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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES**

LABRI J. MELZER, on behalf of the State of
 California and other aggrieved persons,

Plaintiff,

v.

D. LONGO, LLC, a California Limited Liability
 Company; PENSKE MOTOR GROUP, LLC, a
 California Limited Liability Company; and
 DOES 1 through 10, inclusive,

Defendants.

Case No. 21PSCV01025

PAGA REPRESENTATIVE ACTION

*[Assigned for all purposes to: Hon. Peter A.
 Hernandez, Dept. O]*

**DECLARATION OF PLAINTIFF LABRI
 J. MELZER IN SUPPORT OF
 PLAINTIFF'S MOTION TO APPROVE
 PAGA SETTLEMENT**

Date: November 29, 2022

Time: 8:30 a.m.

Dept: O

Reservation ID: 816505986527

Complaint filed: December 7, 2021

Trial date: Not Set

DECLARATION OF LABRI J. MELZER

I, Labri J. Melzer, declare as follows:

1. I am an adult resident of the State of California, and, if called as a witness in this action, I would testify truthfully to the matters described in this declaration. All of the matters described in this declaration are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

2. I make this declaration entirely of my own free will and choice. I have not been promised any benefit for doing so, and I have not been pressured into giving this declaration. Before signing this declaration, I was given the opportunity to review it, make changes, and verify the accuracy of its contents.

3. I am a former employee of Defendants D. Longo, LLC and Penske Motor Group, LLC. ("D. Longo"). I worked at D. Longo from approximately August 2019 to approximately October 2020 as an hourly-paid, non-exempt employee. Throughout the entirety of my employment, I was subject to all of D. Longo's policies and practices that have been alleged as unlawful in the Private Attorneys General Action ("PAGA") filed in this Court and the PAGA Notice sent to D. Longo and the Labor & Workforce Development Agency ("LWDA").

4. I have actively participated in the litigation of this action. Prior to the commencing of this case, I provided Wilshire Law Firm and my attorneys a detailed account of the facts related to my employment with D. Longo, including, but not limited to, D. Longo's policy and practice of not providing its employees with California compliant meal and rest periods and requiring its employees to work "off-the-clock" during meal periods, before clocking in for the workday, and after clocking out for the workday. Additionally, I gave my counsel permission to request documentation in the form of annotated wage statements and timekeeping records from D. Longo in support of my claims. These documents, along with the anecdotes I shared regarding my employment, assisted my attorneys in understanding the illegal policies and practices at D. Longo. I also regularly communicated with my attorneys and staff members of Wilshire Law firm via telephone and email.

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1 5. My attorneys explained to me the risks and benefits of bringing forward a PAGA
2 action. I understood the risks, both professionally and financially, associated with pursuing a
3 PAGA action and acting as the PAGA representative. I further understood that pursuing the case
4 as a PAGA action rather than individually meant that it would take substantially longer. Although
5 I was made aware that there was a possibility that I could receive nothing at the end, I believed
6 that it was important to ensure that D. Longo followed the law with respect to all of its hourly-
7 paid, non-exempt employees. Additionally, I understood that it was my responsibility to act in the
8 best interests of the aggrieved employees and not just myself. In that respect, I understood my
9 duties and responsibilities as the PAGA representative and will continue to carry out those duties
10 as necessary.

11 6. Throughout the course of the litigation, I maintained constant communication with
12 my attorneys and discussed pertinent matters relevant to the lawsuit. I asked questions when I
13 wanted to know what was being done or simply wanted an update regarding the case. I understood
14 that a recovery would not only benefit me but would benefit my fellow coworkers as well. At all
15 times, I made myself available to answer any questions that my attorneys had about my
16 employment.

17 7. This was especially true leading up to and during the mediation that took place on
18 June 15, 2022. In preparation for the mediation, I had extensive conversations with my attorneys
19 regarding the nuanced issues that we were going to advance during the negotiation process with
20 the mediator. During the mediation session, I was available to speak with my attorneys, answer
21 any questions that arose, and provide any additional documentation that was necessary to assist the
22 settlement discussions. Prior to the resolution of this matter, I reviewed and signed a Memorandum
23 of Understanding (“MOU”), which outlined the materials terms of the settlement. My attorneys
24 explained the MOU and answered all the questions that I had.

25 8. I estimate that I spent approximately 35 hours searching for and collecting
26 documents related to my employment, speaking with my attorneys throughout the litigation,
27 helping my attorneys prepare for mediation, discussing the particulars and reasonableness of the
28 settlement, and reviewing/signing documents related to the settlement.

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct.

-DocuSigned by:

Labri J. Melzer



Journal Technologies Court Portal

Court Reservation Receipt

Reservation

Reservation ID: 816505986527	Status: RESERVED
Reservation Type: Motion re: (Motion for Preliminary Approval of Settlement)	Number of Motions: 1
Case Number: 21PSCV01025	Case Title: LABRI J. MELZER vs D. LONGO, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, et al.
Filing Party: Labri J. Melzer (Plaintiff)	Location: Pomona Courthouse South - Department O
Date/Time: October 31st 2022, 9:30AM	Confirmation Code: CR-EL82JSLP6PDPHFFEF

Fees

Description	Fee	Qty	Amount
Motion re: (name extension)	60.00	1	60.00
Credit Card Percentage Fee (2.75%)	1.65	1	1.65
TOTAL			\$61.65

Payment

Amount: \$61.65	Type: MasterCard
Account Number: XXXX1231	Authorization: 48202Z

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