

Thomas D. Rutledge
Attorney-at-Law
16956 Via de Santa Fe, Suite 1847
Rancho Santa Fe, California 92091
Telephone: (619) 886-7224

Thomas D. Rutledge (SBN 200497)
Attorney-at-Law
16956 Via de Santa Fe, Suite 1847
Rancho Santa Fe, California 92091-4606
Telephone: (619) 886-7224
thomasrutledgelaw@gmail.com

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO-CENTRAL DIVISION

VERNON BARNETT, individually and
as an aggrieved employee pursuant to the
Private Attorneys General Act ("PAGA")
on behalf of the State of California and
other aggrieved employees,

Plaintiffs,

vs.

QW INSURANCE SOLUTIONS, LLC,
a Washington limited liability company;
LENDINGTREE INC., a Delaware
corporation; LENDINGTREE LLC, a
Delaware limited liability company; and
DOES 3 through 50,

Defendants.

Case No.: 37-2022-00019924-CU-OE-
CTL

**DECLARATION OF VERNON
BARNETT ISO PLAINTIFFS'
MOTION FOR FINAL APPROVAL
OF CLASS AND PAGA
SETTLEMENT, FOR FEES, COSTS,
REPRESENTATIVE
ENHANCEMENT PAYMENT,
CLASS ADMINISTRATION
EXPENSES, AND ENTRY OF
JUDGMENT**

Judge: Hon. Katherine Bacal
Dept.: C-69
Hearing Date: Sept. 6, 2024
Hearing Time: 1:30 p.m.

Complaint Filed: May 25, 2022
Trial Date: NA
Discovery Cutoff: NA

[[Prop.] Order, Mem. of P&As, and
Decs. of Thomas D. Rutledge and Kevin
Lee, and Not. of Mot. filed concurrently
herewith]

DECLARATION OF VERNON BARNETT

I, VERNON BARNETT, declare and state as follows:

1. I am the named Plaintiff and Class Representative in this matter. As such, I am fully familiar with the facts, pleadings, and history of this matter. The following facts are within my own personal knowledge, and if called as a witness, I could testify competently to the matters stated herein.

2. This declaration is submitted in support of Plaintiffs' Motion for Final Approval of the Class Settlement and for Fees, Costs, Representative Enhancement Payment, Class Administration Expenses, and Entry of Judgment.

3. From about June 22, 2020 until about April 8, 2022, Defendants employed me as a salesman.

4. During my employment, I witnessed Defendants commit a wide range of Labor Code violations.

5. Based on what I observed in the workplace as Defendants' employee, I decided to contact Mr. Thomas D. Rutledge.

6. Mr. Rutledge interviewed me regarding the merits of my case.

7. Based upon his interview, Mr. Rutledge, he agreed to represent me.

8. Mr. Rutledge requested my personnel file and payroll records from the Defendants and forwarded them to me for my review.

9. I am the originating Plaintiff in this case.

10. I filed the class action lawsuit as a named Plaintiff to recover money for myself and the other employees in the class.

11. I have been actively involved as a named Plaintiff for about two years.

12. As the named Plaintiff in this Class Action, my goal was to right a wrong I observed regarding underpayment of wages to me and the class and the unlawful procurement of our investigative consumer reports, misconduct I believe was illegal.

13. I knew that by getting involved in this lawsuit, I had to consider the interests of the other employees, above my own interests, and I agreed to actively

1 participate in this case as their representative.

2 14. Before joining this class action, Class Counsel personally contacted me,
3 and we spent numerous hours discussing the case over the course of numerous phone
4 calls and in-person meetings.

5 15. Mr. Rutledge and members of his staff contacted me before filing this
6 case to interview me, former coworkers, and to obtain documents critical to the
7 prosecution of this case.

8 16. Thereafter and on many different occasions, I spoke with Class Counsel
9 about my case, the things I experienced, and helped Class Counsel locate other
10 witnesses, learn the facts, and develop case theories.

11 17. Some of the above meetings took more than two hours of my time on the
12 low side.

13 18. I gave Class Counsel all the documents in my possession, such as emails,
14 paystubs, and other documents relevant to my employment with the Defendants.

15 19. I also reviewed and provided input on each of the draft Complaints
16 before Class Counsel filed them because this case and its outcome were important to
17 me.

18 20. I also provided input on the mediation brief Class Counsel prepared for
19 mediation.

20 21. Through my efforts, I feel I succeeded in creating value for the entire
21 class and payments to the Class they would not receive otherwise, and prompted a
22 change in the way Defendants handle their employment practices.

23 22. Over the lengthy period Class Counsel and I worked on this class action,
24 I provided input for many briefs to the Court, sometimes spending hours to give my
25 lawyers insight on how to better assist the Class.

26 23. In preparation for mediation, I assisted Class Counsel and their staff by
27 answering the numerous phone calls and emails they sent me.

28 24. Days before the mediation, I met via telephone with Class Counsel

1 regarding my employment records and we discussed the case more thoroughly.

2 25. Class Counsel reminded me again that my case had significant merit and
3 that I would help many people, other than myself.

4 26. I spoke with Mr. Rutledge and his staff over the phone and in emails
5 dozens of times to obtain information about my case, and to provide any assistance
6 needed.

7 27. I was available by phone all day during the mediation, and I
8 communicated with my lawyers and their staff throughout the mediation process.

9 28. I have invested a significant amount of time in this matter and have
10 risked my reputation for being a named Plaintiff in this matter due to my desire to
11 obtain justice for the Class.

12 29. For the personal suffering of various Labor Code and employment
13 claims beyond the scope of this litigation, I have agreed to provide Defendants a full
14 release pursuant to Civil Code § 1542 in exchange for the settlement proceeds of
15 \$15,000 if this Court approves the class settlement.

16 30. Including the time spent reviewing legal pleadings and communicating
17 with Mr. Rutledge and his staff, the total estimated time doing all the foregoing has
18 been about 45 hours on the low side.

19 31. But for this lawsuit, I firmly believe Defendants would not have
20 corrected the way they pay their employees and procure their investigative consumer
21 reports.

22 32. In consideration of the amount of work, hours, and effort I have
23 dedicated to this case, as well as the financial and professional risks I took in pursuing
24 a lawsuit against an employer, and in consideration of the § 1542 release I have given
25 to the Defendants for my claims, I believe the requested \$10,000 incentive award for
26 my service is fair, reasonable, and well-deserved.

27 33. I am very pleased with Class Counsel, and know that the members of the
28 class will feel we obtained justice in this matter.

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34. I very respectfully request the Court to award me \$10,000 as a representative enhancement payment, allow me to recover \$15,000 in exchange for my Civil Code § 1542 general release payment, grant final approval of the settlement, and do everything else that needs to be done to finalize this settlement.

Except as to those matters made upon information and belief, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Approved for electronic signature on August 12, 2024, at County of Riverside, California.

Vernon Barnett

Declarant, VERNON BARNETT

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

I, THOMAS D. RUTLEDGE, the undersigned, am employed in the County of San Diego, State of California; I am over the age of 18 and not a party to the within action; my business address is 16956 Via de Santa Fe, Suite 1847, Rancho Santa Fe, California 92091-4606.

On August 12, 2024, I served the foregoing document(s) described as:

DECLARATION OF VERNON BARNETT ISO PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS AND PAGA SETTLEMENT, FOR FEES, COSTS, REPRESENTATIVE ENHANCEMENT PAYMENT, CLASS ADMINISTRATION EXPENSES, AND ENTRY OF JUDGMENT

on the interested parties to this action by placing a copy thereof enclosed in a sealed envelope addressed as follows: **See Attached List.**

☒ **(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence was deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in San Diego, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

☒ **(BY E-MAIL via E-file)** I am readily familiar with the business practice for collection and processing of correspondence for emailing with the Court authorized third-party vendor. This correspondence was sent via email via this third-party vendor pursuant to the vendor's policies and practices.

☐ **(BY OVERNIGHT DELIVERY SERVICE)** I served the foregoing document by Federal Express, an express service carrier which provides overnight delivery, as follows. I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

☐ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

☐ **(BY FACSIMILE)** I caused such documents to be delivered via facsimile to the offices of the addressee(s) at the following facsimile number:

Executed August 12, 2024, at San Diego, California.

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

THOMAS D. RUTLEDGE
/s/THOMAS D. RUTLEDGE

SERVICE LIST

David A. Wimmer, Esq.
Swerdlow Florence Sanchez Swerdlow & Wimmer
10877 Wilshire Blvd., Suite 1650
Los Angeles, CA 90024
dwimmer@swerdlowlaw.com;mokane@swerdlowlaw.com

Attorneys for Defendants