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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

JEREMIAH CLAIBORNE, PABLO CAMPOS
HERNANDEZ and MARCOS RODRIGUEZ
and VICTOR AVALOS on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

PERFORMANCE TRANSPORTATION,
LLC, a California limited liability company;
PERFORMANCE FOOD GROUP, INC., a
Colorado corporation; and DOES 1 through 50,
inclusive;

Defendants.

Case No. 22STCV31766
ASSIGNED FOR ALL PURPOSES TO:
JUDGE: Hon. David S. Cunningham III
DEPT: S11

**DECLARATION OF VICTOR AVALOS IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

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14 Attorney for PABLO CAMPOS HERNANDEZ,

15 as Private Attorney General

1 I, VICTOR AVALOS declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and a Proposed Class
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiffs' Motion
4 for Preliminary Approval of Class Action and PAGA Settlement. I have personal knowledge of all the
5 facts stated herein. I could and would competently testify under oath to these facts in court if requested
6 to do so.

7 2. I am submitting this declaration in support of Plaintiffs' Motion for Preliminary Approval
8 of Class and PAGA Action Settlement.

9 3. I believe that I am, have been and will continue to represent the interests of the class fairly
10 and adequately. I have claims that are typical of the claims the Class Members that I am seeking to
11 represent. Specifically, I worked for Defendants from approximately November 2021 to June 2022
12 as a non-exempt employee. As a non-exempt employee compensated on an hourly basis, I contend that
13 I was entitled to legally mandated meal and rest periods and minimum wage and overtime
14 compensation. During my employment, Defendants failed to, among other things, provide compliant
15 meal and rest periods, issue compliant wage statements and pay all monies owed when due.
16 Throughout my employment, I was subject to Defendants' written policies and procedures.

17 4. My claims are typical of the claims of the Class Members that I am seeking to represent
18 because I was subject to the same alleged unlawful employment policies and practices at issue in this
19 action, including but not limited to, Defendants' failure to provide legally mandated meal and rest
20 periods, failure to provide compliant wage statements and failure to pay all monies owed when due.
21 Factually, Defendants' policies and practices apply class wide, and Defendants' liability can be
22 determined by facts common to all members of the Class.

23 5. Further, there is no conflict between my interests and the interests of the class that I am
24 seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that
25 I was injured by the same company-wide policies and practices to which the proposed Class was
26 subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests
27 of the Class by initiating this litigation, communicating with class counsel about the claims as they
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1 apply to myself and others, undertaking extensive class document evaluation and evaluating the
2 proposed settlement to assure that it is fair.

3 6. I understood at the time that I filed this action, that as a Class Representative, I owed a
4 duty to the putative class members to faithfully prosecute this action with their best interests at the
5 forefront of every decision. I understood that I could not make any decision in this action for the sole
6 benefit of my personal interest. I understood that in executing this duty, I might have been asked to
7 sacrifice my personal best interests for the benefit of the interests of the putative class members.
8 Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible
9 relief for my former co-workers for what I perceived to be Defendants' unlawful wage and hour
10 practices. I believe that I faithfully executed the duties of the Class Representative throughout this
11 litigation and will continue to do until this litigation is fully and finally resolved.

12 7. I believe that the proposed settlement before the court is fair, reasonable and adequate,
13 and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and
14 humbly, ask the Court to grant preliminary approval of the Settlement and all of its terms.

15 I declare under the penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct. Executed 11/14/2024, at San Diego (location/city), California.

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18 By: 
Victor Avalos (Nov 14, 2024 11:50 PST)

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