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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 – 12-03-
21)

*Germaine Tanner Sr., et al. v. American
Tire Distributors, Inc., et al.*

Case No.: 22CECG00735
(Fresno County Superior Court – 03-08-22)

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

**DECLARATION OF PLAINTIFF
GERMAINE TANNER, SR.**

Hearing

Date: April 25, 2023

Time: 10:00 a.m.

Dept.: S26

1 I, Germaine Tanner, Sr., 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 preliminary approval of the class action settlement. I believe that the settlement
5 is fair and reasonable and constitutes a fair resolution of the claims alleged.

6 2. I am a competent adult and worked for Defendant in California as a non-exempt
7 employee during the Class Period. I have personal knowledge of the facts set forth herein, and if
8 called as a witness to testify to them, I could and would do so competently.

9 3. I contacted my current attorneys when I questioned the employment practices of
10 Defendant prior to commencing this lawsuit. I accepted the opportunity to act as a Class
11 Representative in a class action on behalf of other employees of Defendant who I believed were
12 being subjected to labor law violations. Although presented with the opportunity, I did not to
13 pursue this case on an individual basis and instead did so as a class action so that I could help
14 other employees recover for what I believed were Defendant's illegal practices.
15

16 4. Specifically, I questioned Defendant's policies of failing to pay all wages, failing
17 to provide compliant meal and rest periods, failing to timely compensate employees, and issuing
18 its employees incorrect paystubs. I believe Defendant applied its uniformly unlawful policies
19 across all of its employees. Through many discussions with my lawyers, I learned these may be
20 illegal practices and Defendant's employees might have recourse for them.

21 5. By bringing this lawsuit, and throughout its course, I have put the interests of the
22 class ahead of my own. I understood that I could possibly earn a small enhancement payment if
23 this case resolved itself favorably, but always knew that I could also be responsible for paying
24 Defendant's attorneys' fees and costs if it did not. My goal in bringing this lawsuit was to obtain
25 a recovery on behalf of the class, and even more importantly, to put an end to what I believed
26 were illegal practices on the part of Defendant. I believe I have achieved both through this
27 lawsuit and settlement.
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1 6. I am very happy about the results of this litigation. I am satisfied that Defendant
2 is compensating class members for unpaid wages, expenses, penalties, and interest that I believe
3 we are due.

4 7. At the onset of this case, I spent time through numerous phone calls with several
5 of my attorneys explaining what I understood to be the policies and procedures of Defendant and
6 how they were applied to me and others I worked with. During the course of this litigation, up
7 through and following the settlement process, I kept actively involved with its status, tracking the
8 status of the case and participating as much as possible. I assisted and consulted with my
9 attorneys throughout the litigation, provided relevant information, identified witnesses, and
10 helped during an all-day mediation.

11 8. While I have not maintained detailed time records of my activities in connection
12 with this litigation, I believe that have spent a total of approximately 20 hours assisting my
13 attorneys with the preparation of this case, and doing work and analysis independent from my
14 attorneys both before and during this case, including conducting an independent investigation of
15 the facts.

16 9. Before this litigation commenced, and throughout its course, I have spent
17 approximately 10 or more hours gathering, organizing, and reviewing documents and
18 information for this lawsuit. I sifted through many of my own documents and reviewed
19 information produced by Defendant as part of this case.

20 10. I have communicated with my attorneys several times per month to track my
21 case's status. I have taken an active involvement in this matter throughout its course.

22 11. This lawsuit will almost certainly result in reputational harm to me. There is a
23 stigma associated with suing anyone, let alone your former employer. I will probably be
24 adversely affected when it comes to obtaining future employment – employers who learn that I
25 sued Defendant in a class action will likely avoid hiring me.

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12. I do not believe that I have any conflicts with other members of the class. My interests in bringing this lawsuit – for Defendant to change its labor practices going forward and to compensate current and former employees – are the same as those of all other class members.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 28, 2023, at Fresno, California.

By:

Germaine Tanner, Sr.

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