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SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA BARBARA-COOK DIVISION

JOHN HILL, an individual; MARK GRAY, an
individual, on behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

PACIFIC PETROLEUM CALIFORNIA, INC.,
and DOES 1-100, inclusive,

Defendants.

CASE NO. 15CV03056

[Complaint filed September 16, 2015]
[Assigned to Hon. James F. Rigali, Dept. SM-2]

CLASS ACTION

**DECLARATION MARK GRAY IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*(Filed Concurrently with Notice of Motion
and Motion; Memorandum of Points and
Authorities; Declarations of Marcus J.
Bradley, Christine M. Adams, Davis Pourati,
and John Hill)*

DATE: April 4, 2017
TIME: 8:30 a.m.
DEPT: SM 2

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Attorneys for Plaintiffs

DECLARATION OF MARK GRAY

I, MARK GRAY hereby declare as follows:

1. I am an individual over the age of 18. I am a former employee of Defendant Pacific Petroleum, Inc. ("Defendant" or "Pacific Petroleum"). I am also a Plaintiff in this action. I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. I am familiar with the work involved in prosecuting the class action against my former employer. I have had many in-person and telephone meetings, interviews, and preparation sessions with my attorneys. I am familiar with the law and motion matters, discovery conducted, settlement discussions, and have participated in all stages of the litigation.

3. I worked as a Driver and Laborer at Defendant Pacific Petroleum from approximately February 2012 until approximately January 2015.

4. During the time, I worked for Pacific Petroleum, I was routinely denied meal and rest breaks, not paid properly for overtime and double time, and worked seven (7) or more consecutive days in a row without a day's rest. I was also not reimbursed for all expenses or paid all wages owed to me at the conclusion of my employment with Defendant Pacific Petroleum.

5. I have fairly represented the absent class and herein request that the Court approve this settlement and confirm me as a Class Representative. I have always maintained the best interest of the Class while performing my class representative duties. I am not aware of any conflicts of interest that prevent me from being confirmed as a Class Representative in this lawsuit. I am not related in any way to my lawyers or 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 a class representative in this action.

6. It is my opinion that a fair and adequate Class enhancement for me as a Class Representative is \$7,500. I believe that it is fair and reasonable in view of the work I have performed as a Class Representative.

7. I spent a considerable amount of time learning about California labor laws, deciding whether remedial action should be taken, how it should be taken, and searching for attorneys. I finally

1 located experienced wage and hour attorneys and met with them to determine if I would retain them
2 to handle my case. They spent many hours with me discussing this case and the law. In the end, I
3 decided to vindicate not only my own rights but also those of my former co-workers by filing a class-
4 action lawsuit.

5 8. I provided my attorneys with relevant and helpful information for this lawsuit. I
6 provided evidence of Defendant's meal period violations and gave my attorneys in-depth background
7 and overview of Defendant's operations. I also identified witnesses. I spent several hours discussing
8 the claims in this case and providing this information to my attorneys. I worked with my attorneys to
9 provide responses to written discovery sent by Defendant. I also prepared for and sat for two full days
10 of deposition from approximately 8am to 5pm each day. Prior to the deposition, I sent approximately
11 1.5 hours meeting with my attorneys for preparation. As a Class Representative, I participated in all
12 stages of the litigation and have been continually kept apprised of all aspects of the litigation. In total,
13 I estimate I have spent 37 hours ligating this case on behalf of myself and the members of the class.

14 9. It is my opinion that the Class Representative enhancement is fair, reasonable, and
15 adequate because, in addition to many hours spent participating in the prosecution of this case, I
16 accepted the potential risk of being liable for the opposing party's costs if we were unsuccessful in this
17 lawsuit. Likewise, I risk the potential stigma of being a class representative in a class action labor
18 dispute which may affect my future employability. To my knowledge, no Class member has expressed
19 any disagreement to the terms of the settlement.

20 I declare under penalty of perjury under the laws of the State of California and of the laws of
21 the United States of America that the foregoing is true and correct. Executed on this 12 day of
22 January, 2017.

23 
24 _____
25 Mark Gray
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF VENTURA)

I am employed in the County of Ventura, State of California. I am over the age of eighteen and not a party to the within action; my business address 2815 Townsgate Road, Suite 130, Westlake Village, California 91361.

On **February 27, 2017**, I served the foregoing documents described as **DECLARATION MARK GRAY IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on all interested parties in this action as follows: **SEE ATTACHED SERVICE LIST**

☒ **(VIA US MAIL)** I caused such envelope(s) to be deposited in the mail at Westlake Village, California with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **(VIA OVERNIGHT DELIVERY)** I caused to have served such document(s) by placing a true copy thereof, enclosed in a sealed envelope or package designated by _____ addressed as follows and delivered it to an authorized receiving station authorized by _____ to receive documents with delivery fees by our office.

☐ **(VIA FACSIMILE TRANSMISSION)** From Fax No. _____ to the fax numbers listed on the attached service list. The facsimile machine I used complied with Rule 2033(3) and no error was reported by the machine.

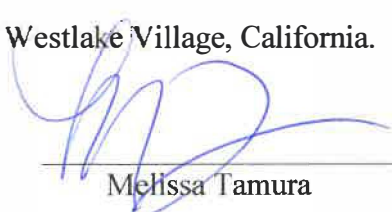
☐ **(VIA PERSONAL SERVICE)** I delivered such envelope(s) by hand to the offices of the addressee(s).

☐ **(VIA E-MAIL)** I caused to have such documents sent by electronic service [Fed. Rule Civ. Proc. Rule 5(b)(2)(a)] by electronically mailing a true and correct copy through _____ electronic mail system to the e-mail address(s) set forth below, or as stated on the attached service list per agreement in accordance with Federal Rules of Civil Procedure rule 5(b).

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

☐ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 27, 2017 at Westlake Village, California.



Melissa Tamura

John Hill v. Pacific Petroleum California, Inc.
Santa Barbara County Superior Court Case No. 15CV03056

Mailing List

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