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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**

Hearing

Date: April 25, 2023

Time: 10:00 a.m.

Dept.: S26

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 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. When I first retained my attorneys (Lauby, Mankin & Lauby), I chose to pursue
7 this case on a class action basis rather than as an individual claim. In that regard, I understood
8 that I had specific burdens as the "Class Representative," which included: (a) representing the
9 interests of all class members, (2) considering the interests of all class members above my own
10 personal interests, (3) participating actively in the lawsuit, including potential testimony at
11 deposition and trial, and keeping generally aware of the status and progress of the lawsuit.
12 Moreover, I understood that any resolution of the lawsuit is subject to court approval and must
13 be designed in the best interests of the class as a whole.
14

15 3. Since first initiating this action on behalf of the proposed class, I believe that I
16 have more than adequately performed my duties as a class representative. I have been an active
17 participant in this litigation, including assisting my attorneys in various ways and making myself
18 available when needed. For example, I have assisted my attorneys by compiling and analyzing
19 substantial documentation regarding the claims in this case. I have also helped to explain and
20 discuss the company's practices and their general practices and procedures, locating and
21 analyzing company documents, among others. I have also reviewed all settlement documents and
22 believe that this settlement is fair for the class. Finally, I will continue to take all steps necessary
23 to finalize this settlement and obtain court approval.

24 4. I have no conflicts with the proposed class members and will continue to assist
25 with the litigation and prosecute the case on behalf of the other employees.

26 5. I respectfully request that the court preliminarily approve the service award. As
27 outlined above, I have performed substantial services for the Class and helped obtain a highly
28 beneficial settlement for my fellow employees. And I have also agreed to waive all of my claims

1 against the company as part of this settlement and in exchange for the service award – which
2 goes well beyond the release given by other class members. At the final approval stage, I will
3 submit an additional declaration setting forth all the work I did for this case, including an
4 estimated number of hours spent assisting the Class and my attorneys.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed on Mar 31, 2023, at Moreno Valley, California.

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8 By: 
9 Rafael Martinez
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