

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Rachel N. Newman (State Bar #350826)
Jennifer Gerstenzang (State Bar #279810)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619) 255-9047
shani@zakaylaw.com
jackland@zakaylaw.com
rachel@zakaylaw.com
jenny@zakaylaw.com

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619)599-8292
jlapuyade@jcl-lawfirm.com

Attorneys for Plaintiffs MARCOS RODRIGUEZ and VICTOR AVALOS

(Additional Counsel Listed on Next Page)

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 MARCOS
RODRIGUEZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

1 James R. Hawkins, Esq. (SBN 192925)

Isandra Fernandez, Esq. (SBN 220482)

2 Lance Dacre, Esq. (SBN 190305)

JAMES HAWKINS APLC

3 9880 Research Drive, Suite 200

Irvine, CA 92618

4 TEL: (949) 387-7200

5 FAX: (949) 987-6676

Email: staff@jameshawkinsaplc.com

6 Email: isandra@jameshawkinsaplc.com

Email: lance@jameshawkinsaplc.com

7
8 Attorneys for Plaintiff, JEREMIAH CLAIBORNE
on behalf of himself and all others similarly situated

9 RUBEN ESCOBEDO (SBN 277866)

10 WORKWORLD LAW CORP.

A Professional Corporation

11 6907 El Camino Real, Suite A

Atascadero, CA 93422

12 Telephone: (805) 335-2476

13 Facsimile: (805) 892-6213

Email: support@workworldlaw.com

14 Attorney for PABLO CAMPOS HERNANDEZ,
15 as Private Attorney General

1 I, MARCOS RODRIGUEZ, 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 August 2021 to November 2022
12 as a non-exempt employee. As a non-exempt employee compensated on an hourly basis, I was entitled
13 to legally mandated meal and rest periods and minimum wage and overtime compensation. During my
14 employment, Defendants failed to, among other things, provide compliant meal and rest periods, issue
15 compliant wage statements and pay all monies owed when due. Throughout my employment, I was
16 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
28

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 Tracy (location/city), California.

17
18 By: 
Marcos Rodriguez (Nov 14, 2024 12:03 PST)

19 MARCOS RODRIGUEZ
20
21
22
23
24
25
26
27
28