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Attorneys for Plaintiff, 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

BRETT CONSTANT, individually, on a  
representative basis, and on behalf of all  
others similarly situated;

Plaintiff,

vs.

ROOTER RANGER, LLC, an Arizona  
Limited Liability Company; BEEBE  
ENTERPRISES, INC., a California  
Corporation; and DOES 1 through 20,  
inclusive;

Defendants.

Case No.: CIVSB 2206149  
*[Assigned to Hon. Judge David Cohn, Dept  
S26, for all purposes]*

**DECLARATION OF PLAINTIFF BRETT  
CONSTANT IN SUPPORT OF  
PLAINTIFF'S MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Complaint filed: March 21, 2022

I, Brett Constant, state and declare:

1. I am a Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and could competently testify thereto. I make this declaration in support of the motion for final approval of the class action settlement. I believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged.

2. During my employment with Defendant, I thought that there were issues with my pay, commissions, and breaks. I started researching California law and contacted attorneys regarding issues with how I was paid.

3. I then contacted my attorneys (Lauby, Mankin & Lauby LLP) and discussed these

1 claims. As part of this discussion, I understood that I could either bring a class action to help all  
2 of the employees, but I would have to put their interests ahead of my own, or I could bring my  
3 individual case and claims and attempt to maximize my individual recovery. This decision was  
4 very difficult because I wanted to help everyone else that was wronged by the company, but I  
5 also wanted maximize my individual recovery. I was also concerned that, if I brought this as a  
6 class action, I might get labeled as a whistleblower, which might make it hard to find a job in the  
7 future. I eventually decided that – despite the risks – it was important to bring these claims as a  
8 class action to hold the company accountable for how they treated their employees.

9 4. I respectfully request that the Court approve the agreed-upon service award for  
10 the following reasons.

11 5. First, I have spent at least 30 hours engaged in activities to benefit the class. I  
12 have been an active participant in this litigation, including assisting my attorneys in various ways  
13 and making myself available when needed. For example, I have assisted my attorneys by  
14 compiling and analyzing substantial documentation regarding claims. I also helped to explain  
15 and discuss the company’s practices and their general practices and procedures, locating and  
16 analyzing company documents, among others. I also assisted in settlement discussions, helped  
17 obtain a highly favorable result for the class, and reviewed all settlement documents and believe  
18 that this settlement is fair for the class.

19 6. Second, I respectfully request that the Court approve the agreed-upon service  
20 award because I agreed to set aside my personal interests and to put the interests of the class  
21 ahead or on par with my own. In fact, as a condition of this class action settlement, I was  
22 required to compromise on and waive all possible individual claims against the company.  
23 However, to finalize this settlement, I put the interests of the class ahead of my own and agreed  
24 to waive all of my claims against the company.

25 7. Third, by bringing this case as a class action, I undertook significant risks and  
26 stresses at a high emotional cost without any guarantee of success. For example, filing this  
27 lawsuit and being a whistle blower was stressful on a day-to-day basis as I have constantly  
28 worried about the risk that this case could impact my ability to find future jobs. This stress/risk

1 lasted for the entire case, and I'm worried it will continue to make it hard to find a job in the  
2 future since the case information is all available online.

3 8. Fourth, and finally, bringing this case also came with a major financial risk  
4 because, if I lost the case, I would be required to pay the company's costs, and there was a  
5 chance they could try to make me pay their attorneys' fees as well.

6 9. Therefore, I respectfully request that the Court award the service award since that  
7 amount is justified based on the substantial time I spent on this case, as well as the risks and  
8 stresses I faced and will continue to face to secure this class action settlement to benefit the other  
9 employees.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct. Executed on May 2, 2023, at Upland, California.

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13 By:

  
Brett constant (May 2, 2023 23:08 PDT)

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