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Attorneys for Plaintiffs RANDY LLOYD and EDDIE ALVARADO and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

RANDY LLOYD, an individual; EDDIE
ALVARADO, an individual; on behalf of
themselves and all others similarly situated and
the general public,

Plaintiffs,

v.

BERRY ROOFING, INC., a California
corporation; and DOES 1 to 100, inclusive,

Defendants.

Case No. CVRI2300461

[Assigned For All Purposes To the Hon.
Harold W. Hopp, Dept. 1]

**DECLARATION OF CLASS
REPRESENTATIVE RANDY LLOYD IN
SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: July 9, 2024

Time: 8:30 a.m.

Dept: 1

1 I, RANDY LLOYD, declare as follows:

2
3 1. I am over the age of eighteen and am a Class Representative Plaintiff in the matter
4 *Lloyd et al. v. Berry Roofing, Inc.* The foregoing is based upon my personal knowledge and, if
5 called as a witness, I could and would competently testify thereto.

6 2. I submit this declaration in support of Plaintiffs' Motion for Final Approval of
7 Class Settlement.

8 3. I was employed as an estimator/salesman for Defendant Berry Roofing, Inc.
9 ("Defendant") between August and October 2022. During my time working for Defendant, I
10 was subjected to the same wage and hour policies and practices that are at issue in this case,
11 including the Defendant's practice of failing to pay employees all wages owed, failing to provide
12 meal periods, failing to authorize and permit rest periods, failing to provide accurate wage
13 statements, failing to reimburse employees for their reasonable and necessary expenses, and
related issues.

14 4. Since the beginning of this case, I have been closely involved in assisting my
15 attorneys to prosecute this action, and have done so diligently and aggressively for the past 2
16 years. Prior to becoming one of the named class representatives in this case, I spoke at length
17 with my attorneys, and relayed to them the alleged illegal wage and hour policies and practices
18 of Defendant. I spent countless hours discussing the issues in the case and the possibility of
19 filing a representative action with my attorneys at that time.

20 5. Prior to filing this case, I worked with my attorneys to interpret documents that
21 had been produced as part of my personnel file, including my wage statements and Defendant's
22 pay and reimbursement policies. My attorneys also called me frequently to discuss issues
23 pertaining to other current and former employees, and I connected my attorneys with other
employees who experienced similar wage and hour issues as myself.

24 6. In 2023, the parties agreed to go to Mediation, and I worked with my attorneys to
25 prepare for the Mediation. I spoke with my attorneys numerous times prior to the Mediation, and
26 I was on -call during the Mediation on September 27, 2023, and spoke to my attorneys during the
27 Mediation to address factual issues that arose.
28

1 7. After the Mediation, I thereafter worked with my attorneys to ensure that the
2 settlement was fair to all class members. I reviewed the Settlement Agreement, and discussed
3 with my attorneys to resolve any questions I had.

4 8. After the preliminary approval hearing, moreover, certain amendments were
5 proposed to the Settlement Agreement. I spoke with my attorneys about those changes, reviewed
6 the Amended Settlement Agreement before signing it.

7 9. I have also continued to keep tabs on the settlement agreement, calling my
8 attorneys from time to time since the preliminary approval order to ensure that the settlement
9 was on track.

10 10. As detailed above, I actively participated in all stages of litigation and have been
11 continuously apprised of all aspects of this case. I believe that if not for my efforts and
12 persistence in this case, that the class members would have benefitted far less without my
13 involvement. I am an adequate representative of the hourly employees. My interests are the
14 same as the other hourly non-exempt employees, as Defendant uniformly failed to provide
15 compliant meal and rest periods. Furthermore, I believe Defendant failed to pay me all of my
16 wages that were due to me, and failed to provide legally compliant pay stubs to the entirety of
17 the class. I received the same uniform pay stubs as every other hourly non-exempt employee,
18 which do not list total hours worked. I believe that there are other aspects with the paystubs that
19 are confusing and make it difficult to accurately confirm if the employees are paid correctly.

20 11. All in all, I estimate that I have spent more than 40 hours in conjunction with the
21 case. I dedicated my time to the pursuit of this case, including consulting with my attorneys
22 regarding the issues raised in the action. I have also assisted my counsel in reviewing, analyzing,
23 and interpreting various internal documents generated by Defendant. Additionally, I have
24 participated in numerous telephone conferences with my counsel to discuss the case. I have also
25 assisted my counsel by corresponding with them on repeated occasions to answer any questions
26 about my employment. I also discussed mediation and post-mediation settlement strategies with
27 my counsel at various points over the last year. I have been diligent, and I believe I acted above
28 and beyond that which was expected of me as a Class Representative throughout all stages of the
litigation, up to and including the settlement of this Class Action. I have no claim that was
antagonistic to the class. I accepted the potential risk of being liable for the opposing parties'
costs if we were unsuccessful in this lawsuit.

12. In addition to performing work on this matter, I assumed a substantial risk in serving as a class representative if the Defendant prevailed in this case. My willingness to assume the financial risk was and is significant. Although I was confident in the merits of this lawsuit, I do not have any substantial savings and bringing this lawsuit was a serious commitment on my behalf and exposed myself to considerable risk. My attorneys have advised me that California law provides that the losing party must pay the prevailing party's costs. As such, if the Defendant had prevailed in this case, I would have been subjected to a cost award in the amount of tens of thousands of dollars. Notwithstanding these risks, I chose to serve in my capacity as Class Representative and pursue all claims against Defendant. Many employees have been afraid to challenge Defendant's policies because they were afraid that they would lose their jobs. I had that fear myself, but I pressed on with the case nonetheless.

13. I understand that the average estimated payout per class member is approximately \$778, and the highest payout will be approximately \$5,106.27. I understand that I will be receiving \$104.68 as a member of the class in this case.

14. Considering the amount of time I put into the case, the stigma of filing litigation, the impact it has had on all class members, I believe an enhancement of \$7,500 is fair and reasonable.

15. I have been informed of and previously agreed to, in writing, of the attorneys' fee sharing arrangement between Bartz Law Group APC (BLG) and United Employees Law Group PC (UELG), whereby BLG is entitled to receive 75% of the attorneys' fees received in this case, and UELG is entitled to receive 25% of the attorneys' fees received.

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

Executed on June 10, 2024, at Moreno Valley, California.

DocuSigned by:

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Randy Lloyd