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[Additional Counsel Listed On Next Page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

ANDREW D. TAPPIN, DONYEISHA MISH,
DARNELL LEE, LUIS ROBLES, XOCHITL
VELASCO, and VICTOR GONZALEZ,
individually and on behalf of all others
similarly situated, and on behalf of the general
public as private attorney general,

Plaintiff,

vs.

TFORCE FREIGHT, INC., a Virginia
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 34-2022-00314820-CU-OE-GDS

Assigned for All Purposes to:
Hon. Jill H. Talley
Dept. 23

**DECLARATION OF JAMES HAWKINS IN
SUPPORT OF SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS AND REPRESENTATIVE
ACTION SETTLEMENT**

Date: June 21, 2024
Time: 9:00 a.m.
Dept. 23

Reservation No.: A-314820-003

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14 VICTOR GONZALEZ.

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1 I, James Hawkins, declare as follows:

2 1. I am an individual over the age of 18. I am a partner at the law firm of James
3 Hawkins, APLC. I am one of the attorneys of record for Plaintiffs Andrew D. Tappin, Donyeisha
4 Mish, Darnell Lee, Luis Robles, Xochitl Velasco, and Victor Gonzalez (hereinafter referred to as
5 “Plaintiffs” or “Class Representatives”), who commenced this class and PAGA action on behalf of
6 the Class Members and Aggrieved Employees. I submit this declaration in support of Plaintiffs’
7 Motion for Preliminary Approval of Class Action Settlement, which Plaintiffs filed concurrently
8 herewith, along with the supporting Memorandum of Points and Authorities. I have personal
9 knowledge of the facts set forth below, and if called to testify regarding them, I could and would
10 do so competently.

11 2. Despite the complexity of the case, Class Counsel has, through the investment of
12 substantial effort and the resources of my law firm and co-counsel’s, we have been able to secure
13 an outstanding settlement on behalf of the Settlement Class. Plaintiffs would have faced
14 substantial legal and factual obstacles in demonstrating that class certification was appropriate.
15 Plaintiffs would also have been required to establish a significant amount of witness testimony,
16 pattern and practice evidence, statistical evidence, sampling evidence, expert testimony, and other
17 evidence in order to present their case both at the class certification stage and trial. Defendant
18 vigorously contested liability, the amount of claimed damages, and the propriety of class
19 certification, and would have continued to do so through trial. Accordingly, I believe the
20 Settlement to be fair, reasonable, and adequate and in the best interests of the Settlement Class.
21 The fairness and adequacy of the Settlement is confirmed by all known facts and circumstances,
22 including the risk of significant delay and uncertainty associated with litigation, the various
23 defenses asserted by Defendant, and numerous potential appellate issues.

24 3. I have a great deal of experience in wage and hour class action litigation. I have
25 obtained certification of several classes, I have been approved as class counsel in many other
26 wage/hour class actions, and I am currently litigating numerous others. Although not an all
27 inclusive list, over the years I have prosecuted the following class action matters as lead and/or co-
28 lead counsel, all of which implicated similar law and facts to those associated with this action:

- 1 a. *Aguilar v. 7-Eleven, Inc., et. al.*, Orange County Superior Court- Case No.: 30-
2 2009-00268714-CU-OE-CXC. Certified Wage and Hour Class action seeking premium
3 wages for meal period and rest periods and resultant penalties. Class
4 Notice pending.
- 5 b. *Carey, et. al. v. Arthur J. Gallagher, et. al.*, USDC, SOUTHERN DISTRICT- Case
6 No.: 09-cv-0168. Wage and Hour Class action seeking past wages of overtime for mis-
7 classification of insurance claims adjusters employed by Gallagher Bassett, a third
8 party administrator (TPA) in the State of California. Certification granted. Plaintiffs'
9 counsel co-lead counsel. Case settled, Final Approval granted, no objections and funds
10 fully distributed.
- 11 c. *Dao v. 3M Company, et al.* USDC, CENTRAL DISTRICT, Case No. CV-08-
12 04554. Wage and Hour Class Action case seeking past wages for "off the clock",
13 overtime and meal and rest break violations for production workers in the State of
14 California. Plaintiffs' Counsel appointed as Lead Counsel. Case settled, Final
15 Approval granted, no objections and funds fully distributed.
- 16 d. *Ortiz v. Kmart*, USDC, CENTRAL DISTRICT, Case No. SACV 06-638 ODW.
17 Wage and Hour Class Action case seeking past wages for meal and rest period
18 violations for retail employees in the State of California. Plaintiffs' counsel appointed
19 co-lead counsel. Case settled, Final Approval granted, no objections and funds fully
20 distributed.
- 21 e. *Morgan v. Aramark Campus, LLC*, USDC, CENTRAL DISTRICT, Case No.
22 SACV08-00412. Wage and Hour Class Action case seeking past wages for meal and
23 rest period violations for retail employees in the State of California. Plaintiffs'
24 Counsel appointed as Lead Counsel. Case settled, Final Approval granted, no
25 objections and funds fully distributed.
- 26 f. *West v Iron Mountain Information Management, Inc, et. al.*; Los Angeles County
27 Superior Court, Case No. BC393709. Wage and Hour Class Action seeking past
28 wages for overtime, meal and rest break violations for driver employees in the State of

1 California. Settlement for “binding arbitration.” Arbitration Award for Plaintiff Class.
2 Arbitration Award confirmed. Plaintiffs’ counsel, lead trial counsel and class counsel.
3 g. *Gonzalez v. Superior Industries Inter, Inc., et al.*, Los Angeles County Superior
4 Court, Case No. BC 357912. Wage and Hour Class Action seeking past wages for
5 overtime, meal and rest breaks violations for production employees in the State of
6 California. Plaintiffs’ counsel appointed as lead counsel. Case settled, Final Approval
7 granted, no objections and funds fully distributed.

8 h. *Acosta v. Fleetwood Travel Trailers of California, Inc., et al.*, Riverside County
9 Superior Court, Case No. RIC 440630. Wage and Hour Class Action seeking past
10 wages for overtime, meal and rest break violations for production employees in the
11 State of California. Plaintiffs’ counsel appointed as co-lead counsel. Case settled,
12 Final Approval granted, no objections and funds fully distributed.

13 i. *Walker v. Sharkeez, et al.*, Orange County Superior Court, Case No. 05CC00293.
14 Wage and Hour Class Action seeking past wages for unlawful deductions, meal and
15 rest break violations for restaurant employees in the State of California. Plaintiffs’
16 counsel appointed as lead counsel. Case settled, Final Approval granted and funds
17 fully distributed.

18 j. *Padron v. Universal Protection Service, et al*, Orange County Superior Court, Case
19 No. 05CC00013. Wage and Hour Class Action seeking past wages for overtime, meal
20 and rest break violations for security officers in the State of California. Plaintiffs’
21 counsel appointed as co-lead counsel. Case settled, Final Approval granted, no
22 objections and funds fully distributed.

23 k. *Martinez v. Securitas Security Services USA, et al.*, Santa Clara Superior Court,
24 Case No. 105-CV047499, et al. J.C.C.P. No. 4460. Wage and Hour Class Action
25 seeking past wages for meal and rest break violations for security officers employed by
26 defendant in the State of California. Plaintiffs’ counsel and co-counsel. Case settled,
27 Final Approval granted and funds fully distributed.

28 l. *Velasquez-Lopez v. Hotel Cleaning Services, Inc. et al.*, Riverside Superior Court,

1 Case No. RIC 420909. Wage and Hour Class Action seeking past wages for overtime,
2 meal and rest break violations for housekeepers employed by defendant in the State of
3 California. Plaintiffs' counsel appointed as lead counsel. Case settled, Final Approval
4 granted, no objections and funds fully distributed.

5 m. *Ruiz, et al. v. Unisource Worldwide, Inc., et al.*, USDC, CENTRAL DISTRICT,
6 Case No. CV09-05848. Wage and Hour Class Action seeking past wages for meal and
7 rest period violations for non-exempt employees employed by defendant in the state of
8 California. Case settled. Awaiting Preliminary Approval hearing. Plaintiff has
9 petitioned the Court for Lead Counsel.

10 n. *Herrador v. Culligan International Company, et al.*, USDC, CENTRAL
11 DISTRICT, Case No. SACV 08-680. Wage and Hour Class Action seeking past wages
12 for field and branch employees of defendant in the State of California. Plaintiffs'
13 counsel appointed as lead counsel. Case settled and awaiting Final Approval.

14 o. *Defries v. Domain Restaurants, et al.*, Orange County Superior Court, Case No.
15 05CC00128. Wage and Hour Class Action seeking past wages for restaurant
16 employees of defendant in the State of California. Plaintiffs' counsel appointed as lead
17 counsel. Case settled, Final Approval granted, no objections and funds fully
18 distributed.

19 p. *Denton v. BLB Enterprises, Inc., et al.*, Orange County Superior Court, Case No.
20 07CC01292. Wage and Hour Class Action seeking unpaid overtime, meal and rest
21 break violations for security guards employed by defendant in the State of California.
22 Plaintiffs' counsel appointed as lead counsel. Case settled, Final Approval granted, no
23 objections and funds fully distributed.

24 q. *Rios v. Sandberg Furniture Manufacturing Co., Inc, et al.*, Los Angeles Superior
25 Court, Case No. BC411477. Wage and Hour Class Action seeking unpaid meal and
26 rest break violations for production employees employed by defendant in the State of
27 California. Plaintiff counsel appointed as lead counsel. Case settled, Final Approval
28 granted, no objections and funds fully distributed.

1 r. *McMurray v. Dave and Busters, Inc.*, et al., Orange County Superior Court, Case
2 No. 06CC00099. Wage and Hour Class Action seeking past wages for meal and rest
3 break violations for restaurant employees employed by defendant in the State of
4 California. Plaintiffs' counsel appointed as co-lead counsel. Case settled, Final
5 Approval granted, no objections and funds fully distributed.

6 s. *Osuna v. DFG Restaurants, Inc.*, et al., Los Angeles Superior Court, Case No. BC
7 330145. Wage and Hour Class Action seeking past wages of overtime for mis-
8 classification of managers employed by Defendant, DBA Carl's Jrs. in the State of
9 California. Plaintiffs' counsel appointed as co-lead counsel. Case settled, Final
10 Approval granted, no objections and funds fully distributed.

11 t. *Burns v. Gymboree Operations, Inc.*, et al., San Francisco Superior Court, Case No.
12 CGC-07-461612. Wage and Hour Class Action seeking past wages for meal and rest
13 break violations for retail employees employed by defendant in the State of California.
14 Plaintiffs' counsel appointed lead counsel. Case settled, Final Approval granted, no
15 objections and funds fully distributed.

16 u. *Willems v. Diedrich Coffee, Inc.*, et al., Orange County Superior Court, Case No.
17 07CC00015. Wage and Hour Class Action seeking past wages of overtime for mis-
18 classification of managers employed by Defendant in the State of California.
19 Plaintiffs' counsel appointed lead counsel. Case settled, Final Approval granted, no
20 objections and funds fully distributed.

21 v. *Davila, et al. v. Beckman Coulter, Inc.*, et al., Orange County Superior Court, Case
22 No. 07CC01347. Wage and Hour Class Action seeking past wages for overtime, meal
23 and rest break violations for production workers employed by defendant in the State of
24 California. Plaintiffs' counsel appointed lead counsel. Case settled; final approval
25 granted; no objections and funds fully distributed.

26 w. *Perez v. Naked Juice Company of Glendora, Inc.*, Los Angeles Superior Court,
27 Case No. BC387088. Wage and Hour Class Action seeking past wages for overtime,
28 meal and rest period violations for production employees employed by defendant in the

1 State of California. Plaintiff counsel appointed as lead counsel. Case settled, Final
2 Approval granted, no objections and funds fully distributed.

3 4. Our firm served as class counsel in a number of significant wage and hour
4 settlements. Of particular note, in 2019, our firm was co-lead counsel in securing the largest
5 wage and hour class action settlement in California history at \$130,000,000. During this case,
6 Plaintiffs appealed a decertification order. This case involved several appeals. The appellate
7 record amassed an extensive appellate record comprising a 23-volume joint appendix, a three-
8 volume reporters transcript, five briefs, four letter briefs, two motions for judicial notice, a motion
9 to augment the record, and several additional letters informing the appellate court of new legal
10 authority issued after *Dukes*. The matter was argued to and submitted by the Court of Appeal on
11 September 15, 2016, and on November 21, 2016, the decertification order was reversed and the
12 case was remanded for further proceedings. (*Lubin v. The Wackenhut Corporation* (“*Lubin*”), 5
13 Cal. App. 5th 960 (2016)). Wackenhut filed a petition for review of the Court of Appeal decision
14 to the California Supreme Court. The Supreme Court denied Wackenhut’s petition for review of
15 *Lubin*. The Court of Appeal issued remittitur on April 10, 2017. Eventually through more
16 litigation, the parties were able to secure the 130 million settlement that was approved on October
17 21, 2019 by Judge Highberger in the Los Angeles Superior Court.

18 I declare under penalty of perjury under the laws of the United States that the foregoing is
19 true and correct to the best of my personal knowledge. Executed this 24 day of May, 2024, in
20 Irvine, California.

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22 James R. Hawkins, Esq.

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