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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF ALAMEDA**

15 SONNY RATTLER, an individual, on behalf
16 of himself and on behalf of all persons
17 similarly situated, and on behalf of the State of
18 California, as private attorney general,

19 Plaintiffs,

20 vs.

21 PACIFIC COAST CONTAINER, INC., a
22 California Corporation; and DOES 1 through
23 50, inclusive,

24 Defendants.

CASE NO.: **22CV015216**

[Consolidated with Case No. 22CV015223]

**DECLARATION OF SONNY RATTLER
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: April 3, 2024

Hearing Time: 2:30 p.m.

Reservation ID: A-15216-001

Judge: Hon. Tara Desautels

Dept.: 23

Action Filed: July 28, 2022

Trial Date: Not set

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DECLARATION OF SONNY RATTLER

1 I, Sonny Rattler, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary Approval
4 of Class Settlement and in support of my application for a Class Representative Service Payment.
5

6 2. I have personal knowledge of all the facts stated herein. I could and would competently
7 testify under oath to these facts in court if requested to do so.

8 3. I worked for defendant Pacific Coast Container, Inc. ("PCC") in California from January
9 of 2019 to January of 2022 and during that time period I was classified by PCC as a non-exempt
10 employee.

11 4. I retained my attorneys who are experienced in both class action and PAGA
12 representative action litigation and claims against employers for violations of the California Labor
13 Code. I have no personal relationship or family ties to my attorneys or any officer of the Court. I
14 am not aware of having any actual or potential conflicts of interest with another class member in
15 this case nor am I aware of having any actual or potential conflicts of interest with Apex Class
16 Action, LLC, the settlement administrator. I am not aware of any other pending matter or action
17 asserting claims that will be extinguished or adversely affected by this settlement.
18

19 5. I decided to file this class action lawsuit and be a plaintiff/class representative
20 because I felt that my legal rights as an employee and others like me were violated. For example,
21 I regularly did not receive duty-free rest breaks. This is because PCC required me to stay on the
22 work premises during my rest breaks. I should have been allowed to leave the premises for my rest
23 breaks if I chose to do so. I also did I receive the rest break premium payments I should have
24 received for these violations. I also did not receive compliant meal breaks from time to time in that
25 they were either short, missed or late and I did not receive all the meal break premium payments I
26 should have received when these violations occurred. In addition, PCC did not pay me any wages
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1 for the time I spent undergoing Covid-19 screenings while off the clock and also off the clock
2 security checks before and after my shifts.

3 6. I spoke to my attorneys several times and discussed how PCC implemented
4 its company policies and procedures. I also assisted my attorneys in their investigation into my
5 claims by providing them documents and answering their questions. I reviewed the complaint
6 before it was filed and was given access to an electronic file sharing program that alerted me via
7 email when important documents were filed so that I could review them and keep up with the
8 developments in the case which I understood was one of my duties as a class representative. I
9 could also access court filings from this case on my attorney's law firm website.

10 7. Even though this action is in the process of settling, I was and remain prepared to
11 perform all the duties of a class representative. I understand that as a class representative I have
12 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
13 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
14 benefit of the class members and surrender any right to compromise the group action for an
15 individual gain.

16 8. I understood that being a plaintiff/class representative in this case meant that I was
17 seeking damages not only for myself but also other current and/or former non-exempt employees
18 working for PCC in California who make up the class. I felt that these individuals were not aware
19 of their labor law rights and even if they were they would probably be apprehensive about
20 speaking up or even simply because of the time, effort and risk involved in filing a class action
21 lawsuit.

22 9. I understood that being a part of this lawsuit involved risks. For example, my
23 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
24 pay for all or part of the attorney fees and costs paid by PCC to defend this lawsuit. Also, I knew

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1 there was a risk that future employers, if they ever find out about this lawsuit, could hold it against
2 me or downgrade me as a potential hire. As the only named Plaintiff in this case it would not be
3 difficult for a future employer to become aware that I sued a former employer for labor law
4 violations. Ultimately I decided these risks were worth it and decided to fight for my rights and
5 the rights of others regardless of the risks, time and effort I spent on this case.
6

7 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also
8 kept up to date on important developments by reviewing court filings that were made available to
9 me electronically as I described above.

10 11. A mediation took place on May 24, 2023 with Hon. Carl J. West (Ret.), a well-
11 respected and experienced mediator of wage and hour class actions. After the mediation the
12 parties were able to reach an agreement to settle the action based on a mediator's proposal. I
13 communicated with my attorneys regarding the terms of the settlement which was reached
14 between the parties and understood that I was representing absent class members and therefore
15 wanted the best possible result to be obtained for the class members and I believe a very positive
16 result was in fact achieved via settlement.
17

18 12. I have been actively involved with this lawsuit performing the duties described above.
19 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
20 filings, and spent a significant amount of time on the issues presented during the lawsuit and in the
21 settlement process. I estimate that I spent approximately 30-40 hours working on this case up
22 until this point. I believe I have been diligent and have done what is expected of a named plaintiff
23 and a proposed class representative to date, and will continue to do so. I have and always will
24 maintain the best interest of the class members.
25

26 13. My attorneys explained to me that the settlement process involves a two-step
27 review by the Court to determine whether the settlement is fair before approving the settlement. I
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1 know this process also involves notifying all class members of the settlement terms and of their
2 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
3 settlement.

4 14. I believe I did the right thing by filing this case on behalf of the class members who,
5 subject to court approval, are in line to receive monetary payments as a result of this case and
6 settlement. This is money they may never have ever gotten if I did not pursue this action on their
7 behalf. I feel significant personal satisfaction to know that I played a role in the class members
8 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the
9 requested Class Representative Service Payment of \$10,000 from the settlement is fair
10 compensation for the work I performed and the risks I undertook.
11

12 15. As part of the settlement it was necessary for me to sign a general release of all claims I
13 may have against PCC. I believe the Class Representative Service Payment I have requested
14 provides me with some compensation for this agreed release.
15

16 16. In light of all the time and effort I have spent on this case, the risk I undertook by
17 suing a former employer, the exposure to being responsible for paying the defendant's costs in the
18 event we did not win the case, the reputational risk that future employers may hold this lawsuit
19 against me, the general release and in light of the size of the settlement, I believe the request for
20 \$10,000 as a Class Representative service payment is fair and reasonable.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.
23

24 Executed on Mar 5, 2024, at Long Beach CA.
25 (city, state)

26 *Sonny J Rattler*
27 Sonny J Rattler (Mar 5, 2024 16:51 PST)

28 Sonny Rattler

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