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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

DONALD MATTHEWS, an individual, on
behalf of himself and on behalf of all persons
similarly situated,

Plaintiff,

v.

HANSEN & ADKINS AUTO TRANSPORT,
INC., a California Corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. CVRI2203075

[Consolidated with Case No.
CVRI2203224]

Assigned for All Purposes:
Honorable Harold Hopp, Dept. 10

**DECLARATION OF DONALD
MATTHEWS IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT**

Hearing Date: November 14, 2023
Hearing Time: 8:30 a.m.

Action Filed: July 21, 2022
Trial Date: Not set

1 I, Donald Matthews, 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
4 Approval of Settlement and in support of my application for a Class Representative Service
5 Payment.
6

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

9 3. I worked as a mechanic in California for Hansen & Adkins Auto Transport, Inc.
10 (“Hansen & Adkins”) from April of 2016 to March of 2022. I was classified by Hansen &
11 Adkins as a non-exempt employee during that time period.
12

13 4. I retained my attorneys who are experienced in both class action and PAGA
14 representative action litigation and claims against employers for violations of the California
15 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
16 Court. I am not aware of having any actual or potential conflicts of interest with another class
17 member in this case nor am I aware of having any actual or potential conflicts of interest with
18 ILYM Group, Inc., the settlement administrator. I am not aware of any other pending matter or
19 action asserting claims that will be extinguished or adversely affected by this settlement.
20

21 5. I decided to pursue this class action lawsuit and be a plaintiff/class representative
22 because I felt that my legal rights as an employee and others like me were violated. For example,
23 Hansen & Adkins had a haphazard approach to meal and rest breaks, one that left me wondering
24 how and when to take my meal and rest breaks. When I first started working for the company, I
25 was provided with an all-inclusive amount of time for both of my meal and rest breaks in a way
26 that unlawfully combined them. I was also not allowed to leave the break room or the shop area
27

1 during my 10-minute rest breaks. I should have been allowed to leave the premises for my rest
2 breaks if I chose to do so. Also I was required to work off the clock as I prepared to be a diesel
3 mechanic. Specifically, after being hired by the company, I was forced to train myself on the
4 particulars of being a diesel mechanic. I did this work off the clock and without pay. I was
5 required, for example, to study and then test myself on various subjects in preparation of work
6 for Hansen & Adkins at all hours of the day and night without getting paid. I was also not paid
7 for other post-shift work I was required to do off the clock such as repairing various trucks and
8 completing other general job tasks on behalf of Hansen & Adkins. I was also required to use my
9 personal cell phone for work-related issues such as responding to calls and text messages from
10 my manager who expected me to be reply at all times without delay. I was not reimbursed by the
11 company for the costs associated with using my cell phone for work-related issues.
12

13
14 6. I spoke to my attorneys several times and discussed how Hansen & Adkins implemented
15 its company policies and procedures. I also assisted my attorneys in their investigation into my
16 claims by providing them documents and answering their questions. I reviewed the complaint
17 before it was filed and after it was filed I was given access to an electronic file sharing program
18 that alerted me via email when important documents were filed so that I could review them and
19 keep up with the developments in the case which I understood was one of my duties as a class
20 representative. I would also contact my attorneys from time to time if I had any questions about
21 the case.
22

23 7. Even though this action is in the process of settling, I was and remain prepared to
24 perform all the duties of a class representative. I understand that as a class representative I have
25 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
26 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
27

1 benefit of the class members and surrender any right to compromise the group action for an
2 individual gain.

3 8. I understood that being a plaintiff/class representative in this case meant that I
4 was seeking damages not only for myself but also other current and/or former non-exempt
5 employees working for Hansen & Adkins in California. I felt that these individuals were not
6 aware of their labor law rights and even if they were they would probably be apprehensive about
7 speaking up or even simply because of the time, effort and risk involved in filing a class action
8 lawsuit.

10 9. I understood that being a part of this lawsuit involved risks. For example, my
11 attorneys explained to me that if the case went to trial and we lost, I could be held responsible to
12 pay for all or part of the attorney fees and costs paid by Hansen & Adkins to defend this lawsuit.
13 Also, I knew there was a risk that future employers, if they ever find out about this lawsuit, could
14 hold it against me or downgrade me as a potential hire. As the only named Plaintiff in this case
15 it would not be difficult for a future employer to become aware that I sued my employer for labor
16 law violations. Ultimately I decided these risks were worth it and decided to fight for my rights
17 and the rights of others regardless of the risks, time and effort I spent on this case.

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

23 11. A mediation took place on June 7, 2023 with Tripper Ortman, a well-respected
24 and experienced mediator of wage and hour class actions. After the mediation the parties were
25 able to reach an agreement to settle the action based on a mediator's proposal. I communicated
26 with my attorneys regarding the terms of the settlement which was reached between the parties

1 and understood that I was representing absent class members and therefore wanted the best
2 possible result to be obtained for the class members and I believe a very positive result was in
3 fact achieved via settlement. I reviewed and signed the Memorandum of Understanding on June
4 7, 2023 and when the final settlement papers were ready, I closely reviewed the Settlement
5 Agreement which I signed on August 24, 2023.
6

7 12. I have been actively involved with this lawsuit performing the duties described above.
8 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
9 filings, and spent a significant amount of time on the issues presented during the lawsuit and in
10 the settlement process. I estimate that I spent approximately 40 hours working on this case up
11 until this point. I believe I have been diligent and have done what is expected of a named
12 plaintiff and a proposed class representative to date, and will continue to do so. I have and
13 always will maintain the best interest of the class members.
14

15 13. My attorneys explained to me that the settlement process involves a two-step
16 review by the Court to determine whether the settlement is fair before approving the settlement.
17 I know this process also involves notifying all class members of the settlement terms and of their
18 rights to make a claim for their settlement share, to opt out of the settlement or to object to the
19 settlement.
20

21 14. I believe I did the right thing by filing this case on behalf of the class members who,
22 subject to court approval, are in line to receive monetary payments as a result of this case and
23 settlement. This is money they may never have ever gotten if I did not pursue this action on their
24 behalf. I feel significant personal satisfaction to know that I played a role in the class members
25 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
26 the requested Class Representative Service Payment of \$12,500 from the settlement is fair
27

1 compensation for the work I performed and the risks I undertook.

2 15. As part of the settlement it was necessary for me to sign a general release of all
3 claims I may have against Hansen & Adkins. I believe the Class Representative Service
4 Payment I have requested provides me with some compensation for this agreed release.
5

6 16. In light of all the time and effort I have spent on this case, the risk I undertook by
7 suing a former employer, the exposure to being responsible for paying Hansen & Adkins' costs
8 in the event we did not win the case, the reputational risk that future employers may hold this
9 lawsuit against me, the general release, and in light of the size of the settlement, I believe the
10 request for \$12,500 as a Class Representative service payment is fair and reasonable.
11

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

14 Executed on Oct 16, 2023, at Moreno Valley Ca.
15 (city, state)

16 
17 Donald Matthews (Oct 16, 2023 15:47 PDT)
18 Donald Matthews