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Attorneys for Plaintiff HOWARD MOORE,
on behalf of himself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

ANTHONY GARCIA, and HOWARD
MOORE, on behalf of himself, and all persons
similarly situated;

Plaintiffs,

v.

SYSCO RIVERSIDE, INC., a Delaware
Corporation; SYSCO CORPORATION, a
Delaware Corporation; and DOES 1 through 50
inclusive,

Defendants.

Lead Case No. CVRI2103935
[Consolidated with Case No.: CVRI2201916]

Assigned for All Purposes to
Hon. Harold W. Hopp, Dept. 1

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF HOWARD MOORE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR MOTION FOR FINAL APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT AND AWARD OF FEES,
COSTS, AND SERVICE PAYMENTS**

Date: December 13, 2024
Time: 8:30 a.m.
Trial Date: None set

DECLARATION OF HOWARD MOORE

I, Howard Moore, declare and state as follows:

1. I am over the age of eighteen (18) and a resident of the State of California. I am one of the named plaintiffs in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by Defendants Sysco Riverside, Inc. and Sysco Corporation (“Defendants”) as an hourly-paid, non-exempt employee from approximately October 2020 to June 2021 as a truck driver out of Defendants’ facility in Riverside, California. As a truck driver, my job duties included, but were not limited to picking up and delivering food products to customers in California.

3. Believing that the practices at Sysco were likely unlawful, I decided to seek legal advice about my work experiences at Sysco and about filing a lawsuit to obtain relief for my grievances and potentially other employees for the same grievances. I was referred to James Hawkins APLC and after speaking with the attorneys about my situation and what it meant to bring a class and PAGA action, I decided to proceed with a lawsuit against my former employer. At the time, I also agreed to represent all other similarly situated non-exempt employees who worked for Defendants in California, and to try to obtain relief for the entire class.

4. I have regularly conferred with my attorneys regarding the case as part of my responsibilities as a class and PAGA representative. This process included searching for and providing documents concerning my employment with Defendants, answering any questions my attorneys had about the documents, providing information regarding the company's practices and the duties of other non-exempt employees, and helping my attorneys develop a strategy as to what additional documents and information they could seek to obtain from Defendants.

5. I routinely checked in with my attorneys and their staff to make sure that they had all of my most current information and any additional information that I had obtained. I made myself available to answer any questions my attorneys had about Defendants' practices and treatment of their employees whenever they needed me. I responded to them as quickly as possible and gave them as much information as I could.

6. I understood that in the event this matter did not settle and proceeded with trial, I would need to be in court to participate in the trial. I was ready to perform that role, as well as fulfill any responsibilities that are necessary for this lawsuit. I know that I took a sizeable risk by bringing and pursuing this lawsuit for several reasons. First, I understood that if I lost, I would potentially have to pay the costs in the lawsuit. I also understood there was a risk of losing my job and/or income due to the time that I would have to spend fulfilling my responsibilities in this matter, including having to attend the trial, if needed. Most importantly, I believe that by pursuing this case, I have taken a significant risk because future employers can easily find out that I sued my prior employer, and that may negatively impact my ability to find employment within this industry—and even outside of it—in the future. In contrast, the other employees who will be receiving money from this lawsuit did not have to file a claim or take the risk that I took in bringing this action.

7. I reviewed the settlement agreement, discussed the settlement agreement with my attorneys, and asked them questions before signing it.

8. I believe that I have done everything that my attorneys have asked of me and tried, to the best of my ability, to seek relief for the Class, the Aggrieved Employees, and the State of California. I have spent numerous hours participating in this matter as described above. I believe my efforts helped get the result obtained in this case.

9. I understand that any resolution of this lawsuit on a class wide basis is subject to court approval, and any settlement must be designed in the best interest of the Class as a whole. At all times throughout the course of this litigation I have considered the interests of the Class and put them before my own personal interests.

10. I understand that the Settlement Administrator mailed the Class Notice to the Class on September 23, 2024 including myself. I am informed that through their efforts, the Settlement Administrator successfully reached and delivered the Class Notice to over 98% of Class Members. I understand that only four Class Members have requested to be excluded and no Class Members have objected to the Settlement, and therefore 99% of the Class will participate in the Settlement.

1 11. I believe the fact that 98% of the Class received direct notice of the Settlement together
2 with the fact that 99% of the Class elected to participate in the Settlement supports the position that the
3 Settlement is fair, adequate and reasonable.

4 12. I am informed that a total of approximately \$1,385,704.27 will be distributed to the
5 Participating Class in individual class payments. I understand that the average settlement payment is
6 approximately \$1,146.16, and the highest settlement payment is \$3,897.70.

7 13. To date, I have not received any benefits as a result of prosecution of the action.

8 14. I am requesting the Court approve a \$7,500 service payment preliminarily approved by
9 the Court. I believe this amount is reasonable considering the amount of work and time I spent with my
10 attorneys to achieve this excellent settlement over the three years. The time and service I provided to the
11 Class resulted in the parties agreeing to settle the case and in a positive outcome for the entire Class, who
12 will receive a share of the settlement funds in this case.

13 15. I further believe the amount of the Class Representative Service Payment is very
14 reasonable considering the financial and professional risks I took by bringing a class action lawsuit against
15 my former employer, including the potential of paying court-awarded litigation costs to Defendants and
16 the negative exposure to future employers. I also gave a broad release of all claims against Defendants
17 arising from my employment that other Class Members did not have to give.

18 16. Except for this action, I have not been named as a class representative in any other case,
19 pending, or closed.

20 17. I believe the Class Members, who might not have been aware of their rights if not for this
21 class action, will substantially benefit by resolution of their claims against Defendants for the Maximum
22 Settlement Amount of \$2,167,719.

23 18. As the appointed Class Representative, I remain committed to this case and will continue
24 to participate as needed in final approval and the settlement administration process.

25 19. I understand that incentive or service awards are discretionary and intended to compensate
26 named plaintiffs for: the quality and quantity of the work done on behalf of the class and other employees;
27 the financial and/or reputational risk undertaken in bringing the class and/or PAGA action, and an
28

1 acknowledgment of the benefits resulting from the representative's actions. I believe my work in this
2 matter is meritorious on these points for the reasons set forth above.

3 20. I am not related to anyone associated with James Hawkins APLC or Workers' Advocate
4 Law Group P.C.

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct. Executed on November 20, 2024, in Redlands, California.

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9 

Howard Moore (Nov 20, 2024 14:36 PST)

Howard Moore