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7 *Attorneys for Plaintiff David Josephson*

8
9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**
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12
13 DAVID JOSEPHSON, as an individual on behalf
of himself and on behalf of all others similarly
14 situated,

15 Plaintiff,

16 v.

17 LAMON CONSTRUCTION COMPANY INC., a
California Corporation,

18 Defendant.
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Case No.: 2:23-cv-00043-DAD-AC

**DECLARATION OF DAVID
JOSEPHSON**

Date: December 18, 2024

Time: 10:00 a.m.

Place: Courtroom 26, 8th Floor

1 I, David Josephson, declare as follows:

2 1. I am an adult over the age of eighteen (18) years old. I am a plaintiff in the above-captioned
3 lawsuit. I have personal knowledge of the facts set forth in this declaration. I make this declaration in support
4 of Plaintiff's Motion for Approval of PAGA Settlement.

5 2. I worked for defendant Lamon Construction a worked for Defendant doing paving
6 construction jobs from around August 2020 through February 2022. While I worked for Lamon I
7 don't think I was paid for all hours that I worked because many times me and my co-workers had to
8 work both before and after the scheduled end of a shift to, for example, pick up and return equipment
9 to the company's main yard in Yuba City, clean up the work site, etc., and this time wasn't recorded
10 or paid for – we were paid only the time we were scheduled instead of how long we actually worked.
11 I also don't think I received all of the meal and rest breaks I was entitled to, as the crew chief would
12 record meal times regardless of what time my lunch started or how long it lasted. I also had to use
13 my own phone for work purposes and never received any reimbursement.

14 3. I decided to file this lawsuit because I did not feel that I was treated fairly as an
15 employee of Defendant, especially with regard to me not receiving all of the pay I believe I earned,
16 and for not getting all of my breaks or any reimbursement for using my own phone or for my
17 mileage.

18 4. It is my understanding this lawsuit could not have been prosecuted or settled on
19 behalf of the Class unless I or some other current or former employee decided to serve as a named
20 plaintiff. In deciding to serve as a named plaintiff in this case, I understood that my name could be
21 publicly attached to this lawsuit and that my work experiences to some extent would be set forth in a
22 public court file. I recognized I would need to devote a certain amount of time that I could have
23 spent otherwise. I also recognized my bringing the lawsuit carried some degree of risk for
24 defendants' legal costs among other things. Despite this, I decided to serve as the named plaintiff
25 without any promise of recovery or compensation.

26 5. I am familiar with the work involved in prosecuting this case. I have participated in
27 meetings, phone calls, and other communications with my lawyers regarding this case. I am familiar
28 with the allegations and defenses of the claims in this case. I am familiar with the major events in

1 this case, including the investigation performed by my lawyers, the mediation with Defendant that
2 resulted in this settlement, and the preparation of settlement papers and the need to obtain court
3 approval of the proposed settlement. I participated in the litigation and provided my lawyers with
4 information and documents regarding my employment with Defendant.

5 6. I believe that the proposed settlement obtained on behalf of the other employees and
6 California Labor Board is excellent in view of the issues and risks involved with the case.

7 7. I believe I have fulfilled my duties as the named plaintiff and PAGA representative,
8 which required a significant amount of time and effort during the course of this case. These efforts
9 required dedicating numerous hours to lawsuit activities including, but not limited to: (a)
10 communicating with my attorneys to stay informed of ongoing developments in the case and to
11 discuss the proposed settlement ultimately negotiated; (b) searching for and providing documents
12 and other materials relating to my work experience; (c) responding to requests for information
13 relating to my work experience; and (d) reviewing filings and key documents including drafts of the
14 complaint and the settlement agreement. These tasks required my dedication of at least 15-20 hours
15 of my time, which time I honestly could have spent on family, personal time, or work. My
16 understanding is that future tasks may require several more hours of my time. Further, at all times I
17 was ready, willing and able to testify at deposition and/or trial. I believe I have been diligent and that
18 I have acted above and beyond that of which is expected of a named plaintiff and proposed class
19 representative to date and will continue to do so.

20 8. It is my opinion that \$5,000.00 is a fair and adequate award for my service as the
21 named plaintiff and PAGA Representative, and in consideration for my general release of all claims
22 against Defendant. I believe that amount is fair and reasonable in view of the work I have and will
23 continue to perform on behalf of the Class. I believe that my role in this lawsuit has resulted in a
24 valuable benefit to the other employees, and I accepted the potential risk of being liable for the
25 opposing parties' costs if we were unsuccessful in this lawsuit. I believed in this case, so I was
26 willing to be the named plaintiff to risk this and pursue this lawsuit. I also accepted the risk that
27 news of this lawsuit could also potentially impact my ability to secure other work.

28 9. Based on the time, service, risk, stress, potential stigma, loss of benefits and excellent

1 outcome of this case, I believe the enhancement for me is fair and reasonable.

2 I declare under penalty of perjury under the laws of California that the foregoing is true and
3 correct. Executed on 11 / 13 / 2024, at Yuba city, California.

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