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13 Attorneys for Plaintiff Versel Benjamin, individually, and on
14 behalf of all others similarly situated

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **COUNTY OF ORANGE**

17 VERSEL BENJAMIN, individually, and on
18 behalf of all other similarly situated current and
19 former employees of Defendant,

20 Plaintiff,

21 vs.

22 LUX BUS AMERICA CO., a California
23 corporation; and DOES 1 through 100, inclusive,

24 Defendant.

25) Case No. 30-2016-00870583-CU-OE-
26) CXC
27) [Assigned for purposed to the Honorable
28) Kim G. Dunning in Dept. CX104]

29 **DECLARATION OF PLAINTIFF**
30 **VERSEL BENJAMIN IN SUPPORT**
31 **OF THE MOTION FOR**
32 **PRELIMINARY APPROVAL**

33) Date: February 28, 2018
34) Time: 1:30 p.m.
35) Dept.: CX104

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1 6. By deciding to serve as a Named Plaintiff in this class action, I agreed to pursue
2 not only my own wage and hour claims, but the claims of all similarly situated employees of
3 Defendant, and if necessary, to put the interest of the class members ahead of my own. I pledged
4 to actively participate in the lawsuit and to assume the risks of serving as a Named Plaintiff in a
5 class action. My attorney also explained the risks associated with litigation, and that the case
6 could take years to resolve, and therefore required a long-term commitment on my part. I also
7 understood that I was potentially responsible for paying Defendant's attorney's fees and costs.
8 However, I accepted these risks and I wanted my attorneys to sue Defendant.

9 7. During this litigation, I have spent a significant amount of time working with my
10 attorneys and participating in this lawsuit as follows:

11 a. I regularly conferenced with my attorneys, before and after the filing of the lawsuit, to
12 discuss the status of the case, to offer my input on Defendant's practices and policies, to provide
13 names of witnesses, to assist in gathering evidence that supported the class claims, to review
14 policy documents from Defendant, and to discuss settlement options;

15 b. I also spent significant time helping my attorneys prepare for mediation and answering
16 questions about how Defendant's policies and practices of denying my meal and rest breaks, and
17 not paying me for all my time worked happened to everyone. I then spent a day attending the
18 private mediation.

19 8. Overall, I devoted many hours of my time to this case. This was not an easy thing
20 to do as I have my own job and responsibilities. When I am at home, it is important for me to
21 use the time I have and spend it with my family.

22 9. By agreeing to bring this class action, I accepted the responsibilities of
23 representing the interests of all class members and willingly chose to assume risks and potential
24 costs associated with the case. I did, and still do, have a fear that future employers may not hire
25 me should they find out that I served as a class representative in a wage and hour lawsuit.
26 However, this is another risk I am willing to take in order to further the interests of the class.
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10. I am aware that Defendant denies the allegations in this lawsuit and that there has been no determination that Defendant is actually liable for any of these alleged violations. I also understand that there are many risks and uncertainties involved in continuing to pursue this case. I have been advised of the terms of the proposed settlement of this case, and in light of the risks and uncertainties in proceeding with the case, I believe the proposed settlement is fair and reasonable and in the best interests of the Class.

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

Executed on January 13, 2018, at San Alencar, California.

Nurul Bari

Versel Benjamin