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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

11 DAVID SIERRA and KEITH HALLER,
12 individually and on behalf of all others
13 similarly situated,

Plaintiffs,

14 v.

15
16 NATIONAL RETAIL TRANSPORTATION,
17 INC., a Corporation; and DOES 1 through 50,
inclusive,

18
19 Defendants.

Case No.: CIVSB2222831 consolidated with
Sierra PAGA Action, Case No.
CIVSB2227785

**DECLARATION OF KEITH HALLER IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: December 6, 2024
Hearing Time: 1:30 p.m.

Judge: Joseph Ortiz
Dept.: S17

Date Action Filed: October 4, 2023
Trial Date: Not set

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DECLARATION OF KEITH HALLER

1 I, Keith Haller, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the above-
3 entitled matter. I submit this declaration in support of the Motion for Preliminary Approval of
4 Class Settlement and in support of my application for a class representative service award.

5 2. I have personal knowledge of all the facts stated herein. I could and would competently
6 testify under oath to these facts in court if requested to do so.

7 3. I have worked for the Defendant National Retail Transportation (“NRT”) in California
8 since December of 2021, and during that time period I have been classified by NRT as a non-
9 exempt employee.

10 4. I retained my attorneys who are experienced in both class action and PAGA representative
11 action litigation and claims against employers for violations of the California Labor Code. I have
12 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
13 of having any actual or potential conflicts of interest with another class member in this case. I am
14 not aware of any other pending matter or action asserting claims that will be extinguished or
15 adversely affected by this settlement.

16 5. I decided to file this class action lawsuit and be a plaintiff/class representative because I
17 felt that my legal rights as an employee and others like me were violated. For example, I was
18 forced to work off the clock, I was not provided with complete and accurate wage statements, and
19 I was not provided properly reimbursed for required business expenses. Further, numerous
20 remunerations were not incorporated into my regular rate for the payment of overtime. I also did
21 not always receive compliant meal and rest breaks which were often late, short or missed entirely,
22 and was not always paid the break penalties I was entitled to.

23 6. I spoke to my attorneys several times and discussed how NRT implemented its company
24 policies and procedures. I also assisted my attorneys in their investigation into my claims by
25 providing them documents and answering their questions. I reviewed the complaint before it was
26 filed and was given access to an electronic file sharing program that alerted me via email when
27 important documents were filed so that I could review them and keep up with the developments in

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DECLARATION OF KEITH HALLER

1 the case which I understood was one of my duties as a class representative. I could also access
2 court filings from this case on my attorney's law firm website. Also, I was informed that NRT
3 had the right to take my deposition, and that the preparation and deposition itself could take
4 multiple days. Although my deposition was not taken, I feel I would have been adequately
5 prepared and comfortable to give testimony on my experiences.

6 7. Even though this action is in the process of settling, I was and remain prepared to perform
7 all the duties of a class representative. I understand that as a class representative I have assumed a
8 fiduciary responsibility to prosecute this class action on behalf of the absent class members. I
9 have understood that as a fiduciary, I have a duty to prosecute this action for the benefit of the
10 class members and surrender any right to compromise the group action for an individual gain.

11 8. I understood that being a plaintiff/class representative in this case meant that I was seeking
12 damages not only for myself but also other current and/or former non-exempt employees working
13 for NRT in California who make up the class. I felt that these individuals were not aware of their
14 labor law rights and even if they were they would probably be apprehensive about speaking up or
15 even simply because of the time, effort and risk involved in filing a class action lawsuit.

16 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
17 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
18 or part of the attorney fees and costs paid by NRT to defend this lawsuit. Also, I knew there was a
19 risk that future employers, if they ever find out about this lawsuit, could hold it against me or
20 downgrade me as a potential hire. As one of the named Plaintiffs in this case it would not be
21 difficult for a future employer to become aware that I sued a former employer for labor law
22 violations. Ultimately, I decided these risks were worth it and decided to fight for my rights and
23 the rights of others regardless of the risks, time and effort I spent on this case.

24 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
25 to date on important developments by reviewing court filings that were made available to me
26 electronically as I described above.

27 11. A mediation took place on January 31, 2024, with Jeffrey P. Fuschsman, a well-respected
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DECLARATION OF KEITH HALLER

1 and experienced mediator of wage and hour class actions. After the mediation the parties were
2 able to come to an agreement to settle the action. I communicated with my attorneys regarding the
3 terms of the settlement which was reached between the parties and understood that I was
4 representing absent class members and therefore wanted the best possible result to be obtained for
5 the class members and I believe a very positive result was in fact achieved via settlement. I closely
6 reviewed and signed the Settlement Agreement.

7 12. I have been actively involved with this lawsuit performing the duties described above.
8 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
9 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
10 settlement process. I estimate that I spent approximately 30-40 hours working on this case up
11 until this point. I believe I have been diligent and have done what is expected of a named plaintiff
12 and a proposed class representative to date, and will continue to do so. I have and always will
13 maintain the best interest of the class members.

14 13. My attorneys explained to me that the settlement process involves a two-step review by
15 the Court to determine whether the settlement is fair before approving the settlement. I know this
16 process also involves notifying all class members of the settlement terms and of their rights to
17 make a claim for their settlement share, to opt out of the settlement or to object to the settlement.

18 14. I believe I did the right thing by filing this case on behalf of the class members who,
19 subject to court approval, are in line to receive monetary payments as a result of this case and
20 settlement. This is money they may never have ever gotten if I did not pursue this action on their
21 behalf. I feel significant personal satisfaction to know that I played a role in the class members
22 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that the
23 requested class representative service award of \$10,000 from the settlement is fair compensation
24 for the work I performed and the risks I undertook.

25 15. As part of the settlement, it was necessary for me to sign a general release of claims I
26 may have against NRT. I believe the class representative service payment I have requested
27 provides me with some compensation for this agreed release.

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16. In light of all the time and effort I have spent on this case, the risk I undertook by suing a former employer, the exposure to being responsible for paying NRT costs in the event we did not win the case, the reputational risk that future employers may hold this lawsuit against me, the general release and in light of the size of the settlement, I believe the request for \$10,000 as a class representative service payment is fair and reasonable.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on Oct 22, 2024, at Victorville, Ca.
(city, state)

~~Keith Haller (Oct 22, 2024 16:56 PDT)~~

Keith Haller

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