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Attorneys for Plaintiff DAVID R. SIERRA,
individually and on behalf of all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERARDINO**

DAVID R. SIERRA individually and on
behalf of all others similarly situated,

Plaintiff,

v.

NATIONAL RETAIL
TRANSPORTATION, INC., a
Pennsylvania Corporation and DOES 1 -
50, inclusive,

Defendants.

AND RELATED ACTION.

Case No.: CIVSB2222831
Related to Case No.: CIVSB2227785

**DECLARATION OF PLAINTIFF DAVID
R. SIERRA IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS AND PAGA SETTLEMENT**

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DECLARATION OF DAVID R. SIERRA

I, DAVID R. SIERRA hereby declare as follows:

1. I am over the age of eighteen and I submit this Declaration in support of the Plaintiff's Motion for Preliminary Approval of Class Action Settlement. The following is based upon my personal knowledge and if called as a witness, I could and would competently testify thereto.

2. I was employed by Defendant NATIONAL RETAIL TRANSPORTATION, INC. ("Defendant") in September of 2019 as a Non-Exempt Employee with the title of Driver and then Yard Switcher and worked during the liability period for Defendant, at Defendant's Fontana, California location until my separation from Defendant's employ in approximately November 22, 2021. My duties included but were not limited to driving, moving trailers around the yard, inspecting trucks, and guiding truck drivers where to park.

3. As a non-exempt employee, I suffered the same damages as other employees. These included not being paid all my wages, not provided accurate wage statements, not paid standby time, wages unlawfully deducted, not reimbursed necessary business expenses, and not timely paid wages upon my separation from Defendant's employ all in accordance with California law. As a result of these alleged violations, I sought consultation with my attorneys at James Hawkins, APLC.

4. Based upon my allegations, and after consultation and full disclosure from my attorneys about the potential risks I faced as a Plaintiff in a putative class action, I freely decided to pursue this lawsuit to try and vindicate my rights and the rights of others who also worked for Defendant and suffered similar harms due to Defendant's common practices and policies.

5. Prior to filing my action, my attorneys and I had multiple conferences about the factual bases for the claims that I wanted to pursue against Defendant. During those conferences, my attorneys provided me with an overview of how those claims would be litigated and generally educated me about the nature of complex/representative litigation and my role as the representative Plaintiff.

6. My attorneys provided me with a draft of the complaint for my review and

1 approval. I closely reviewed the complaint to ensure accuracy and completeness. As a result, I
2 caused my attorneys to file the class action complaint alleging claims for the allegations alleged
3 therein. Thereafter, I have been fully involved in my case. Following the filing of the complaint,
4 I collaborated with my attorneys on the prosecution of my claims, and I regularly contacted my
5 attorneys to stay current on the status of the litigation, and to discuss my attorneys' progress in
6 prosecuting the claims.

7
8 7. Since I believe I was not accurately paid wages, not provided accurate wage
9 statements, not paid standby time, had wages unlawfully deducted, not reimbursed necessary
10 business expenses, and not timely paid wages upon my separation from Defendant's employ, I
11 believe that I have been similarly injured as to all other class members in the settlement who
12 worked for Defendant during the class period. I believe the claims asserted in the Complaint are
13 also shared by the other Class Members. I worked with various other non-exempt employees, and
14 I believe we were all treated the same and subject to the same unlawful policies.

15 8. On October 7, 2022, I, through my attorneys, filed this action against Defendant
16 for Defendant's alleged failure to: (1) pay wages including overtime and minimum wages; (2)
17 to pay timely wages; (3) provide accurate wage statements; (4) failure to reimburse necessary
18 business expenses; (5) unlawful deductions of wages; and (6) for unfair competition ("UCL").

19 9. On October 7, 2022, I, through my attorneys, submitted a notice with the Labor &
20 Workforce Development Agency ("LWDA") alleging that Defendant violated Labor Code
21 sections 201-203, 226, 510, 512, 558, 226.3, 1174, 1174.5, 1175, 1194, 1197, 1197.1, 1198, 2802,
22 pursuant to Labor Code section 2699.

23 10. Since I agreed to become a Class Representative, I have worked every step of the
24 way with my attorneys. During the course of the litigation, I have always kept the best interest
25 of the Class Members on equal footing as mine. I have been, and I am willing to continue to
26 pursue the Class Members' claims vigorously on our collective behalf if the Settlement is not
27 finally approved. As a result, I firmly believe that I do not have any interests adverse to the
28 interests of the Class Members. I have maintained the Class Members best interest from the
inception of the case.

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2 11. As the Class Representative, I have spent numerous hours consulting with my
3 attorneys, providing documentation, consulting with other Class Members, responding to
4 questions by my attorneys, providing documents to my attorneys, working with my attorneys to
5 review documents received, helping my attorneys in preparing for the mediation and participating
6 in the mediation via telephone. I was consulted about the status of the case and provided constant
7 feedback about the case from my attorneys including the mediation, settlement negotiations and
8 eventual settlement. I estimate I have spent approximately 35 hours working on this case.

9 12. From the beginning of this case, I have freely chosen to accept the risks of
10 being the Class Representative in this class action lawsuit. I chose to assume these risks and
11 pursue the claims on behalf of the Class Members as I wanted to vindicate their rights. I believe
12 we have achieved that result with the settlement and the individual payments to the Class
13 Members. I believe the settlement is fair reasonable and adequate based on the numerous defenses
14 asserted by Defendant. I believe the efforts and work I put forth helped to achieve the fair
15 settlement that will benefit the Class Members. As a result of my efforts, I also believe the
16 Enhancement Award is reasonable, and I respectfully request the Court approve the amount of
17 \$10,000.00 to each named Plaintiff as fair and reasonable.

18 I declare under penalty of perjury under the laws of the state of California that the
19 foregoing is true and correct. Executed on October 18, 2024, at Hesperia, California.

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21 DocuSigned by:

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DAVID R. SIERRA