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Attorneys for Plaintiffs, 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

Coordination Proceeding Special Title
(Rule 3.550)

AMERICAN TIRE WAGE AND HOUR
CASES

*Rafael Martinez, et al. v. American Tire
Distributors, Inc., et al.*
Case No.: CIVSB2133396
(San Bernardino Superior Court – 12-8-21)

*Germaine Tanner Sr., et al. v. American
Tire Distributors, Inc., et al.*
Case No.: 22CECG00735
(Fresno County Superior Court – 03-8-22)

Case No.: JCCP 5239
[Assigned to the Hon. David Cohn, Dept. S26]

**DECLARATION OF PLAINTIFF
RAFAEL MARTINEZ IN SUPPORT OF
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

1 I, Rafael Martinez, state and declare:

2 1. I am the Plaintiff in the above captioned action and have personal knowledge of
3 all matters stated herein and could competently testify thereto. I make this declaration in support
4 of the motion for final approval of the class action settlement. I believe that the settlement is fair,
5 reasonable, and constitutes a fair resolution of the claims alleged.

6 2. During my employment with American Tire, I thought that were issues with my
7 pay and other aspects of my employment. Because of these issues, I started researching
8 California law and contacted attorneys regarding how I was treated.

9 3. I then contacted Lauby, Mankin & Lauby LLP and understood that I had two
10 options: (1) I could bring a class action to help all of the employees, but I would have to put their
11 interests ahead of my own, or (2) I could bring my individual case and claims and attempt to
12 maximize my individual recovery. This decision was very difficult because I wanted to
13 maximize my individual recovery, but I also wanted to help everyone else that was wronged by
14 the company. And, if I joined the class action, I was worried that I might get labeled as a
15 whistleblower, which might make it hard to find a job in the future. In the end, I decided that –
16 despite the risks – it was important to bring these claims as a class action to hold the company
17 accountable for how they treated their employees.

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

20 5. First, I have spent substantial time working on this case – at least 50 hours
21 engaged in activities to benefit the class. I have been an active participant in this litigation and
22 have assisted my attorneys in numerous ways, including helping to explain and discuss the
23 company's practices and their general practices and procedures, locating and analyzing company
24 documents, and communicating with other class members. These efforts occurred through
25 numerous telephone conferences, letters, emails, and text communications. I also assisted in
26 preparation for mediation and helped obtain a positive result for the class.

27 6. Second, I respectfully request that the Court approve the agreed-upon service
28 award because I agreed to set aside my personal interests and to put the interests of the class

1 ahead or on par with my own. In doing so, and by successfully bringing this case as a class
2 action, I helped to obtain a highly beneficial settlement for the class members.

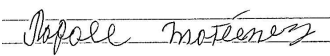
3 7. Third, as a condition of this class action settlement, I was required to release and
4 waive all possible individual claims against the company – something that none of the other class
5 members were required to give up. And although I did not have a case pending at the time, I was
6 considering bringing a wrongful termination case for the way that I was terminated. Ultimately,
7 I agreed to waive my individual claims in exchange for a service award (which potentially
8 caused me to lose significant lost wages and other damages) because I believed it was in the best
9 interests of the class members.

10 8. Fourth, by bringing this case as a class action, I undertook significant risks and
11 stresses at a high emotional cost without any guarantee of success. For example, filing this
12 lawsuit and being a whistle blower was stressful on a day-to-day basis as I have constantly
13 worried about the risk that this case could impact my ability to find future jobs. And this
14 stress/risk lasted for the entire case, and I'm worried it may make it hard to find a job in the
15 future since the case information is all available online.

16 9. Fifth, bringing this case also came with a major financial risk because, if I lost the
17 case, I would be required to pay the company's costs, which could be over \$10,000, and there
18 was a chance they could try to make me pay their attorneys' fees as well.

19 10. Therefore, I respectfully request that the Court award the full requested service
20 award since that amount is justified based on the facts above.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct. Executed on Jul 19, 2023, at Moreno Valley, California.

23
24 By: 
25 Rafael Martinez
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