

Galen T. Shimoda (Cal. State Bar No. 226752)
Justin P. Rodriguez (Cal. State Bar No. 278275)
Renald Konini (Cal. State Bar No. 312080)
Shimoda & Rodriguez Law, PC
9401 East Stockton Boulevard, Suite 120
Elk Grove, CA 95624
Telephone: (916) 525-0716
Facsimile: (916) 760-3733
E-mail: attorney@shimodalaw.com
jrodriguez@shimodalaw.com
rkonini@shimodalaw.com

Attorneys for Plaintiff ANTHONY LINGLE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ANTHONY LINGLE, individually and on
behalf of all other similarly situated
employees,

Plaintiff,

vs.

CENTIMARK CORPORATION, a
Pennsylvania Corporation; and DOES 1 to
100, inclusive,

Defendant.

Case No. 2:22-CV-01471-KJM-JDP

CLASS ACTION

**DECLARATION OF ANTHONY LINGLE IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: January 23, 2025
Time: 10:00 a.m.
Courtroom: 3
Judge: Hon. Kimberly J. Mueller

Filed: December 2, 2021
FAC Filed: July 22, 2022
SAC Filed: October 7, 2022
Trial Date: None Set

1 I, Anthony Lingle, declare:

2 1. I am a competent adult, I have personal knowledge of the facts set forth in this
3 declaration, and I am making this declaration on behalf of myself, as a named plaintiff, and in support
4 of Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement.

5 2. I worked for Defendant Centimark Corporation ("Defendant") from approximately
6 November 1, 2019, to October 2021, as a non-exempt employee. I was subject to all of Defendant's
7 policies and practices that have been alleged as unlawful in the Complaint and the notices sent to the
8 Labor and Workforce Development Agency, including Defendant's failure to pay for all hours spent
9 driving for work purposes, failure to incorporate the value of nondiscretionary bonuses and zone pay
10 into the regular rate of pay for the purpose of calculating overtime wages, meal and rest period
11 premiums, and sick pay, failure to authorize and permit all meal and rest periods, failure to pay for all
12 hours worked due to its time keeping practices and policies, failure to reimburse class members for the
13 use of their cell phones for work purposes, failure to issue accurate wage statements, and the failure to
14 pay all outstanding wages due at the time of separation.

15 3. I have actively participated in the litigation of this case for the benefit of all Class
16 Members. Prior to obtaining an attorney, I researched the potential attorneys who I felt would be best
17 to help me bring these wage and hour claims against the company. I also researched the wage and hour
18 claims, so I had a better understanding of them when discussing them with my attorney, to make sure I
19 was able to provide all the right information for the claims to be properly evaluated, and ensure I
20 understood what to expect in litigation and how to help the case proceed. After securing Shimoda &
21 Rodriguez Law, PC, I continued to be actively involved in the case, seeking documents and potential
22 witnesses, to help ensure a positive outcome.

23 4. My attorneys explained to me the risks and benefits of bringing a class action and a
24 claim under the Private Attorneys General Act ("PAGA"). I understood that pursuing the case as a
25 class and PAGA action meant that it would take substantially longer than pursuing my wage claims
26 individually, whether in Court or with the California Labor Commissioner, and that I risked getting
27 nothing in the end, but I believed it was important to make sure that Defendant followed the law for
28 everyone. I understood that I took on the risk, both professionally and financially, in pursuing the wage

1 and hour claims as a class and PAGA action rather than pursuing them individually. As a Class
2 Representative, I also took on the risk of having to pay Defendant's costs if we were unsuccessful in
3 bringing our claims.

4 5. During the course of this litigation, I have given detailed accounts of all the facts related
5 to my employment. I provided my attorneys with extensive documentation that I believe supported the
6 claims brought against Defendant. I met with and assisted my attorneys in understanding these
7 documents and providing context for Defendant's payroll process as it applied to me and how I
8 believed it applied to Defendant's other employees. I worked in several different crews in both
9 northern and southern California, so I was able to discuss the similarities of the wage and hour policies
10 and practices among all Class Members.

11 6. The work I performed for this case included an extensive review of documents and
12 payroll practices to show and explain to my attorneys what was happening and why I thought it was
13 unlawful. For example, I provided several hundred pages of documents to my attorneys including
14 payroll records, employee handbooks, policies, text and phone records, and relevant correspondence
15 with Defendant. I spent a substantial amount of time obtaining documents and going over the facts
16 with my attorneys, providing context for the documents I produced. I reviewed the paystubs my
17 attorneys to help them identify all the different types of pay that existed and what the criteria was for
18 the amounts being paid. We also itemized and discussed every job site I worked at, the crew
19 composition for the site, supervisor and manager structure for the site, and working conditions for each
20 site so the wage and hour policies and practices forming the basis of the claims could be assessed
21 both on the merits and for purposes of class certification. The review became even more detailed when
22 my attorneys asked me questions about the payroll data sample that was produced in the informal
23 document and data exchange for mediation. I also spent a substantial amount of time identifying and
24 speaking to potential witnesses who could speak to my attorneys to give their own insights and provide
25 declarations. Overall, I have spent a substantial amount of time assisting in the prosecution of this case
26 over approximately the past three (3) years.

27 7. I participated in the negotiations and settlement discussions in this case, including
28 participating in mediation by phone, speaking with my attorneys to answer questions, provide any

1 additional information needed to assist the negotiations, and discussing the potential terms of the
2 Agreement to evaluate its adequacy. Throughout the course of this litigation, I have asked questions
3 when I needed clarification about various aspects of this case to make sure there were continually steps
4 taken to advance the interests of Class Members.

5 8. Although I have already spent a substantial amount of time on this case and assisting my
6 attorneys, I expect the amount of time I spend on this case will increase if preliminary approval is
7 granted because Class Members will likely reach out to me about the Settlement and the process for
8 receiving payment.

9 9. I have not received any benefits as a result of filing this wage and hour lawsuit. I have,
10 however, experienced substantial burdens as a result of filing the lawsuit that other Class Members
11 were not subject to. For example, in bringing the lawsuit, I assumed the risk of having to pay
12 Defendant's costs if the Court or jury rules against us on the claims. My understanding is that this is a
13 substantial risk because the costs associated with litigation, in general, are very high and this cost is
14 multiplied many times over in complex litigation like class actions. I have spent a substantial amount
15 of time in this case, securing a monetary benefit for many individuals who have not had to do anything
16 whatsoever to have the opportunity to receive it. I have been employed full-time during the majority of
17 the time this case has been pending. As a result, the time I have spent on this case has to occur after
18 hours or on my days off. Rather than spend this time with friends and family, I have spent this time for
19 the benefit of Class Members. Finally, as part of the Settlement, I am providing a broader release
20 claims and waiving the protections of California Civil Code section 1542 for unknown claims. No
21 other Class Member is subject to such a broad release.

22 10. I have reviewed the Class and Representative Action Settlement Agreement and
23 Release, discussed the terms with my attorney, and asked my attorney any questions I had. I believe
24 the terms of the Settlement and allocations are fair and reasonable given the facts of the case.

25 11. I understand that any Class Representative Enhancement Award I may receive is for my
26 participation as a Class Representative and it is not contingent on my support or approval of the
27 Agreement.
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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed on December 16, 2024, in Sacramento, California.

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Tony L (Dec 16, 2024 08:23 PST)

5 Anthony Lingle
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