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Attorneys for Plaintiff THOMAS LONGACRE, individually and
On behalf of all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN**

THOMAS LONGACRE individually and on
behalf of all others similarly situated

Plaintiff,

v.

KEHE DISTRIBUTORS, INC., a Delaware
Corporation; and DOES 1-50, inclusive

Defendants.

Case No.: STK-CV-UOE-2022-0001211

Assigned For All Purposes To:
Judge: HON. Erin Guy Castillo
Dept.: 10B

**DECLARATION OF THOMAS
LONGACRE IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date:
Time:
Dept.: 10B

DECLARATION OF THOMAS LONGACRE

I, **THOMAS LONGACRE**, hereby declare as follows:

1. I am over the age of eighteen and I submit this Declaration in support of the motion for preliminary approval of the class action settlement and fees, costs and enhancement. The following is based upon my personal knowledge and if called as a witness, I could and would competently testify thereto.

2. I was employed by Defendant KEHE Distributors Inc., (“Defendant”) in approximately March 2021 as a Non-Exempt Employee working as an Order Selector and worked during the liability period for Defendants until my separation from Defendants’ employ in approximately June 2021. My preformed duties included but were not limited to placing orders on double EPJs with pallets, drop off orders at loading dock, warehouse loading and unloading.

3. As a non-exempt employee, I suffered the same damages as other employees. These included not being provided meal periods or permitted rest periods, not provided accurate wage statements, and not paid all my wages on time, and not accurately paid sick leave all in accordance with California law. As a result of these alleged violations, I sought consultation with my attorneys at James Hawkins, APLC.

4. Based upon my allegations, and after consultation and full disclosure from my attorneys about the potential risks I faced as a Plaintiff in a putative class action, I freely decided to pursue this lawsuit to try and vindicate my rights and the rights of others who also worked for Defendants and suffered similar harms due to Defendant’s common practices and policies.

5. Prior to filing my action, my attorneys and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendants. During those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff.

6. My attorneys provided me with a draft of the complaint for my review and approval. I closely reviewed the complaint to ensure accuracy and completeness. As a result, I

1 caused my attorneys to file the class action complaint alleging claims for the allegations alleged
2 therein. Thereafter, I have been fully involved in my case. Following the filing of the
3 complaint, I collaborated with my attorneys on the prosecution of my claims, and I regularly
4 contacted my attorneys to stay current on the status of the litigation, and to discuss my
5 attorneys' progress in prosecuting the claims.

6 7. Since I believe I was not provided lunches and not permitted my rest breaks, not
7 accurately paid sick leave, and therefore not provided accurate itemized wage statements, I
8 believe that I have been similarly injured as to all other class members in the settlement who
9 worked for Defendant during the class period. I believe the claims asserted in the Complaint is
10 also shared by the other Class Members. I worked with various other non-exempt employees
11 and I believe we were all treated the same and subject to the same unlawful policies.

12 8. Since I agreed to become a Class Representative, I have worked every step of the
13 way with my attorneys. During the course of the litigation I have always kept the best interest
14 of the Class Members on equal footing as mine. I have been, and I am willing to continue to
15 pursue the Class Members' claims vigorously on our collective behalf if the Settlement is not
16 finally approved. As a result, I firmly believe that I do not have any interests adverse to the
17 interests of the Class Members. I have maintained the Class Members best interest from the
18 inception of the case.

19 9. As a Class Representative, I have spent numerous hours consulting with my
20 attorneys, providing documentation, consulting with other Class Members, responding to
21 questions from my attorneys, providing documents to my attorneys, working with my attorneys
22 to review documents received, preparing for my deposition, which was not taken, helping my
23 attorneys in preparing for the mediation and attending the mediation via telephone. I was
24 consulted about the status of the case and provided constant feedback about the case from my
25 attorneys including the mediation, settlement negotiations and eventual settlement. I estimate I
26 have spent approximately 55 hours working on this case.

27 10. From the beginning of this case, I have freely chosen to accept the risks of being
28 a Class Representative in this class action lawsuit. I chose to assume these risks and pursue the

1 claims on behalf of the Class Members as I wanted to vindicate their rights. I believe we have
2 achieved that result with the settlement and the individual payments to the Class Members. I
3 believe the settlement is fair reasonable and adequate based on the numerous defenses asserted
4 by Defendant. I believe the efforts and work I put forth helped to achieve the fair settlement
5 that will benefit the Class Members. As a result of my efforts, I also believe the Class
6 Representative Award is reasonable, and I respectfully request the Court approve the amount of
7 \$10,000.00 as fair and reasonable.

8 I declare under penalty of perjury under the laws of the state of California that the
9 foregoing is true and correct. Executed on April 27, 2023, at French Camp, County of San
10 Joaquin, California.

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THOMAS LONGACRE