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Attorneys for Plaintiff DAVID CHERNO,
individually and on behalf of all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN LUIS OBISPO – CIVIL BRANCH**

DAVID CHERNO, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

PEOPLEASE LLC, a South Carolina
Limited Liability Company; DRAKE
FARMS TRUCKING, INC., a Texas
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 21CV-0513

ASSIGNED FOR ALL PURPOSES TO:
Honorable Rita Federman, Dept. 2

**DECLARATION OF DAVID CHERNO IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

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DECLARATION OF DAVID CHERNO

I, DAVID CHERNO hereby declare as follows:

1. I am over the age of eighteen and I submit this Declaration in support of the motion for preliminary approval of the settlement and fees, costs and incentive award. The following is based upon my personal knowledge and if called as a witness, I could and would competently testify thereto.

2. I was employed by Defendants PEOPLEASE LLC and DRAKE FARMS TRUCKING, INC ("Defendants") in approximately January 2019 as a Non-Exempt Employee working as a driver and worked during the liability period for Defendants until my separation from Defendants' employ in approximately November 2020. I typically worked 7 days a week and 70 or more hours per week.

3. As a non-exempt employee, I suffered the same damages as other employees. These included Defendants' failure to pay minimum wages, failure to pay all wages earned and owed upon separation from Defendants' employ, failure to provide accurate itemized wage statements, failure to provide a day's rest in seven, failure to reimburse necessary business expenses, and violations under the UCL all in accordance with California law. As a result of these alleged violations, I sought consultation with my attorneys at James Hawkins, APLC.

4. Based upon my allegations, and after consultation and full disclosure from my attorneys about the potential risks I faced as a Plaintiff in a putative class action, I freely decided to pursue this lawsuit to try and vindicate my rights and the rights of others who also worked for Defendants and suffered similar harms due to Defendants' common practices and policies.

5. Prior to filing my action, my attorneys and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. During those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff.

6. My attorneys provided me with a draft of the complaint for my review and

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2 approval. I closely reviewed the complaint to ensure accuracy and completeness. As a
3 result, I caused my attorneys to file the class action complaint alleging claims for the allegations
4 alleged therein. Thereafter, I have been fully involved in my case. Following the filing of the
5 complaint, I collaborated with my attorneys on the prosecution of my claims, and I regularly
6 contacted my attorneys to stay current on the status of the litigation, and to discuss my
7 attorneys' progress in prosecuting the claims.

8 7. Since I believe I was not paid minimum wages, not paid all wages earned and
9 owed upon separation from Defendant's employ, not provided accurate itemized wage
10 statements, not provided a day's rest in seven, not reimbursed necessary business expenses, a
11 as well as violations under the UCL all in accordance with California law and that I have been
12 similarly injured as to all other class members in the settlement who worked for Defendants
13 during the class period. I believe the claims asserted in the Complaint are also shared by the
14 other Class Members. I worked with various other non-exempt employees and I believe we
15 were all treated the same and subject to the same unlawful policies.

16 8. Since I agreed to become a Class Representative, I have worked every step
17 of the way with my attorneys. During the course of the litigation I have always kept the best
18 interest of the Class Members on equal footing as mine. I have been, and I am willing to
19 continue to pursue the Class Members' claims vigorously on our collective behalf if the
20 Settlement is not finally approved. As a result, I firmly believe that I do not have any interests
21 adverse to the interests of the Class Members. I have maintained the Class Members best
22 interest from the inception of the case.

23 9. As one of the Class Representatives, I have spent numerous hours consulting
24 with my attorneys, providing documentation, consulting with other Class Members, responding
25 to questions by my attorneys, providing documents to my attorneys, working with my attorneys
26 to review documents received, helping my attorneys in preparing for the mediation and
27 attending the mediation via telephone. I was consulted about the status of the case and provided
28 constant feedback about the case from my attorneys including the mediation, settlement
negotiations and eventual settlement. I estimate I have spent approximately 45 hours working

10. From the beginning of this case, I have freely chosen to accept the risks of being one of the Class Representatives in this class action lawsuit. I chose to assume these risks and pursue the claims on behalf of the Class Members as I wanted to vindicate their rights. I believe we have achieved that result with the settlement and the individual payments to the Class Members. I believe the settlement is fair reasonable and adequate based on the numerous defenses asserted by Defendants. I believe the efforts and work I put forth helped to achieve the fair settlement that will benefit the Class Members. As a result of my efforts, I also believe the Incentive Award is reasonable, and I respectfully request the Court approve the amount of \$15,000.00 as fair and reasonable.

DocuSigned by:
David Chernov
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