

James R. Hawkins, Esq. (SBN 192925)
Christina M. Lucio, Esq. (SBN 253677)
JAMES HAWKINS APLC
9880 Research Drive, Suite 200
Irvine, CA 92618
Phone: (949) 387-7200
Fax: (949) 387-6676
James@jameshawkinsaplc.com
Christina@jameshawkinsaplc.com

Attorneys for Plaintiff RAYLYNN HOLMES
in her representative capacity as private attorney general

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

RAYLYNN HOLMES, individually and on
behalf of herself and all others similarly
situated,

Plaintiff,

v.

PET FOOD EXPRESS, LTD., a California
Corporation; and DOES 1-10, inclusive,

Defendant.

Case No. 22CV014140

Assigned to: Hon. Evelio Grillo
Dept.: 21

Reservation #: 947388561448

**DECLARATION OF PLAINTIFF
RAYLYNN HOLMES IN SUPPORT OF
PLAINTIFFS' MOTION FOR APPROVAL
OF PAGA REPRESENTATIVE ACTION
SETTLEMENT AND RELEASE**

Date: January 23, 2024
Time: 1:30p.m.

Complaint Filed: July 12, 2022
Initial CMC: December 8, 2023
Trial: Not Set

DECLARATION OF RAYLYNN HOLMES

I, Raylynn Holmes, declare as follows:

1. I am the named Plaintiff in this action, and commenced this action against my former employer. I have personal knowledge of all the facts in this declaration and, if asked, I would testify to these facts under oath in court.

2. I worked as a non-exempt employee for Defendant Pet Food Express, LLC, (“Defendant” or “Pet Food”) at its retail store located at 2661 Blanding Ave F, Alameda, CA 9450, from approximately June 4, 2018, through May 2021. Throughout the entirety of my employment, Defendant paid me on an hourly basis. At all times, I worked in the retail stores, performing functions as an assistant/associate manager, and in customer service, merchandising, and shipping.

3. I decided to file this lawsuit because I had a number of grievances against Defendant stemming from their labor policies. These grievances are set forth in detail in the operative Complaint and my letter to California Labor and Workforce Development Agency (“LWDA”).

4. Prior to filing the action, my attorneys and their staff and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. During those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff. After meeting with my attorneys about these issues, I decided to proceed with a lawsuit against my former employer.

5. I understand that I filed this lawsuit against my former employer on behalf of the state of California to obtain penalties for Defendant’s violations.

6. I searched for and provided documents relating to my employment to my counsel and provided information regarding my experiences while working for Defendant. I also worked with my counsel to identify witnesses and plan the investigation of the claims as the case moved forward.

7. I am not disclosing the specifics of my communications with my attorneys to avoid waiving any attorney-client privilege, but I understand that at some point it was determined that I could not move forward with a class action because Defendant contended that I signed an arbitration agreement so we moved forward with the action on behalf of the state.

1 8. My attorneys provided me with a draft of the Complaint and letter to the State for my
2 review. I closely reviewed the Complaint to ensure accuracy and completeness, and discussed the
3 contents with my attorneys.

4 9. Following the filing of the Complaint initially, I collaborated with my attorneys on the
5 prosecution of my claims, and I regularly contacted my attorneys to stay current on the status of the
6 litigation, and to discuss my attorneys' progress in prosecuting the claims.

7 10. I have worked to the best of my ability to prosecute this action on behalf of the LWDA,
8 always considering the interests of the LWDA just as I would consider my own interests. I believe these
9 types of actions are an important tool to ensure compliance with the Labor Code and protect the rights of
10 workers.

11 11. When I agreed to represent the State (LWDA), I understood it was my duty to be readily
12 available and to participate actively in the case. I knew that I needed to keep aware of the status and
13 progress of the lawsuit and assist my attorneys in litigating the case on behalf of the State and the
14 Aggrieved Group. I knew that I would be required to review documents, search for documents and
15 produce them to my attorneys, answer written questions, potentially answer oral questions and testify
16 truthfully under oath, and be available to appear in court, if necessary. At all times, I have worked to
17 fulfill these duties.

18 12. I also understood the risks I could face due to my involvement as a named plaintiff. I
19 understood that I could be held responsible for the payment of Defendant's court-awarded litigation costs
20 and potentially attorneys' fees if I did not prevail in litigation. Therefore, I realized that I was taking a
21 significant amount of risk in filing the representative action.

22 13. I also knew my name could easily be located on a search of court records and that any
23 prospective employer may find out that I had sued my former employer. I understand that my
24 participating in this lawsuit could inhibit my ability to seek gainful employment in the future.

25 14. Even though I knew I was taking risks, I knew I had to do what I believed was right and
26 pursue claims on behalf of other employees to vindicate their rights and attempt to recover penalties for
27 Defendant's violations.

28 15. I spent a substantial amount of time and effort pursuing my claims and the claims of the

1 other similarly situated employees from the time I retained my attorneys to this date. I have kept aware
2 of the status of the lawsuit and provided my attorneys with documents and information used by them in
3 the litigation.

4 16. During the litigation I spent considerable time on telephone calls discussing the facts of
5 my case with the attorneys and staff of James Hawkins APLC. I spent hours discussing the facts related
6 to my employment with Defendants, including discussing my job duties and responsibilities as a non-
7 exempt employee, my experiences, my observations, Defendant's policies and practices, the hours and
8 days I worked, and how I and the other employees were compensated. I have also worked to assist my
9 attorneys in moving the case forward. I have also reviewed certain documents produced during the
10 information exchange process in this case to assist my attorneys in prosecuting this case. I constantly
11 remained available in order to assist with any questions that arose throughout the litigation process.

12 17. I also spent hours looking at all documents related to my employment with Defendant and
13 sending them to my attorneys, which included wage statements, personnel documents, emails, text
14 messages, and separation paperwork. I further spent several hours on telephone calls discussing
15 documents I provided to my attorneys.

16 18. I also assisted my attorneys in preparing for mediation and in ultimately achieving the
17 Settlement Agreement which I ask the Court to approve now. I remained available during the full day
18 mediation and answered my counsel's questions that arose during the course of the mediation.

19 19. My attorneys provided me with a copy of the proposed Settlement Agreement which I
20 reviewed carefully before signing it. I have discussed the terms and any questions I had with my counsel.

21 20. I accepted the settlement only after I had spent time evaluating the proposed outcome to
22 assure that it was fair. Based on my attorneys' evaluation and recommendation, and my own review, I
23 believe the settlement is fair and reasonable in light of PAGA's policies and purposes.

24 21. In connection with the Settlement, I have agreed to give a broad release of all claims that
25 I had or might have against Defendant arising from my employment. No other Aggrieved Employee will
26 be required to give such a release. I understand this is sometimes asked of a Representative and I believe
27 the general release has independent value. In my opinion, it justifies the value of the Individual
28 Settlement Payment. The general release requires me to waive all claims that I may have arising out of

1 my employment, which is considerably broader than the claims released by the Aggrieved Employees
2 and the State under the settlement. In addition to this release, the time and service I provided to the State
3 and the Group resulted in the parties agreeing to settle the case and a positive outcome.

4 22. In summary, over the course of this litigation I have spent a significant amount of time
5 conferring and working with my attorneys on the prosecution of my claims and evaluating the settlement
6 and related documents. I estimate that I have spent approximately 45-55 hours assisting my attorneys in
7 the prosecution of this lawsuit.

8 23. I believe that I have fulfilled my responsibilities and I will continue to fulfill those
9 responsibilities to the best of my ability until the conclusion of the case.

10 24. I am requesting the Court approve a \$10,000 Individual Settlement Payment. I believe
11 this amount is reasonable for my services on behalf of the LWDA, the risks I assumed, and for the general
12 release which I am required to provide Defendant as a condition of the settlement.

13 25. As I have been since July 2022, I am committed to this case and intend to continue to
14 participate as needed until the conclusion of this matter.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing is
16 true and correct. Executed on December 4th, 2023 in Berkeley California.

17
18 DocuSigned by:
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347F6F1D8344491...

20 Raylnn Holmes
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Make a Reservation

HOLMES vs PET FOOD EXPRESS, LTD., A CALIFORNIA CORPORATION, et al.

Case Number: 22CV014140 Case Type: Civil Unlimited Category: Other Employment Complaint Case

Date Filed: 2022-07-12 Location: Rene C. Davidson Courthouse - Department 21

Reservation

Case Name:

HOLMES vs PET FOOD EXPRESS, LTD., A CALIFORNIA CORPORATION, et al.

Case Number:

22CV014140

Type:

Motion (Motion for Approval of PAGA Settlement)

Status:

RESERVED

Filing Party:

RAYLYNN HOLMES (Plaintiff)

Location:

Rene C. Davidson Courthouse - Department 21

Date/Time:

12/29/2023 9:00 AM

Number of Motions:

1

Reservation ID:

947388561448

Confirmation Code:

CR-ZAKFY8FOWNIKHNFEW

Fees

Description	Fee	Qty	Amount
Motion (name extension)	0.00	1	0.00
Court Technology Fee	1.00	1	1.00
TOTAL			\$1.00

Payment

Amount:

\$1.00

Type:

Visa

Account Number:

XXXX6358

Authorization:

02062D

Payment Date:

n/a

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