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Attorneys for Plaintiff, on a representative basis and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

KENNETH PEFFER and REGINA
VILLEGAS, individually, on a representative
basis, and on behalf of all others similarly
situated;

Plaintiff,

vs.

DILLARD-LEWIS, INC., a North Carolina
Corporation; and DOES 1 through 20,
inclusive;

Defendants.

Case No.: CIVSB2223428

*[Assigned to Hon. Christian Towns, Dept
S26, for all purposes]*

**DECLARATION OF PLAINTIFF
KENNETH PEFFER IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

I, Kenneth Pepper, state and declare:

1. I am the Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and could competently testify thereto. I make this declaration in support of the motion for final approval of the class action settlement. I believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged.

2. During my employment with Defendant, I thought there were issues with my pay and how my employment ended. I started researching California law and contacted attorneys regarding these issues.

1 3. I then contacted my attorneys (Lauby, Mankin & Lauby LLP) and discussed these
2 claims. As part of this discussion, I understood that I could either bring a class action to help all
3 of the employees, but I would have to put their interests ahead of my own, or I could bring my
4 individual case and claims and attempt to maximize my individual recovery. This decision was
5 very difficult because I wanted to help everyone else that was wronged by the company, but I
6 also wanted maximize my individual recovery. I was also concerned that, if I brought this as a
7 class action, I might get labeled as a whistleblower, which might make it hard to find a job in the
8 same field in the future. I eventually decided that – despite the risks – it was important to bring
9 these claims as a class action to hold the company accountable for how they treated their
10 employees.

11 4. I respectfully request that the Court approve the agreed-upon service award for
12 the following reasons.

13 5. First, I have spent more than 40 hours engaged in activities to benefit the class. I
14 have been an active participant in this litigation, including assisting my attorneys in various ways
15 and making myself available when needed. For example, I have assisted my attorneys by
16 compiling and analyzing substantial documentation regarding claims. I also helped to explain
17 and discuss the company’s practices and their general practices and procedures, locating and
18 analyzing company documents, among others. I also spoke to other employees and answered
19 questions. I also assisted in settlement discussions, helped obtain a highly favorable result for the
20 class, and reviewed all settlement documents and believe that this settlement is fair for the class.

21 6. Second, I respectfully request that the Court approve the agreed-upon service
22 award because I agreed to set aside my personal interests and to put the interests of the class
23 ahead or on par with my own. In fact, as a condition of this class action settlement, I was
24 required to compromise on and waive all possible individual claims against the company.
25 However, to finalize this settlement, I put the interests of the class ahead of my own and agreed
26 to waive all of my claims against the company.

27 7. Third, by bringing this case as a class action, I undertook significant risks and
28 stresses at a high emotional cost without any guarantee of success. For example, filing this

lawsuit and potentially being seen as a whistle blower was stressful on a day-to-day basis as I have constantly worried about the risk that this case could impact my ability to find future jobs. This stress/risk lasted for the entire case, and I'm worried it will continue to make it hard to find a job in the future since the case information is all available online.

8. Fourth, and finally, bringing this case also came with a major financial risk because, if I lost the case, I would be required to pay the company's costs, and there was a chance they could try to make me pay their attorneys' fees as well.

9. Therefore, I respectfully request that the Court award the service award since that amount is justified based on the substantial time I spent on this case, as well as the risks and stresses I faced and will continue to face to secure this class action settlement to benefit the other employees.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 05/13/20, at Bakersfield, California.

By: 
Kenneth Pepper (May 13, 2025 09:24 PDT)
Kenneth Pepper