

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Brian Hildick
and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF AMADOR

BRIAN HILDICK, on behalf of himself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiff,

v.

SUN COMMUNITIES, INC., a Maryland
corporation, and DOES 1 through 10,
inclusive,

Defendants.

Case No. 22-CV-12673

Assigned to the Hon. Andrea Sexton, Dept. 3

CLASS ACTION

**DECLARATION OF TAMERA PERKINS IN
SUPPORT OF UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND FOR LEAVE
TO FILE FIRST AMENDED COMPLAINT**

Date: November 27, 2023

Time: 8:30 a.m.

Dept.: 1

Complaint Filed: June 14, 2022

I, TAMERA PERKINS, hereby declare and state as follows:

1. I am a named Plaintiff in this Class Action lawsuit entitled Perkins v. Sun Communities Inc., County of Amador Superior Court Case No. 22CV12888, filed on November 3, 2022. I submit this declaration in support of Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement and For Leave to File First Amended Complaint. I am a competent adult and worked for Defendant as a non-exempt employee in Amador County during

1 the relevant time period. I have personal knowledge of the facts set forth herein, and if called as
2 a witness to testify to them, I could and would do so competently.

3 2. I believe that I am, have been and will continue to represent the interests of the class
4 fairly and adequately. I have claims that are typical of the claims the Class Members that I am
5 seeking to represent. Specifically, I worked for Defendant from July 2022 to November 2022 as
6 a non-exempt employee. Throughout my employment, Defendant classified me as a non-exempt
7 employee compensated on an hourly basis, entitled to legally mandated meal and rest periods and
8 minimum wage and overtime compensation. Accordingly, I am a member of the Settlement Class
9 that I am seeking to represent.

10 3. Additionally, my claims are typical of the claims of the Class Members that I am
11 seeking to represent because I was subject to the same alleged unlawful employment policies and
12 practices at issue in this action, including but not limited to, Defendant's failure to provide
13 compliant meal and rest periods, and failure to pay for all hours worked, failing to timely
14 compensate employees upon separation, failing to reimburse expenses and issuing its employees
15 deficient wage statements. Factually, Defendant's policies and practices apply class wide, and
16 Defendant's liability can be determined by facts common to all members of the Class.

17 4. I contacted my current attorneys when I questioned the employment practices of
18 Defendant prior to commencing this lawsuit. I accepted the opportunity to act as a Class
19 Representative in a class action on behalf of other employees of Defendant whom I believed were
20 being subjected to labor law violations.

21 5. Specifically, I questioned Defendant's policies of failing to pay all wages; failing to
22 provide all meal and rest periods; failing to timely compensate employees upon separation; failing
23 to reimburse expenses; and issuing its employees deficient wage statements. Through many
24 discussions with my lawyers, I learned these may be illegal practices and Defendant's employees
25 might have recourse for them.

26 6. I understood at the time that I filed this action, that as a Class Representative, I owed
27 a duty to the putative class members to faithfully prosecute this action with their best interests at
28

1 the forefront of every decision. I understood that I could not make any decision in this action for
2 the sole benefit of my personal interest. I understood that in executing this duty, I might have been
3 asked to sacrifice my personal best interests for the benefit of the interests of the putative class
4 members. Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the
5 broadest possible relief for my former co-workers for what I perceived to be Defendant's unlawful
6 wage and hour practices. I understood that I could possibly earn a small enhancement payment if
7 this case resolved itself favorably, but always knew that I could also be responsible for paying
8 Defendant's attorneys' fees and costs if it did not. My goal in bringing this lawsuit was to obtain
9 a recovery on behalf of the class, and even more importantly, to put an end to what I believed were
10 illegal practices on the part of Defendant. I believe that I faithfully executed the duties of a Class
11 Representative throughout this litigation and will continue to do until this litigation is fully and
12 finally resolved.

13 7. Further, there is no conflict between my interests and the interests of the class that I
14 am seeking to represent. My interests are entirely coextensive with the interests of the Class. I
15 allege that I was injured by the same company-wide policies and practices to which the proposed
16 Class was subjected and seek the same relief. I have already demonstrated my ability to advocate
17 for the interests of the Class by initiating this litigation, assisting in the investigation of claims
18 alleged in the action, and evaluating the proposed settlement to assure that it is fair.

19 8. I am very happy about the results of this litigation. I believe that the proposed
20 settlement before the Court is fair, reasonable and adequate, and made in the best interest of the
21 Settlement Class Members. I am satisfied that Defendant is compensating class members for
22 unpaid wages, premium wages for missed meal and rest periods, expenses, penalties, and interest
23 that I believe we are due.

24 9. At the onset of this case, I spent time through numerous phone calls with my attorney
25 explaining what I understood to be the policies and procedures of Defendant and how they were
26 applied to me and others I worked with. During the course of this litigation, up through and
27

1 following the settlement process, I kept actively involved with its status, tracking the status of the
2 case and participating as much as possible through emails and phone calls.

3 10. While I have not maintained detailed time records of my activities in connection
4 with this litigation, I believe that I have spent and will spend a total of over 40 hours assisting my
5 attorney with the preparation of this case, and doing work and analysis independent from my
6 attorney both before and during this case, including conducting an independent investigation of
7 the facts.

8 11. Before this litigation commenced, and throughout its course, I have spent
9 approximately fifteen or more hours gathering, organizing, and reviewing documents and
10 information for this lawsuit. I sifted through many of my own documents and reviewed
11 information produced by Defendant as part of this case. I was actively involved in the pre-
12 mediation investigation and during mediation. Moreover, I intend to incur additional hours of
13 work in reviewing the settlement agreement, obtaining status on the preliminary approval hearing,
14 the final settlement approval and final approval declaration.

15 12. I have communicated with my attorney several times per month to track my case's
16 status. I have taken an active involvement in this matter throughout its course.

17 13. This lawsuit will almost certainly result in reputational harm to me. There is a
18 stigma associated with suing anyone, let alone your former employer. I will probably be adversely
19 affected when it comes to obtaining future employment – employers who learn that I sued
20 Defendant in a class action will likely avoid hiring me.

21 14. I respectfully, and humbly, I ask the Court to grant preliminary approval of the
22 Settlement and leave to file a First Amended Complaint and all of its terms.

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

25 Executed on October 12, 2023 at Pine Grove, California.

26 *Tamera Perkins*

27 TAMERA PERKINS