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SUPERIOR COURT OF THE STATE OF CALIFORNIA

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

[Assigned for All Purposes to the Hon.
Randolph M. Hammock, Dept. 49]

**DECLARATION OF PLAINTIFF
DAMONTAE LEVINGSTON IN SUPPORT
OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: April 5, 2023

Time: 8:30 a.m.

Dept.: 49

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Attorneys for Plaintiffs

1 I, DAMONTAE LEVINGSTON, hereby declare and state as follows:

2 1. I am an individual over the age of 18 year and the named Plaintiff in the above-
3 captioned matter. I have personal knowledge of the facts contained in this declaration, and if
4 called as a witness, could and would testify as to their accuracy.

5 2. I was formerly employed by Defendant COMMERCE DISTRIBUTION
6 COMPANY LLC as a Warehouse Associate and was an hourly non-exempt employee.

7 3. During my employment with Defendant, I earned non-discretionary wages such
8 as shift premiums, non-discretionary bonuses and incentive pay during the same pay periods
9 where I earned overtime wages and meal break premium wages. I was also subject to mandatory
10 COVID-19 screenings prior to clocking in for my shift. Also, like other employees, I was
11 required to carry communication devices and respond to communications during my meal and
12 rest breaks. Further, whenever shift differential wages were paid, my wage statements that did
13 not identify the accurate total hours worked.

14 4. I do not believe I have any interests that are adverse to the other employees that
15 are part of this settlement.

16 5. I have not previously been a named plaintiff in any other class action cases, other
17 than this case.

18 6. I understand that the filing of this action was a matter of public record and that
19 this was being prosecuted on a representative basis. I understand that a representative action
20 would take longer in litigation than an individual action and undertook such risks. I have not
21 incurred any expenses, but have expended a significant amount of time on this matter.

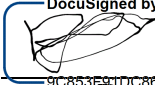
22 7. During the course of this litigation, I have always made myself available to
23 answer questions, gather and provide documents, review and execute the settlement agreement
24 and this declaration. I will continue to make myself available to review any other documents
25 needed to bring this matter to conclusion. I estimate that I have spent 50 hours in the prosecution
26 of this action.

27 8. I understand that I am providing a full general release of all of my claims,
28 including a Civil Code § 1542 waiver, which was not required of Settlement Class Members.

9. Pursuant to Rules of Professional Conduct Rule 1.5.1., I have provided written authorization for the attorney's fee to be split as follows: Haines Law Group, APC - 50%; Blumenthal Nordrehaug Bhowmik De Blouw LLC - 25%; JCL Law Firm, APC - 6.25%; Zakay Law Group, APLC - 6.25%; Diversity Law Group, P.C. – 4.06%; Law Offices of Choi & Associates, P.C. – 4.06%; and Polaris Law Group, P.C. – 4.38%.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 6, 2023, at Los Angeles, California.

DocuSigned by:

9C853F91DC864CA

Damontae Levingston