this settlement is fair for the class.

20 6. Second, I respectfully request that the Court approve the agreed-upon service
21 award because I agreed to set aside my personal interests and to put the interests of the class
22 ahead or on par with my own. In fact, as a condition of this class action settlement, I was
23 required to compromise on and waive all possible individual claims against the company.
24 However, to finalize this settlement, I put the interests of the class ahead of my own and agreed
25 to waive all of my claims against the company.

26 7. Third, by bringing this case as a class action, I undertook significant risks and
27 stresses at a high emotional cost without any guarantee of success. For example, filing this
28 lawsuit was stressful on a day-to-day basis as I have constantly worried about the risk that this

1 case could impact my ability to find future jobs. This stress/risk lasted for the entire case, and
2 I'm worried it will continue to make it hard to find a job in the future since the case information
3 is all available online. I ended up getting a job in a new field in order to avoid the food
4 production industry as I feel as though I may be blacklisted from that field now as a result.

5 8. Fourth, and finally, bringing this case also came with a major financial risk
6 because, if I lost the case, I would be required to pay the company's costs, and there was a
7 chance they could try to make me pay their attorneys' fees as well.

8 9. Therefore, I respectfully request that the Court award the service award since that
9 amount is justified based on the substantial time I spent on this case, as well as the risks and
10 stresses I faced and will continue to face to secure this class action settlement to benefit the other
11 employees.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct. Executed on Jul 19, 2023, at Beaumont, California.

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15 By: *Damon Potter*
16 Damon Potter (Jul 19, 2023 16:05 PDT)
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