

1 Zachary M. Crosner (SBN 272295)
zach@crosnerlegal.com
2 Brandon Brouillette (SBN 273156)
bbrouillette@crosnerlegal.com
3 Chad Saunders (SBN 257810)
chad@crosnerlegal.com
4 CROSNER LEGAL, PC
9440 Santa Monica Blvd. Suite 301
5 Beverly Hills, CA 90210
Tel: (866) 276-7637
6

7 [Additional Counsel on Next Page]

8 Attorneys for Plaintiffs Jared Deaver, Daniel
Ramirez and Brad Smith
9

10 **SUPERIOR COURT OF CALIFORNIA**
11 **COUNTY OF SACRAMENTO**
12

13 JARED DEEVER, as an individual and on
14 behalf of all others similarly situated,

15 Plaintiffs,

16 v.

17 BLUE DIAMOND GROWERS, a California
corporation; et al,

18 Defendants.
19

20 AND RELATED CONSOLIDATED CASES.
21

Case No. 34-2022-00316490-CU-OE-GDS
(Consolidated with Case Nos. 34-2022-
00319378-CU-OE-GDS and 34-2021-
00304425-CU-OE-GDS)

Assigned to Hon. Lauri A. Damrell, Dept. 22

**DECLARATION OF BRAD SMITH IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: ____, 2025
Time: 9:00 a.m.
Dept.: 22
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BIBIYAN LAW GROUP, P.C.

David D. Bibiyan (SBN 287811)
david@tomorrowlaw.com
Vedang J. Patel (SBN 328647)
vedang@tomorrowlaw.com
1460 Westwood Boulevard
Los Angeles, California 90024
Tel: (310) 438-5555; Fax: (310) 300-1705

Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Christine S. Lee (State Bar No. 339947)
christine@diversitylaw.com

DIVERSITY LAW GROUP, P.C.

515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder (SBN 170131)
bill@polarislawgroup.com

POLARIS LAW GROUP

501 San Benito Street, Suite 200
Hollister, CA 95023
Telephone: (831) 531-4214
Facsimile: (831) 634-0333

Edward W. Choi, Esq. SBN 211334
edward.choi@choiandassociates.com

LAW OFFICES OF CHOI & ASSOCIATES

515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
Telephone: (213) 381-1515
Facsimile: (213) 465-4885

1 I, Brad Smith, declare as follows:

2 1. I am an adult over the age of eighteen (18) years old. I am a plaintiff in the above-
3 captioned lawsuit. I have personal knowledge of the facts set forth in this declaration. I make this
4 declaration in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement.

5 2. I worked for defendant Blue Diamond as an hourly paid employee in Sacramento. I
6 was a forklift driver and worked for Defendant for about 13 years until I was terminated in February
7 2021. While I worked for Blue Diamon I don't think I was paid for all hours that I worked because
8 many times I had to do a few minutes of work before clocking in for a shift, and also I had to wait
9 in line for a few minutes to clock in because of the long lines of employees at the time clocks. I also
10 don't think I received all of the meal and rest breaks I was entitled to, and many times my lunch
11 break started late, or was interrupted by a supervisor. I also had to end my lunch a few minutes early
12 to go wait in line to clock back in. I also had to use my own phone for work purposes and never
13 received any reimbursement.

14 3. I decided to file this lawsuit because I did not feel that I was treated fairly as an
15 employee of Defendant, especially with regard to me not receiving all of the pay I believe I earned,
16 and for not getting all of my breaks or any reimbursement for using my own phone.

17 4. It is my understanding this lawsuit could not have been prosecuted or settled on
18 behalf of the Class unless I or some other current or former employee decided to serve as a named
19 plaintiff. In deciding to serve as a named plaintiff in this case, I understood that my name could be
20 publicly attached to this lawsuit and that my work experiences to some extent would be set forth in
21 a public court file. I recognized I would need to devote a certain amount of time that I could have
22 spent otherwise. I also recognized my bringing the lawsuit carried some degree of risk for
23 defendants' legal costs among other things. Despite this, I decided to serve as the named plaintiff
24 without any promise of recovery or compensation.

25 5. I am familiar with the work involved in prosecuting this case. I have participated in
26 meetings, phone calls, and other communications with my lawyers regarding this case. I am
27 familiar with the allegations and defenses of the claims in this case. I am familiar with the major
28 events in this case, including the investigation performed by my lawyers, the mediation with

1 Defendant that resulted in this settlement, and the preparation of settlement papers and the need to
2 obtain court approval of the proposed settlement. I participated in the litigation and provided my
3 lawyers with information and documents regarding my employment with Defendant.

4 6. I believe that the proposed settlement obtained on behalf of the other employees is
5 excellent in view of the issues and risks involved with the case.

6 7. I believe I have fulfilled my duties as the named plaintiff and class representative,
7 which required a significant amount of time and effort during the course of this case. These efforts
8 required dedicating numerous hours to lawsuit activities including, but not limited to: (a)
9 communicating with my attorneys to stay informed of ongoing developments in the case and to
10 discuss the proposed settlement ultimately negotiated; (b) searching for and providing documents
11 and other materials relating to my work experience; (c) responding to requests for information
12 relating to my work experience; and (d) reviewing filings and key documents including drafts of
13 the complaint and the settlement agreement. These tasks required my dedication of at least 20
14 hours of my time, which time I honestly could have spent on family, personal time, or work. My
15 understanding is that future tasks may require several more hours of my time. Further, at all times
16 I was ready, willing and able to testify at deposition and/or trial. I believe I have been diligent and
17 that I have acted above and beyond that of which is expected of a named plaintiff and proposed
18 class representative to date and will continue to do so.

19 8. It is my opinion that \$10,000.00 is a fair and adequate award for my service as the
20 named plaintiff and class Representative, and in consideration for my general release of all claims
21 against Defendant. I believe that amount is fair and reasonable in view of the work I have and will
22 continue to perform on behalf of the Class. I believe that my role in this lawsuit has resulted in a
23 valuable benefit to the other employees, and I accepted the potential risk of being liable for the
24 opposing parties' costs if we were unsuccessful in this lawsuit. I believed in this case, so I was
25 willing to be the named plaintiff to risk this and pursue this lawsuit. I also accepted the risk that
26 news of this lawsuit could also potentially impact my ability to secure other work.

27 /////

28 /////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9. Based on the time, service, risk, stress, potential stigma, loss of benefits and excellent outcome of this case, I believe the enhancement for me is fair and reasonable.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct. Executed on 01 / 05 / 2025, at Sacramen, California.



Brad Smith