

Brian J. Mankin, Esq. [SBN 216228]
brian@lmlfirm.com
Peter J. Carlson, Esq. [SBN 295611]
peter@lmlfirm.com
LAUBY, MANKIN & LAUBY LLP
5198 Arlington Avenue, PMB 513
Riverside, CA 92504
Tel: (951) 320-1444 | Fax: (951) 320-1445

Mehrdad Bokhour, Esq. (Cal. Bar No. 285256)
mehrdad@bokhourlaw.com
BOKHOUR LAW GROUP, P.C.
1901 Avenue of the Stars, Suite 450
Los Angeles, California 90067
Tel: (310) 975-1493 | Fax: (310) 675-0861

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF STANISLAUS

SCOTT KLIMEK, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

KINGSPAN INSULATED PANELS, INC., a
Florida Corporation; and DOES 1 through 20,
inclusive;

Defendants.

Case No.: CV-21-004201
*[Assigned to Hon. Judge John D. Freeland,
Dept 23, for all purposes]*

**DECLARATION OF PLAINTIFF
SCOTT KLIMEK IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Complaint filed: August 5, 2021

I, Scott Klimek, state and declare:

1. I am the Plaintiff in the above captioned action and have personal knowledge of
all matters stated herein and could competently testify thereto.

2. I make this declaration in support of the motion for final approval of the class
action settlement. I believe that the settlement is fair and reasonable and constitutes a fair
resolution of the claims alleged.

1 3. During my employment with Defendant, I thought that were issues with my pay
2 as well as my meal periods and rest breaks. Then, because of what I believe was a wrongful
3 termination, along with the issues with my pay, I started researching California law and
4 contacted attorneys regarding how I was treated.

5 4. I then contacted my attorneys (Bokhour Law Group. P.C. and Lauby, Mankin &
6 Lauby LLP) and discussed these claims. As part of this discussion, I understood that I could
7 either bring a class action to help all of the employees, but I would have to put their interests
8 ahead of my own, or I could bring my individual case and claims and attempt to maximize my
9 individual recovery. This decision was very difficult because I wanted to help everyone else that
10 was wronged by the company, but I also wanted maximize my individual recovery. I was also
11 concerned that, if I brought this as a class action, I might get labeled as a whistleblower, which
12 might make it hard to find a job in the future (a risk that I, unfortunately, believe came to be true,
13 as discussed below). I eventually decided that – despite the risks – it was important to bring these
14 claims as a class action to hold the company accountable for how they treated their employees.

15 5. I respectfully request that the Court approve the agreed-upon service award for
16 the following reasons.

17 6. First, I have spent at least 48 hours engaged in activities to benefit the class. I
18 have been an active participant in this litigation, including assisting my attorneys in various ways
19 and making myself available when needed. For example, I have assisted my attorneys by
20 compiling and analyzing substantial documentation regarding claims. I also helped to explain
21 and discuss the company’s practices and their general practices and procedures, locating and
22 analyzing company documents, among others. I also assisted in settlement discussions, helped
23 obtain a highly favorable result for the class, and reviewed all settlement documents and believe
24 that this settlement is fair for the class.

25 7. Second, I respectfully request that the Court approve the agreed-upon service
26 award because I agreed to set aside my personal interests and to put the interests of the class
27 ahead or on par with my own. In fact, as a condition of this class action settlement, I was
28 required to compromise on and waive all possible individual claims against the company. This

1 was a difficult decision because I believe that I was wrongfully terminated and intended to look
2 into bringing those claims. However, to finalize this settlement, I put the interests of the class
3 ahead of my own and agreed to waive all of my claims against the company.

4 8. Third, by bringing this case as a class action, I undertook significant risks and
5 stresses at a high emotional cost without any guarantee of success. For example, filing this
6 lawsuit and being a whistle blower was stressful on a day-to-day basis as I have constantly
7 worried about the risk that this case could impact my ability to find future jobs. This stress/risk
8 lasted for the entire case, and I'm worried it will continue to make it hard to find a job in the
9 future since the case information is all available online. In fact, I believe that bringing this
10 lawsuit might have already impacted my ability to find jobs as I have not received responses or
11 callbacks on a high percentage of applications, despite my qualifications.

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

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

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

21 Executed on Apr 19, 2023 (date), at Modesto (city), California.

22
23 By: 
24 Scott Klimek (Apr 19, 2023 13:25 PDT)
25 Scott Klimek
26
27
28