

David Mara, Esq. (230498)
Matthew Crawford, Esq. (310230)
MARA LAW FIRM PC
2650 Camino Del Rio North, Suite 302
San Diego, California 92108
Telephone: (619) 234-2833
Facsimile: (619) 234-4048

Hunter Pyle, Esq. (191225)
John J. Darin, Esq. (323730)
HUNTER PYLE LAW
1300 Broadway, Eleventh Floor
Oakland, California 94612
Telephone (510) 444-4400

Attorneys for Plaintiff ARNOLD GARCIA,
on behalf of himself, all others similarly
situated, and on behalf of the general public

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

ARNOLD GARCIA, on behalf of himself,
all others similarly situated, and on behalf
of the general public,

Plaintiff,
v.

MCCOLLISTER'S TRANSPORTATION
SYSTEMS, INC.; MCCOLLISTER'S
GLOBAL SERVICES, INC.;
MCCOLLISTER'S AUTO TRANSPORT,
LLC; and DOES 1-100,

Defendants.

Case No. RG21112345

[Consolidated with Case No. RG21112189]

**DECLARATION OF PLAINTIFF ARNOLD
GARCIA IN SUPPORT OF MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS' FEES,
COSTS, CLASS REPRESENTATIVE
ENHANCEMENT PAYMENT, AND
ENTERING OF FINAL JUDGMENT**

Date: August 29, 2023
Time: 3:00 p.m.

1 I, Arnold Garcia, hereby declare under penalty of perjury as follows:

- 2 1. I have personal knowledge of all matters stated herein, and if called as a witness, I could
3 and would competently testify thereto, except as to those matters stated upon information
4 and belief, and as to those matters, I believe them to be true.
- 5 2. I am a named Plaintiff and Class Representative in the above-captioned lawsuit, and I
6 submit this declaration in support of settlement approval.
- 7 3. I contracted with McCollister's as an owner operator to deliver freight in California during
8 the Class Period.
- 9 4. Since becoming a class representative, I diligently worked on this case. I always answered
10 phone calls from my attorneys or called them back promptly when they called. I also
11 promptly responded to emails sent by my attorneys. On many occasions, I spoke with my
12 attorneys for case related purposes. At the beginning of the case, I searched for any
13 documents I received while driving for McCollister's to provide to my attorneys. I assisted
14 my attorneys in investigating the case and helped craft discovery that was sent out to
15 McCollister's. I worked diligently with my attorneys to respond to questions that came up
16 from time to time to help progress the case.
- 17 5. I was aware that, at some point in this case, I would have my deposition taken. I knew that
18 the deposition could take a full day and that I may have to meet with my attorneys prior
19 to my deposition. I was at all times ready and willing to sit for my deposition.
- 20 6. Although I did not attend the mediation in person, I was available on the phone for all the
21 negotiations, which I was kept apprised of and assisted in. I was also apprised of the
22 settlement discussions that occurred after the mediation. I gave my consent to settle with
23 McCollister's for the gross settlement amount of \$400,000, and I completely and carefully
24 reviewed the settlement agreement after my attorneys sent it to me.
- 25 7. In light of the work I performed in this case and the duties associated with being a class
26 representative in a case of this magnitude, I believe the \$7,500 service payment award is
27 reasonable. I understand that this additional service award is not guaranteed and is subject
28 to Court approval.

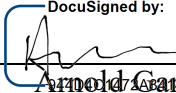
1 8. I have and will continue to adequately represent all of the interests of the class. With my
2 status as class representative, I will treat the interests of the Class above my interests.

3 9. My claims are typical of the Class Members because I am similarly situated to all owner
4 operators who contracted with McCollister's to drive in California at any time during the
5 period of September 10, 2017, through January 7, 2023. Thus, my interests are the same as
6 all members of the proposed Class.

7 10. I recognize that any resolution of this matter must be approved by the Court in terms of
8 whether the settlement is fair and reasonable, and that I am obligated to protect the
9 interests of all of class members for the Class Period.

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

12 Dated: 8/7/2023

13 By:  Arnold Garcia
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28