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Attorneys for Plaintiffs EDDIE ESCAMILLA,
GUSTAVO ESCAMILLA, and ARTURO
ESCAMILLA, on behalf of themselves, all others
similarly situated and on behalf of the general public.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN BERNARDINO

EDDIE ESCAMILLA, GUSTAVO
ESCAMILLA, and ARTURO
ESCAMILLA, on behalf of themselves, all
others similarly situated, and on behalf of
the general public,

Plaintiffs,

v.

KEYSTONE FREIGHT CORP.;
NATIONAL RETAIL
TRANSPORTATION, INC.; and DOES 2
through 100,

Defendants.

Case No. CIVDS1931366

**DECLARATION OF EDDIE ESCAMILLA
IN SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

1 I, Eddie Escamilla, hereby declare under penalty of perjury as follows:

- 2 1. I have personal knowledge of all matters stated herein, and if called as a witness, I could
3 and would competently testify thereto, except as to those matters stated upon information
4 and belief, and as to those matters, I believe them to be true.
- 5 2. I am a named Plaintiff and Class Representative in the above-captioned lawsuit, and I
6 submit this declaration in support of Plaintiffs' Motion for Final Approval of Class Action
7 Settlement.
- 8 3. I performed services for Keystone Freight and National Retail ("Defendants") as an owner
9 operator in California from approximately January 2019 to June 2019.
- 10 4. I have been in regular contact with my attorneys throughout the prosecution of this case
11 and have been kept apprised of all aspects of the case. Throughout the litigation, I have
12 always been available to provide my attorneys with helpful information for this lawsuit.
- 13 5. I understood that a large amount of work could be required of me as a class representative,
14 and I was willing to and did engage in this work. I had regular discussions with my
15 attorneys, provided them with information and a substantial amount of documents from my
16 time contracting with Defendants, responded quickly to their questions, and reviewed and
17 analyzed the settlement agreement and settlement papers to ensure the settlement was fair
18 and reasonable and in the best interests of the class.
- 19 6. I have and will continue to adequately represent all of the interests of the class, which
20 consists of all individuals that performed work for Defendants in California as owner
21 operators and those who worked under the owner operators at any time between October
22 18, 2015, through April 11, 2022. I do not have any interests different from those of the
23 class members. I initiated this lawsuit on behalf of myself and the class because I wanted
24 to fix what I perceived as problems affecting all of us.
- 25 7. Throughout this long and stressful case, I have put my personal interests behind that of the
26 other class members, even when my personal interests were under attack by Defendants.
27 For example, Defendants counter-sued my company in this case, claiming that my
28 company would have to pay Defendants all that I proved Defendants owed me. They said

1 my company was responsible to pay for any wrongs I proved they did because of an
2 indemnity provision in the contract I signed with them. In other words, if Defendants were
3 successful in their counter lawsuit against my company, even if I won it would really be
4 like I would lose. Most people in my situation of being counter sued like this would have
5 tried to just end the case and get a settlement for themselves so they would not have to face
6 such a financial risk and danger. I didn't do that, though. Despite the danger Defendants'
7 cross lawsuit against my company put me in and the great stress it caused me and my
8 family, I continued to fight back for the class members.

9 8. Based on these significant risk I believe the \$10,000 enhancement award request is
10 reasonable.

11 9. My claims are typical of the class, because I am similarly situated to all current and former
12 owner operators and those who worked under the owner operators at any time between
13 October 18, 2015, through April 11, 2022. Thus, my interests are the same as all members
14 of the proposed class.

15 10. Although I did not attend the mediation in person, I was available via phone. During the
16 settlement negotiations, my attorneys continually communicated and explained every part
17 of the negotiation process. Having been fully informed and advised by my attorneys as to
18 the strengths and risks associated with further litigation, I gave my consent to settle with
19 Defendants for the gross settlement amount of \$1,500,000, which I find to be fair and
20 reasonable.

21 11. I understand that this additional service award is not guaranteed and is subject to Court
22 approval. My opinion about the fairness and adequacy of the settlement in the case is not
23 based on this potential payment.

24 12. While I truly believe that I was doing the right thing in pursuing this case, I do believe that
25 I have paid a price for the greater good of other employees, who will now obtain some
26 relief through the terms of the proposed settlement.

1 13. I recognize that any resolution of this matter must be approved by the Court in terms of
2 whether the settlement is fair and reasonable, and that I am obligated to protect the
3 interests of all of class members for the Class Period.

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

6 Dated: 8/9/2022

7 By: 
8 EDDIE ESCAMILLA
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