

Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Kristen M. Agnew (State Bar No. 247656)
kagnew@diversitylaw.com
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
kagnew@diversitylaw.com

Attorneys for Plaintiffs and the Class
[Additional Attorneys on Next Page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF YOLO

Coordination Proceeding
Special Title (Rule 3.550)
HUMANO WAGE AND HOUR CASES
Included actions:
Hines v. Humano LLC
Emmens v. Humano LLC
Thurman v. Humano LLC

JUDICIAL COUNCIL COORDINATION
PROCEEDING
No. 5240

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
No. 34-2022-00313411

SUPERIOR COURT OF CALIFORNIA
COUNTY OF YOLO
No. CV2021-2225

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
No. CIVSB2227784

*[Assigned for all purposes to Hon. Daniel
M. Wolk, Dept. 8]*

**DECLARATION OF PLAINTIFF
JERMAINE HINES IN SUPPORT OF
PLAINTIFFS’ MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: December 20, 2024
Time: 10:30 a.m.
Dept.: 8

William L. Marder (State Bar No. 170131)
bill@polarislawgroup.com

POLARIS LAW GROUP
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

Paul K. Haines (State Bar No. 248226)
phaines@haineslawgroup.com
Sean M. Blakely (State Bar No. 264384)
sblakely@haineslawgroup.com

HAINES LAW GROUP, APC
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

James R. Hawkins, Esq. (State Bar No. 192925)
Gregory Mauro, Esq. (State Bar No. 222239)
Michael Calvo, Esq. (State Bar No. 314986)
Lauren Falk, Esq. (State Bar No. 316893)
Ava Issary, Esq. (State Bar No. 342252)

JAMES HAWKINS APLC
9880 Research Drive, Suite 200
Irvine, CA 92618
Tel.: (949) 387-7200
Fax: (949) 387-6676
Email: James@jameshawkinsaplc.com
Email: Greg@jameshawkinsaplc.com
Email: Michael@jameshawkinsaplc.com
Email: Lauren@jameshawkinsaplc.com
Email: Ava@jameshawkinsaplc.com

Attorneys for Plaintiffs and the Class

DECLARATION OF JERMAINE HINES

I, Jermaine Hines, declare as follows:

1. I am an individual over the age of 18. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I am one of the named plaintiffs in the above-reference action and submit this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement. Because I believe I have provided invaluable assistance during the course of this case, I am hopeful that the Court will approve our request of a \$10,000 Enhancement Payment for myself and the other Class Representatives.

3. I was employed by Defendant Humano LLC ("Defendant" or the "Company") as a Warehouse Order Selector from about September 19, 2021, until about October 27, 2021. I worked as an hourly, non-exempt employee.

4. I filed this lawsuit because I was concerned that I was not paid properly for all the hours that I worked. During my employment, I earned overtime wages and non-discretionary incentive pay, including, but not limited to, bonus incentives, performance incentives and per diems. When I earned overtime pay and non-discretionary incentive compensation during the same workweek, the Company did not include the additional incentive(s) in the calculation of the regular rate of pay used to determine my overtime rate. As a result, I believe that I am owed additional overtime pay based on the correct, higher regular rate of pay.

5. Additionally, as a result of the underpayment of overtime wages, whenever overtime and non-discretionary incentive pay was earned during the same workweek, the corresponding wage statement failed to identify the accurate rates of pay for such overtime wages and the accurate gross and net wages earned.

6. By filing a class action, I hoped that I might be able to change the Company's policies to better protect the working conditions of my former co-workers. However, I did not make the decision to file a class action lightly.

7. I was concerned by the attention that a class action lawsuit would attract in the

1 workplace and the reputational harm that may result, including the perception that I am difficult
2 to work with. I was also mindful that filing a class action lawsuit could jeopardize my
3 employment status. Although the lawsuit is justified, my current or prospective employer might
4 find out that I sued the Company, and there is a risk of facing retaliation and strained
5 relationships with colleagues and supervisors. Nevertheless, I felt that important rights were at
6 stake that hurt everyone, and something ought to be done about it.

7 8. As a class representative, I understand that it is my responsibility to act in the best
8 interests of the class and not my own. I have not put my own interests ahead of that of the class.
9 Moreover, I am not aware of any conflicts that exist between my interests and the interests of the
10 class that would impair or affect my ability to serve as representative for the class.

11 9. I made it a priority to be actively involved because I wanted to do everything I
12 could to assist my attorneys in prosecuting this case. I also understood it was my duty as a Class
13 Representative to represent the best interests of the class, know about the lawsuit, help my
14 attorneys, and keep updated on the case.

15 10. I have invested a lot of personal time and energy while this lawsuit has been
16 pending. I met with members from Polaris Law Group and Diversity Law Group, and spent a lot
17 of time on the phone with my attorneys to get updates about the case and provide them with
18 information. Since I first got involved in this case, I have had approximately twenty phone calls
19 with my attorneys. Some of these phone calls lasted more than thirty minutes.

20 11. Throughout the case, I spent time looking for documents relevant to the case,
21 including wage statements, employee handbooks, and text messages. Additionally, I provided
22 my attorneys with valuable information, such as policies and procedures pertaining to pre-shift
23 work and meal/rest periods.

24 12. Before signing the Joint Stipulation of Class Action Settlement (“Settlement
25 Agreement” or “Agreement”), I read the Settlement Agreement and I discussed its terms with my
26 attorneys. I believe that this settlement is fair, adequate, and reasonable. I am glad that I had the
27 opportunity to represent the class in this lawsuit and that I was able to recover money through a
28 settlement for the class.

Executed on this 7th day of November, in the City of Sacramento, State of California.

5