

Brian J. Mankin, Esq. [CSB No. 216228]
brian@lmlfirm.com
Peter J. Carlson, Esq. [CSB No. 295611]
peter@lmlfirm.com
LAUBY, MANKIN & LAUBY LLP
5198 Arlington Avenue, PMB 513
Riverside, CA 92504
Tel.: (951) 320-1444 | Fax: (951) 320-1445

Daniel F. Gaines, Esq. SBN 251488
daniel@gaineslawfirm.com
Alex P. Katofsky, Esq. SBN 202754
alex@gaineslawfirm.com
Evan S. Gaines, Esq. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
4550 E. Thousand Oaks Blvd., Suite 100
Westlake Village, CA 91362
Tel.: (818) 703-8985 | Fax: (818) 703-8984

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 DANIEL F. GAINES
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL**

Hearing

Date: April 25, 2023

Time: 10:00 a.m.

Dept.: S26

1 I, Daniel F. Gaines, state and declare:

2 1. I am an attorney duly admitted to the practice of law in the State of California. I
3 am a shareholder of Gaines & Gaines, APLC, counsel for Plaintiff Germaine Tanner Sr.
4 (“Tanner” or “Plaintiff”) and proposed Class Counsel in this action. I have personal knowledge
5 of the facts set forth herein and if called as a witness to testify to them, I could and would do so
6 competently.

7 2. This declaration is given in support of Plaintiffs’ Unopposed Motion for
8 Preliminary Approval of Class and PAGA Action Settlement.

9 **Counsel’s Experience**

10 3. I obtained my BS degree from the University California at Berkeley in 2003. I
11 majored in Business Administration at the Haas School of Business.

12 4. Thereafter, I attended the University of Virginia School of Law. At Virginia, I
13 was a member of the editorial board of the Virginia Tax Review. I was also the recipient of the
14 Lacy Armour Scholarship, awarded to recognize academic excellence. At Virginia, I focused
15 my studies on tax and real estate. I earned my JD and became a member of the California Bar
16 in 2007.

17 5. Since becoming a member of the Bar, and until his recent retirement, I have
18 practiced law with my partner/father, Kenneth, at Gaines & Gaines, APLC. My father practiced
19 law in California for over 40 years, emphasizing litigation for the vast majority of his career.
20 Our current practice specializes in litigation, with an emphasis in business, real estate, and
21 employment disputes like this one. Over 95% of our practice is devoted to complex
22 employment litigation.

23 6. As this Court knows, my firm has represented employees in complex employment
24 matters such as this one, with an emphasis in wage and hour issues. I have participated in and
25 have been certified as class counsel in dozens of class action matters since my admission to the
26 Bar. A list of the cases in which I have been appointed as class counsel is attached hereto as
27 **Exhibit A.**
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8. My firm has worked with the representative Plaintiff Tanner to protect the interests of the class and the Plaintiffs. Due to my extensive experience over more than 15 years in practice, I am familiar with the law as it applies to the legal and factual issues relevant to this matter. My firm has dedicated the necessary personnel and resources to fully develop the case, and in doing so the firm was also fully enabled to evaluate the settlement risks and benefits for the case.

9. Based on my experience and my investigation of this matter, I believe that Plaintiff Tanner has claims typical of the rest of the Class as his claims are based on the same facts and circumstances as those of the rest of the Class. In particular, Plaintiff Tanner was subjected to Defendant's uniform meal and rest period policies; deprived of legally-mandated minimum and overtime wages; and was not provided compliant wage statements.

11. Plaintiff Tanner has also assisted me and my associates in the litigation of this Action. After being informed of his obligation as Class Representative, Plaintiff Tanner consented to the filing of the lawsuit and has cooperated fully with all demands of the litigation. Plaintiff Tanner has continuously fulfilled his duties as the class representative throughout litigation, spending time and effort to gather relevant documents and information, providing the facts and evidence necessary to prove the allegations, and discussing his employment with Class

1 Counsel. Plaintiff Tanner also assisted and consulted with my office during the litigation,
2 provided relevant information, identified witnesses, and helped during an all-day mediation.

3 12. I am also aware the there are no conflicts, actual or potential, between the
4 interests of Plaintiff Tanner and the other Class Members.

5 13. Given my experience, and for the reasons set forth above, in the accompanying
6 Motion, and in the supporting papers filed, I believe that this Settlement is fair, reasonable, and
7 adequate.

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 March 28, 2023 at Westlake Village, California.
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11 By: *Daniel F. Gaines*
12 Daniel F. Gaines
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