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Attorneys for Plaintiff Juan Nieves and on behalf of the Proposed Class

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

JUAN NIEVES, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

KLLM TRANSPORT SERVICES, LLC, a
Texas Limited Liability Company; and
DOES 1 through 20, inclusive;

Defendants.

Case No.: CIVSB2134796
*[Assigned to Hon. Judge David Cohn, Dept. S26,
for all purposes]*

**DECLARATION OF PLAINTIFF JUAN
NIEVES IN SUPPORT OF MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Complaint filed: December 21, 2021

I, Juan Nieves, state and declare:

1. I am the Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and can 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 KLLM, there were several practices that I believe violated California law. Therefore, I researched attorneys and contacted Lauby, Mankin & Lauby LLP. Even after discussing these issues, I was unsure if I wanted to bring a lawsuit because of the risk of stepping forward as a whistle blower, since this could jeopardize my livelihood in the

1 industry and make it difficult to find future jobs. Nevertheless, because I did not think that
2 myself or the other employees were being treated correctly, I retained Lauby, Mankin & Lauby
3 LLP to move forward with a case.

4 3. After retaining my attorneys, I understood that I had two options: I could pursue
5 individual claims case and attempt to maximize my personal recovery, or I could bring a
6 class/representative action and put the interests of the class ahead of my own. The decision of
7 whether to bring my individual claims or to bring a class action put me in a tough spot, because
8 on the one hand, I wanted to hold the company accountable for how they treated me and, on the
9 other hand, I wanted to help other employees that were not paid correctly. And I knew that, if I
10 wanted to bring a class action, I would need to put the interests of the class first to better serve
11 the class. In the end, in the interest of helping all employees that were subjected to the wage
12 violations, I decided to help everyone by bringing a class/representative action.

13 4. Since first initiating this action, I estimate that I have spent at least forty (40)
14 hours engaged in activities to benefit the class. I have assisted my attorneys in numerous ways,
15 including helping to explain and discuss the company's practices and their general practices and
16 procedures, locating and analyzing company documents, and communicating with other class
17 members. These efforts occurred through numerous calls, emails, and text communications. I
18 also assisted in preparation for mediation and helped obtain a positive result for the class.

19 5. I respectfully request that the Court approve the agreed-upon service award. I
20 agreed to set aside my personal interests and to put the interests of the class ahead or on par with
21 my own. In doing so, and by successfully bringing this case as a class action, I helped to obtain a
22 highly beneficial settlement for the class members that resulted in nearly two months of pay for
23 the average class member. I also believe that the service award is fair and reasonable given that I
24 have faced substantial risks and made numerous sacrifices to obtain this class action settlement.

25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct. Executed on Feb 28, 2023, at Fontana, California.

27
28 By: 
Juan M. Nieves (Feb 28, 2023 22:09 PST)
Juan Nieves