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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

RICHARD HARPER, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

HAMNER TOWING, INC., a California
Corporation; and DOES 1 through 20,
inclusive;

Defendants.

Case No.: CIVSB 2127523
*[Assigned to Hon. Judge David Cohn, Dept
S26, for all purposes]*

**DECLARATION OF PLAINTIFF
RICHARD HARPER IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Complaint filed: October 4, 2021

I, Richard Harper, state and declare:

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

2. During my employment with Defendant, I thought that there were issues with my pay as I felt that I was not being compensated for all my time worked. I started researching California law and contacted attorneys regarding issues with how I was paid.

3. I then contacted my attorneys (Lauby, Mankin & Lauby LLP) and discussed these claims. As part of this discussion, I understood that I could either bring a class action to help all

1 of the employees, but I would have to put their interests ahead of my own, or I could bring my
2 individual case and claims and attempt to maximize my individual recovery. This decision was
3 very difficult because I wanted to help everyone else that was wronged by the company, but I
4 also wanted maximize my individual recovery. I was also concerned that, if I brought this as a
5 class action, I might get labeled as a whistleblower, which might make it hard to find a job in
6 tow truck industry in the future. I eventually decided that – despite the risks – it was important to
7 bring these claims as a class action to hold the company accountable for how they treated their
8 employees.

9 4. I respectfully request that the Court approve the agreed-upon service award for
10 the following reasons.

11 5. First, I have spent at least 50 hours engaged in activities to benefit the class. I
12 have been an active participant in this litigation, including assisting my attorneys in various ways
13 and making myself available when needed. For example, I have assisted my attorneys by
14 compiling and analyzing substantial documentation regarding claims. I also helped to explain
15 and discuss the company’s practices and their general practices and procedures, locating and
16 analyzing company documents, among others. I also assisted in settlement discussions, helped
17 obtain a highly favorable result for the class, and reviewed all settlement documents and believe
18 that this settlement is fair for the class.

19 6. Second, I respectfully request that the Court approve the agreed-upon service
20 award because I agreed to set aside my personal interests and to put the interests of the class
21 ahead or on par with my own. In fact, as a condition of this class action settlement and the
22 individual settlement I have agreed to with the company, I was required waive all possible
23 individual claims against the company.

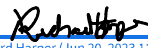
24 7. Third, by bringing this case as a class action, I undertook significant risks and
25 stresses at a high emotional cost without any guarantee of success. For example, filing this
26 lawsuit and being a whistle blower was stressful on a day-to-day basis as I have constantly
27 worried about the risk that this case could impact my ability to find future jobs. This stress/risk
28 lasted for the entire case, and I’m worried it will continue to make it hard to find a job in the

1 future since the case information is all available online. I ended up getting a job in a new field in
2 order to avoid the tow truck field as I feel as though I may be blacklisted from that arena now as
3 a result.

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

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

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct. Executed on Jun 20, 2023, at Mira Loma, California.

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14 By: 
15 Richard Harper (Jun 20, 2023 11:04 PDT)
16 Richard Harper
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