

Taras Kick (State Bar No. 143379)
Taras@kicklawfirm.com
Greg Taylor (State Bar No. 315128)
Greg@kicklawfirm.com
THE KICK LAW FIRM, APC
815 Moraga Drive
Los Angeles, CA 90049
Tel: (310) 395-2988
Fax: (310) 395-2088

Attorneys for Plaintiff ALBERT LIZARRAGA,
individually and on behalf of all others similarly
situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

ALBERT LIZARRAGA, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

DIGBY SOUTHWEST, INC. an Arizona
Corporation; and DOES 1 through 100,
inclusive

Defendants.

Case No.: 19STCV27901

*[Assigned for all purposes to the Honorable
Stuart M. Rice, Dept. 1]*

**DECLARATION OF ALBERT LIZARRAGA
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: November 13, 2023

Time: 10:30 AM

Dept: 1

Complaint filed: August 9, 2019

Trial date: None set

DECLARATION OF ALBERT LIZARRAGA

I, Albert Lizarraga, hereby declare as follows:

1. I am the plaintiff and proposed Class Representative in the above-captioned class and representative action, *Lizarraga v. Digby Southwest, Inc.*, Los Angeles County Superior Court, Case No. 19STCV27901.

2. I am over 18 years of age and make this declaration based on my personal knowledge. If called as a witness, I could and would testify competently thereto.

3. This declaration is submitted in support of Plaintiff's Unopposed Motion for Final Approval of Class and PAGA Representative Action Settlement.

4. Defendant Digby Southwest, Inc. ("DSW") is a transportation company based in Arizona, which regularly assigns interstate routes to its drivers, including in California. I worked for DSW as a commercial truck driver from approximately August 2017 through November 2018.

5. I seek to represent current and former commercial truck drivers who worked for DSW in California and were subject to the same uniform policies and procedures with respect to timekeeping and payroll.

6. Despite my concerns about how a lawsuit could potentially affect my job prospects, I believe that DSW should be held accountable for how they treat their employees and decided to pursue these claims.

7. Throughout the litigation, I have maintained regular contact with my attorneys and received updates from them. I have spent many hours reviewing documents and providing my attorneys with information whenever they requested it. During both mediations, I made remained available and near the phone. I was also prepared and willing to testify on behalf of the class if necessary. My attorneys kept me informed about all settlement negotiations and sought my opinion, including with respect to the mediations. I have reviewed the proposed settlement and conferred extensively with my attorneys about its pros and cons. I estimate that I have spent approximately 60 hours being involved in this case.

8. Before and during the litigation, I was advised by my attorneys about my duties and responsibilities as a representative for other current and former employees. I have taken these duties seriously and was actively involved in my case throughout. I understand the factual allegations, and, as

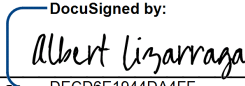
1 far as I am aware, my experience is typical of DSW's employees in California. I have no interest that is
2 adverse to, or even substantially different from, any other employee.

3 9. I was never offered anything to serve as the class representative, and I understand that my
4 duty to the class is ongoing until the litigation is fully resolved. I am not seeking any compensation from
5 the litigation other than an individual class award and class representative service award, if approved by
6 the Court. Ultimately, I believe the settlement is fair, adequate, and reasonable because it holds Defendant
7 accountable and will actually provide money to the proposed class, sooner rather than later.

8 10. I understand that as part of the settlement, the parties propose that any unclaimed funds be
9 distributed to Public Citizen Foundation, a non-profit organization that advocates on behalf of workers
10 and consumers. I have no financial interest in or involvement with the organization, and I'm not aware of
11 any such conflict by any counsel or party.

12 I declare, under penalty of perjury under the laws of the State of California, that the foregoing is
13 true and correct to the best of my belief and knowledge.

14 Executed on 10/18/2023 in Tucson, Arizona.

15 DocuSigned by:
16 
17 _____
18 Albert Lizarraga
19 DEGD6E1944DA4FF...