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

HECTOR J. MEJIA on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

WALMART INC., a Delaware corporation;
and DOES 1 through 10, inclusive,

Defendant.

Case No.: CIVSB-2207614

[Assigned for all purposes to the Hon. David E.
Driscoll, Dept. S26]

**DECLARATION OF DEARL POWELL IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: April 16, 2024

Time: 8:30 a.m.

Dept.: S26

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DECLARATION OF DEARL POWELL

I, Dearl Powell, declare as follows:

1. I am individual over 18 years of age. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently. I am one of the named Plaintiffs in the above-entitled case against Walmart Inc. ("Walmart" or "Defendant").

2. I was employed by Walmart as an hourly, non-exempt employee from on or about September 12, 2018, to on or about January 15, 2020.

3. Throughout my employment with Walmart, I understand that I regularly received non-discretionary incentive wages, including one described as "MYSHARE INCT" on my wage statements. I also understand that I took sick pay in the same quarter that I earned said "MYSHARE INCT." As such, I believe I was underpaid sick pay wages, such that Walmart owes me additional sick pay wages and associated penalties.

4. I understand that this action was brought on behalf of all other non-exempt employees of Walmart in the State of California, and that I am acting as one of the representatives for the Class. As one of the Class Representative, I understand that it is my responsibility to act in the best interests of the Class and not my own. I agree that I will not put my own interests ahead of that of the Class, and that I will not settle out my class claims in this lawsuit separately or independently from the Class. Moreover, I am not aware of any conflicts that exist between my interests and the interests of the Class that would impair or affect my ability to serve as representative for the Class.

5. I have and continue to be willing to assist in the investigation of this matter, including meeting, conferring, discussing the case with my attorneys; searching for and providing any necessary information and documents; making myself available for deposition, trial, or any further proceedings in this matter as required to represent the interests of the Class. I also understand my duties and responsibilities to the proposed Class and will carry out those duties as necessary.

6. I have discussed the terms of the settlement with my attorneys, and based on the information provided, I believe the settlement to be fair, adequate, and reasonable for myself and for the entire Class.

7. Prior to and subsequent to the filing of the lawsuit against Defendant, I regularly

1 conferred with my attorneys to discuss the status of the case, offer my input, and assist my attorneys in
2 gathering evidence that supported the class claims. For example, I discussed Defendant's policies and
3 practices related to the payment of sick pay to prepare documents necessary to the lawsuit. I also
4 conferred with my attorneys regarding the proposed settlement at length. I also worked with my
5 attorneys to draft responses to Walmart's discovery requests, which included document requests,
6 interrogatories and requests for admissions. I had to review and verify the responses, as well as search
7 for, gather, and review documents for production.

8 8. I also provided documents and other relevant information in order to assist my attorneys
9 in this matter.

10 9. I am proud of the result and accomplishment of this lawsuit. I feel that it is a positive
11 accomplishment of this lawsuit. I understand that many individuals will benefit in this lawsuit because
12 of the actions that I have taken.

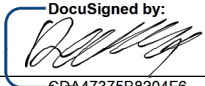
13 10. I feel that I took upon myself the risk of this lawsuit and achieved a result for my other
14 former co-workers who did not have to file suit.

15 11. I understand that I could have been liable for Defendant's costs had Defendant prevailed.
16 I also understand that this lawsuit was filed in the public court records, which may affect my ability to
17 obtain future employment.

18 12. I am also executing a general waiver of any and all claims, known and unknown,
19 including a waiver of Civil Code § 1542, which was not required of class members.

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

22 Executed on this ¹⁴ day of March 2024, at San Diego, California.

23 DocuSigned by:
24 
25 Dearl Powell
26 CD047375B8404F6...