

James R. Hawkins, Esq. SBN 192925
Isandra Fernandez, Esq. SBN 220482
Lance Dacre, Esq. SBN 190305
JAMES HAWKINS APLC
9880 Research Drive, Suite 200
Irvine, CA 92618
TEL: (949) 387-7200
FAX: (949) 387-6676
Email: staff@jameshawkinsaplc.com
Email: isandra@jameshawkinsaplc.com
Email: lance@jameshawkinsaplc.com

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

[ADDITIONAL COUNSEL LISTED ON NEXT PAGE]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
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,

vs.

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 PABLO CAMPOS
HERNANDEZ IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND PAGA
SETTLEMENT**

RUBEN ESCOBEDO (SBN 277866)
WORKWORLD LAW CORP.
A Professional Corporation
6907 El Camino Real, Suite A
Atascadero, CA 93422
Telephone: (805) 335-2476
Facsimile: (805) 892-6213
Email: support@workworldlaw.com

Attorney for PABLO CAMPOS HERNANDEZ,
as Private Attorney General

ZAKAY LAW GROUP, APLC

(State Bar #277924)
Jackland K. Hom (State Bar #327243)
Julieann Alvarado (State Bar #334727)
5440 Morehouse Drive, Suite 5400
San Diego, CA 92121

1 Telephone: (619) 255-9047

Facsimile: (858) 404-9203

2 shani@zakaylaw.com

jackland@zakaylaw.com

3 julieann@zakaylaw.com

4 **JCL LAW FIRM, APC**

5 Jean-Claude Lapuyade (State Bar #248676)

5440 Morehouse Drive, Suite 3600

6 San Diego, CA 92121

7 Telephone: (619) 599-8292

Facsimile: (619) 599-8291

8 jlapuyade@jcl-lawfirm.com

9 Attorneys for Plaintiffs MARCOS RODRIGUEZ

10 And VICTOR AVALOS

I, Pablo Campos Hernandez, declare as follows:

2. I have personal knowledge of the matters set forth herein and would and could testify thereto if called as a witness herein.

3. I was formerly employed by Defendant Performance Transportation, LLC as a driver during the Class Period.

4. I am a proposed class representative and PAGA representative in this action brought against Defendant. The case alleges the following claims: (1) failure to pay lawful wages including overtime pursuant to California Labor Code sections 510, 1194 and 1198, and the applicable wage orders; (2) failure to provide lawful meal periods pay premiums in lieu thereof in violation of California Labor Code sections 226.7 and 512(a), and the applicable wage orders; (3) failure to lawful rest periods or pay premiums in lieu thereof in violation of California Labor Code section 226.7, and the applicable wage orders; (4) failure to reimburse employee expenses pursuant to California Labor Code sections 2800 and 2802; (5) failure to timely pay wages during employment in violation of California Labor Code section 204; (6) failure to timely pay wages due at termination of employment in violation of California Labor Code sections 201-203; (7) failure to provide accurate and itemized wage statements in violation of California Labor Code section 226(a) and the applicable wage orders; (8) violations of California Business and Professions Code section 17200, *et seq.*; (9) failure to establish, implement, and maintain effective injury prevention program; (10) permitting unsafe work and failure to provide safe workplace, practices, and processes (11) failure to pay minimum wages owed; (12) failure to provide time records; (13) failure to pay correct sick pay compensation pursuant to Labor Code sections 246, 218.5, and the applicable wage orders; and (14) a cause of action for civil penalties under the Private Attorneys General Act, California Labor Code section 2698, *et seq.*

5. I understand that as a class representative my duties are to act as a fiduciary, with undivided loyalty to the class, with the interests of the class ahead of my own, and in the best

1 interest of all class members, which I understand includes any and all current and former non-
2 exempt, hourly-paid employees (including but not limited to hourly and component-pay truck
3 drivers) who performed work for Performance Transportation, LLC in California at any time
4 from September 1, 2018 through March 18, 2024 ("Class Period"). I understand that my duties
5 also include supervising my lawyers, controlling and directing prosecution of the action,
6 administering the proposed settlement, and providing my lawyers and the court with all relevant
7 facts of which I am aware.

8
9 6. I decided to bring this case as a class action on behalf of not only myself, but on
10 behalf of all others similarly situated as well. I volunteered to represent the class because I
11 believe that it is important that all class members benefit from the lawsuit. I believe that a class
12 lawsuit will save time, money, and effort, and that the class action is an important tool to protect
13 class members who have been impacted in a similar way.

14 7. Given the extra duties and many risks I had to undertake by being a representative
15 for others, this was not a decision I took lightly. I ultimately decided that it was important
16 enough to take on the added responsibilities and risks of taking action on behalf of the other
17 employees if I could help encourage Defendant to make some changes in their practices.

18 8. I am fully able to serve as class representative, and have shown through my
19 actions in preparing this litigation that I am committed to vigorously prosecuting the case on
20 behalf of the class. I have spent about 15 hours to date working with my lawyers investigating
21 claims, developing the pleadings, monitoring and discussing the status of the case, preparing for
22 mediation, reviewing the settlement, and seeking court approval of the settlement. I am fully
23 prepared to accept and perform my obligations as class representative.

24 9. I am seeking the same type of relief for the same violations as every other class
25 member. There is no antagonism or conflict of interest between me and any of the class
26 members, and I understand that I have a duty to both the Court and the class to notify everyone if
27 this changes. I am prosecuting this action to the full extent of the law to maximize recovery for
28 the class, without any collusion with Performance Transportation, LLC or anyone else.

1 10. I also understand that I have a duty to stay knowledgeable about the case and be
2 available to the attorneys for things that need to be done to administer the settlement. I will carry
3 out these duties to the best of my ability.

4 11. I am submitting this declaration in support of Plaintiffs' motion for approval of a
5 settlement reached in this matter, in addition to my request for approval of the separate payment
6 of \$10,000 to me for providing these services for the benefit of the class and executing a general
7 release, which includes a general release of my claim for my individual claims not originally
8 asserted in my action against Defendant.

9 12. I believe the proposed settlement is fair and reasonable for all employees and is a
10 great result for the employees and respectfully request that this Court approve the proposed
11 settlement.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct. Executed on 12 / 22 / 2024.
14

15
16 By:



17 **PABLO CAMPOS HERNANDEZ**
18 Declarant
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(pablo-campos@live.com) from stephany@workworldlaw.com
IP: 141.126.79.48



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Viewed by Pablo Campos Hernandez (pablo-campos@live.com)
IP: 107.146.254.116



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