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Attorneys for Plaintiff and the aggrieved employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF CONTRA COSTA**

JERRYAL CULLER, an individual, on behalf
 of himself and others similarly situated,

PLAINTIFF,

v.

PLUMMERS TRANSPORT, INC.; and
 DOES 1 thru 50, inclusive,

DEFENDANTS.

Case No. C22-01296

[Case Assigned for All Purposes to Hon.
 Charles S. Treat in Dept. 12]

**DECLARATION OF JERRYAL
 CULLER IN SUPPORT OF
 PLAINTIFF'S MOTION FOR
 APPROVAL OF REPRESENTATIVE
 ACTION SETTLEMENT**

Date: TBD
 Time: TBD
 Dept.: 12

Complaint Filed: June 22, 2022
 Trial Date: None Set

DECLARATION OF JERRYAL CULLER

I, Jerryal Culler, state and declare as follows:

1. I am a competent adult, over the age of eighteen, and the named Plaintiff in the above-captioned matter. The following is based upon my personal knowledge, and if called as a witness, I could and would testify competently thereto.

2. I am a former employee of Defendant PLUMMERS, INC. DBA DANIA FURNITURE ("Defendant" or "Plummers"). During my time with Plummers, I was performing work for Plummers as a warehouse delivery driver within California. I worked in Concord, California.

3. I brought this lawsuit, on behalf of myself and all other aggrieved employees, against Defendant because I believe that Defendant failed to provide proper meal and rest breaks, reimburse business related expenses, issue accurate itemized wage statements, and pay all wages owed at separation from Defendant's employ to me and other employees. This lawsuit against Plummers started out as a class action lawsuit but is now only a PAGA lawsuit because of an arbitration agreement.

4. I have spent significant time throughout this lawsuit working with PAGA Counsel. Before filing this action initially on June 22, 2022, I researched and identified PAGA Counsel that I believed could best represent the interests of the PAGA Employees.

5. I understand that I am representing other employees and I believe that I am able to represent them well.

6. Throughout the litigation, I have provided my attorneys with helpful information for this lawsuit and for the settlement as needed. Additional work in connection with this matter includes providing information to my attorneys regarding my employment with Defendant, staying in regular contact with my attorneys to discuss the status of the case, responding promptly to my attorneys' various communications regarding this matter, making myself available for and attending my deposition on February 26, 2023, making myself available by phone for a full-day mediation on April 4, 2024; and reviewing and analyzing the settlement agreement and settlement papers to ensure the settlement was fair and reasonable and in the best interests of the PAGA

Employees.

7. Throughout the entirety of this litigation, I have maintained regular contact with my attorneys and assisted in any way possible by providing information and making myself available as needed.

8. Overall, although I did not keep time records, I estimate that I spent approximately 30-40 hours working on this case up until this point.

9. I have worked to actively represent the other PAGA Employees and their interests.

10. I have always kept the PAGA Employees' interests at heart in this litigation.

11. I was aware that by helping to initiate this lawsuit, my name would become known and it was possible that my involvement in this matter could make it more difficult for me to obtain employment in this field. Regardless, I believed it was important to proceed with this matter on my behalf and on behalf of all others who were subject to the same problems during their employment with Defendant.

12. I am prepared to continue assisting with this litigation and am committed to achieving the best possible results for the PAGA Employees.

13. I believe that the representative action settlement obtained on behalf of the PAGA Employees is fair and reasonable in light of the issues involved in this case. As mentioned above, I reviewed and discussed the Agreement with my attorneys and asked them questions about it to ensure that I understood its terms and what it would mean for all of the PAGA Employees.

14. I believe that I have fairly represented the absent PAGA Employees and request that the Court finally approve this settlement and confirm me as the named Plaintiff.

15. I am not aware of any conflicts of interest that prevent me from being confirmed as the named Plaintiff in this action. I am not related in any way to my attorneys or to any other member of the firm that is representing me. I have no business dealings or other involvement beyond this lawsuit and this representation. I have not been promised any money or inducement to serve as the named Plaintiff in this action.

16. It is my opinion that the settlement agreement provides for a fair and adequate enhancement for me as the named Plaintiff, in the amount of \$5,000.00. I believe that this is fair

and reasonable in light of all of the work that I have performed in my role as the named Plaintiff.

17. As the named Plaintiff, I have actively participated in all stages of the litigation, as detailed above, and have always maintained the best interests of the PAGA Employees while performing my named Plaintiff duties.

18. It is also my opinion that the Enhancement payment is fair, reasonable, and adequate because, in addition to the many hours spent participating in the prosecution of this case, I accepted the potential risk of being liable for Defendant's attorneys' fees and costs if we were unsuccessful in this action. Likewise, I risk the potential stigma of being a named Plaintiff in a representative action labor dispute, which may affect my future employability.

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

Executed this 27 day of August, 2024 at Pittsburg,
(City)
California.

Signed by:


Jerryal Culler 9EEF14A537074D7...

(PROOF OF SERVICE)**[CCP 1013(a)(3)]****STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On September 4, 2024, I served all interested parties in this action the following documents described as: **DECLARATION OF JERRYAL CULLER IN SUPPORT OF PLAINTIFF'S MOTION FOR APPROVAL OF REPRESENTATIVE ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

LITTLER MENDELSON

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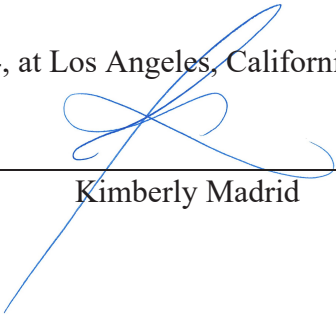
Studio City, CA 91604

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (BY ELECTRONIC MAIL TRANSMISSION): I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 4, 2024, at Los Angeles, California.



Kimberly Madrid