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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

DAMONTAE LEVINGSTON, KEVIN
PEARSON, MARK GUTIERREZ, and
PAUL RODRIGUEZ, as individuals and on
behalf of all others similarly situated,

Plaintiffs,

v.

COMMERCE DISTRIBUTION
COMPANY LLC., a California Limited
Liability Company; SMART & FINAL
LOGISTICS LLC, a Delaware limited
liability company; SMART & FINAL
STORES, LLC, a California limited liability
company, and SMART & FINAL LLC, a
Delaware limited liability company and
DOES 1 through 50, inclusive,

Defendants.

CASE NO. 22STCV05730

*[Case assigned for all purposes to the Hon.
Randolph M. Hammock, Dept. 49]*

**DECLARATION OF PAUL RODRIGUEZ IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Hearing Date: April 5, 2023
Hearing Time: 8:30 A.M.
Dept.: 49

Action Filed: February 15, 2022
Trial Date: None Set

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1 I, PAUL RODRIGUEZ, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am one of the lead named Plaintiff's
4 in the above Class and PAGA action filed against COMMERCE DISTRIBUTION COMPANY LLC.,
5 SMART & FINAL LOGISTICS LLC, SMART & FINAL STORES, LLC, and SMART & FINAL.

6 2. This declaration is being submitted in support of Plaintiffs' Motion for Preliminary Approval
7 of Class Action and PAGA Settlement.

8 3. I believe that I am, have been and will continue to represent the interests of the class fairly
9 and adequately. I have claims that are typical of the claims the Class Members that I am seeking to
10 represent.

11 4. I worked for Defendant Commerce Distribution in California from approximately
12 January 31, 2022, to February 2022. At all times during my employment, I was denied legally
13 mandated meal and rest periods, minimum wages, and overtime compensation.

14 5. Generally, my lawsuit claims that Defendant's failed to provide compliant meal and rest periods,
15 furnished inaccurate itemized wage statements, miscalculated the regular rate of pay for purposes of
16 paying overtime compensation, and failed to reimburse employees for mandatory business expenses.

17 6. I believe that my claims are typical of the claims of the Class Members that I am seeking to
18 represent because I was subject to the same alleged unlawful employment policies and practices at
19 issue in this action, including but not limited to, Defendant's failure to provide compliant meal and
20 rest periods, failure to furnish accurate itemized wage statements, failure to pay overtime
21 compensation at the regular rate of pay, and failure to reimburse for mandatory business expenses.
22 Factually, Defendant's policies and practices apply class wide, and Defendant's liability can be
23 determined by facts common to all members of the Class.

24 7. Further, there is no conflict between my interests and the interests of the class that I am
25
26

1 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
2 I was injured by the same company-wide policies and practices to which the proposed Class was
3 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
4 of the Class by initiating this litigation, undertaking extensive class discovery, and evaluating the
5 proposed settlement to assure that it is fair.

6 8. I understood at the time that I filed this action, that as a Class Representative, I owed a duty
7 to the putative class members to faithfully prosecute this action with their best interests at the forefront
8 of every decision. I understood that I could not make any decision in this action for the sole benefit
9 of my personal interest. I understood that in executing this duty, I might have been asked to sacrifice
10 my personal best interests for the benefit of the interests of the putative class members. Nevertheless,
11 I knowingly and voluntarily undertook this duty in order to provide the broadest possible relief for my
12 former co-workers for what I perceived to be Defendant's unlawful wage and hour practices. I believe
13 that I faithfully executed the duties of a Class Representative throughout this litigation and will
14 continue to do until this litigation is fully and finally resolved.

15 9. I believe that the proposed settlement before the Court is fair, reasonable, and adequate, and
16 made in the best interest of the Settlement Class Members. Consequently, I respectfully, and humbly,
17 I ask the Court to grant preliminary approval of the Settlement and all of its terms.

18
19 I declare under the penalty of perjury under the laws of the State of California that the foregoing
20 is true and correct. Executed Mar 8, 2023, 2023, at Adelanto (location/City), California.

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23 By:  Paul Rodriguez (Mar 8, 2023 09:44 PST)

24 PAUL RODRIGUEZ