

JAMES HAWKINS APLC
James R. Hawkins, Esq. (#192925)
Gregory Mauro, Esq. (#222239)
Michael Calvo, Esq. (#314986)
9880 Research Drive, Suite 200
Irvine, CA 92618
Tel.:(949) 387-7200
Fax:(949) 387-6697
Email: James@jameshawkinsaplc.com
Email: Greg@jameshawkinsaplc.com
Email: Michael@jameshawkinsaplc.com

Attorneys for Plaintiff QUINCY GRIFFIN PERKINS

**UNITED STATES DISTRICT OF CALIFORNIA
NORTHERN DISTRICT OF CALIFORNIA**

QUINCY GRIFFIN PERKINS
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

HADCO METAL TRADING SANTA
FE SPRINGS CA dba RYDER
INTEGRATED LOGISTICS INC.: and
DOES 1-50, inclusive,

Defendant.

CASE NO.: 3:23-cv-00502-WHO
Consolidated with Case Nos. 3:23-cv-
01694-WHO and 4:22-cv-07456-JST

**DECLARATION OF JAMES
HAWKINS IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: May 29, 2024
Time: 02:00 p.m.

District Judge: William H. Orrick
Complaint Filed: November 14, 2022

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

I, James Hawkins, declare as follows:

1. I am an individual over the age of 18. I am a partner at the law firm of James Hawkins, APLC. I am one of the attorneys of record for Plaintiff QUINCY GRIFFIN PERKINS (hereinafter referred to as “Plaintiff” or “Class Representative”). I submit this declaration in support of the Memorandum of Points and Authorities In Support Of Motion For Preliminary Approval Of Class Action Settlement. I have personal knowledge of the facts set forth below, and if called to testify regarding them, I could and would do so competently.

2. On November 14, 2022, Plaintiff Quincy Griffin Perkins filed a Putative Class Complaint in the Superior Court of the State of California for the County of Alameda against Defendant, entitled *Quincy Griffin Perkins v. Hadco Metal Trading Santa Fe Springs CA dba Ryder Integrated Logistics Inc.*, Alameda County Superior Court No. 22CV021674 (“*Perkins I*”). In *Perkins I*, Plaintiff Quincy Griffin Perkins alleged twelve (12) causes of action against Defendant for: (1) failure to pay wages including overtime, (2) failure to provide meal periods, (3) failure to provide rest periods, (4) failure to timely pay wages, (5) failure to provide accurate itemized wage statements, (6) failure to indemnify necessary business expenses, (7) unfair competition laws, Business & Professions Code Sections 17200 et seq., (8) improper use of consumer credit report, (9) violation of the Fair Credit Reporting Act for failure to make proper disclosures, (10) violation of the Fair Credit Reporting Act for failure to obtain authorization, (11) failure to make proper disclosure and obtain authorization (California Civil Code §§ 1786 et seq.), and (12) failure to make proper disclosure (California Civil Code §§ 1785 et seq.).

3. On January 19, 2023, Plaintiff Quincy Griffin Perkins filed a separate action alleging one claim under PAGA against Defendant, entitled *Quincy Griffin Perkins v. Hadco Metal Trading Santa Fe Springs CA dba Ryder Integrated*

1 *Logistics Inc.*, Alameda County Superior Court No. 23CV025921 (“*Perkins II*”).

2 4. On February 2, 2023, Defendant removed *Perkins I* to the United States
3 District Court of the Northern District of California where it was assigned Case No.
4 3:23-cv-00502.

5 5. On April 7, 2023, Defendant removed *Perkins II* to the United States
6 District Court of the Northern District of California where it was initially assigned
7 Case No. 4:23-cv-01694 and then later Case No. 3:23-cv-01694-WHO.

8 6. On May 4, 2023, the parties to *Perkins II* filed a Joint Stipulation to
9 Transfer and Consolidate the action with *Perkins I*. On May 10, 2023, the presiding
10 judge over *Perkins II* granted the stipulation, and the case was consolidated with
11 *Perkins I* with 3:23-cv-01694-WHO as the lead case caption.

12 **MEDIATION EFFORTS**

13 7. On October 24, 2023, Plaintiffs Jose Johnson, Ignacio Parks, Quincy
14 Griffin Perkins, and Tiwan Johnson along with Defendants Ryder Transportation
15 Solutions, LLC and Ryder Integrated Logistics, Inc. engaged in mediation before
16 Mr. Antonio Piazza, Esq., an experienced mediator in this area of law. The
17 mediation was successful and a global settlement in principle covering the Johnson
18 Action and Perkins Actions was reached.

19 8. On December 8, 2023, Plaintiffs filed a First Amended Consolidated
20 Class and PAGA Action Complaint, consolidating the Perkins Actions with the
21 Johnson, et. al. Action.

22 9. On December 21, 2023, Plaintiffs filed a Second Amended
23 Consolidated Class and PAGA Action Complaint clarifying the scope of the claims
24 litigated and mediated.

25 **INVESTIGATION OF CLAIMS**

26 10. Plaintiffs’ Counsel conducted a thorough investigation into the factual
27 and legal issues implicated by Plaintiff’s claims, and were able to objectively assess
28 the settlement’s reasonableness. For example, prior to filing the action, Plaintiff

1 contacted Plaintiffs' Counsel to discuss the factual bases for pursuing their actions
2 against Defendant for Labor Code violations.

3 11. Plaintiff was intimately familiar with Defendant's labor policies and
4 practices, and over the course of multiple interviews, knowledgeably summarized
5 those policies and practices to Plaintiff's Counsel. During those conversations,
6 Plaintiff's Counsel explained how the policies and practices were instituted and
7 provided valuable insight into how they gave rise to the alleged Labor Code
8 violations. Based on these interviews with Plaintiff, Plaintiff's Counsel determined
9 that there were legally sufficient grounds for pursuing the Actions against
10 Defendant. And in preparation for drafting the complaints, Plaintiff's Counsel
11 conducted their own independent preliminary investigations into the factual bases
12 for Plaintiff's claims, which entailed, *inter alia*, a careful examination of Plaintiff's
13 personnel files and associated records.

14 12. During the course of litigation, the Parties exchanged written discovery.
15 Plaintiff's counsel received and analyzed a considerable amount of documents and
16 data, such as employee demographic data, time and pay records, and Defendant's
17 policies and procedures manuals which covered a broad range of topics including,
18 *inter alia*, employee time policies and procedures, attendance policies, meal
19 periods/rest periods, overtime & premium pay, etc., trip sheets, Hours of Service
20 policies, working hours and pay policies, electronic DOT logs, general travel
21 expenses policies, CA mobile device reimbursement policy, expense reporting
22 policy, expense reimbursement reports for cell phone, meal period premium reports,
23 sampled time and pay records for the Class Members. The document and data
24 exchanges allowed Plaintiff's Counsel to fully assess the nature and magnitude of
25 the claims being settled, as well as the impediments to recovery, and ultimately
26 enabled Plaintiff's Counsel so as to make an independent assessment of the
27 reasonableness of the settlement's terms.

28 13. In summary, Plaintiffs' Counsel performed a thorough investigation

1 into the claims at issue, which included: (1) determining Plaintiff's suitability as
2 class representatives and private attorneys general through interviews, background
3 investigations, and analyses of their employment files and related records; (2)
4 evaluated all of Plaintiff's potential representative claims; (3) researching similar
5 wage and hour class actions as to the claims brought, the nature of the positions, and
6 the type of employer; (4) analyzing employees' time and wage records; (5)
7 reviewing Defendant's employment policies and practices; (6) researching
8 settlements in similar cases; (7) evaluating Plaintiff's claims and estimating
9 Defendant's liability for purposes of settlement; (8) drafting the mediation brief; (9)
10 participating in the mediation, and (10 drafts of the motion for approval.

11 14. By engaging in such a thorough investigation and evaluation of
12 Plaintiffs' claims, Plaintiffs' Counsel can opine that the Settlement, for the
13 consideration and on the terms set forth in the Settlement Agreement, is fair,
14 reasonable, an adequate, and is in the best interests of Class Members in light of all
15 known facts and circumstances, including the risk of significant delay and
16 uncertainty associated with litigation, and various defenses asserted by Defendant.

17 15. Plaintiffs' counsel balanced the terms of the proposed Settlement
18 against the risk of litigation and probable outcome at the class certification stage,
19 and if any Class were certified, at trial. Counsel took into account the sharply
20 disputed factual and legal issues involved in this matter, the risks attending further
21 prosecution of the case, and the monetary benefits received under the Settlement
22 despite the questionable nature of the claims. Counsel for the Parties investigated
23 the applicable law as applied to the facts discovered regarding the claims of
24 Plaintiff, Defendants' defenses thereto and the damages claimed by Plaintiff on
25 behalf of the Settlement Class.

26 16. Additionally, the prospect of a potential adverse summary judgment
27 ruling, as well as the uncertainty of class certification, the difficulties of complex
28 litigation, the lengthy process of establishing specific damages and various possible

delays and appeals, were also carefully considered in agreeing to the proposed Settlement.

CLASS COUNSEL EXPERIENCE

17. I have a great deal of experience in wage and hour class action litigation. I have obtained certification of several classes, I have been approved as class counsel in many other wage/hour class actions, and I am currently litigating numerous others. Although not an all inclusive list, over the years I have prosecuted the following class action matters as lead and/or co-lead counsel, all of which implicated similar law and facts to those associated with this action:

a. *Aguilar v. 7-Eleven, Inc., et. al.*, Orange County Superior Court- Case No.: 30-2009-00268714-CU-OE-CXC. Certified Wage and Hour Class action seeking premium wages for meal period and rest periods and resultant penalties. Class Notice pending.

b. *Carey, et. al. v. Arthur J. Gallagher, et. al.*, USDC, SOUTHERN DISTRICT- Case No.: 09-cv-0168. Wage and Hour Class action seeking past wages of overtime for mis-classification of insurance claims adjusters employed by Gallagher Bassett, a third party administrator (TPA) in the State of California. Certification granted. Plaintiffs' counsel co-lead counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

c. *Dao v. 3M Company, et al.* USDC, CENTRAL DISTRICT, Case No. CV-08-04554. Wage and Hour Class Action case seeking past wages for "off the clock", overtime and meal and rest break violations for production workers in the State of California. Plaintiffs' Counsel appointed as Lead Counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

d. *Ortiz v. Kmart*, USDC, CENTRAL DISTRICT, Case No. SACV 06-

1 638 ODW. Wage and Hour Class Action case seeking past wages for
2 meal and rest period violations for retail employees in the State of
3 California. Plaintiffs' counsel appointed co-lead counsel. Case settled,
4 Final Approval granted, no objections and funds fully distributed.
5 e. *Morgan v. Aramark Campus, LLC*, USDC, CENTRAL DISTRICT,
6 Case No. SACV08-00412. Wage and Hour Class Action case seeking past
7 wages for meal and rest period violations for retail employees in the State
8 of California. Plaintiffs' Counsel appointed as Lead Counsel. Case
9 settled, Final Approval granted, no objections and funds fully distributed.
10 f. *West v Iron Mountain Information Management, Inc, et. al.*; Los
11 Angeles County Superior Court, Case No. BC393709. Wage and Hour
12 Class Action seeking past wages for overtime, meal and rest break
13 violations for driver employees in the State of California. Settlement for
14 "binding arbitration." Arbitration Award for Plaintiff Class. Arbitration
15 Award confirmed. Plaintiffs' counsel, lead trial counsel and class counsel.
16 g. *Gonzalez v. Superior Industries Inter, Inc., et al.*, Los Angeles County
17 Superior Court, Case No. BC 357912. Wage and Hour Class Action
18 seeking past wages for overtime, meal and rest breaks violations for
19 production employees in the State of California. Plaintiffs' counsel
20 appointed as lead counsel. Case settled, Final Approval granted, no
21 objections and funds fully distributed.
22 h. *Acosta v. Fleetwood Travel Trailers of California, Inc.*, et al., Riverside
23 County Superior Court, Case No. RIC 440630. Wage and Hour Class
24 Action seeking past wages for overtime, meal and rest break violations for
25 production employees in the State of California. Plaintiffs' counsel
26 appointed as co-lead counsel. Case settled, Final Approval granted, no
27 objections and funds fully distributed.
28 i. *Walker v. Sharkeez, et al.*, Orange County Superior Court, Case No.

1 05CC00293. Wage and Hour Class Action seeking past wages for
2 unlawful deductions, meal and rest break violations for restaurant
3 employees in the State of California. Plaintiffs' counsel appointed as lead
4 counsel. Case settled, Final Approval granted and funds fully distributed.
5 j. *Padron v. Universal Protection Service, et al*, Orange County Superior
6 Court, Case No. 05CC00013. Wage and Hour Class Action seeking past
7 wages for overtime, meal and rest break violations for security officers in
8 the State of California. Plaintiffs' counsel appointed as co-lead counsel.
9 Case settled, Final Approval granted, no objections and funds fully
10 distributed.
11 k. *Martinez v. Securitas Security Services USA, et al.*, Santa Clara
12 Superior Court, Case No. 105-CV047499, et al. J.C.C.P. No. 4460. Wage
13 and Hour Class Action seeking past wages for meal and rest break
14 violations for security officers employed by defendant in the State of
15 California. Plaintiffs' counsel and co-counsel. Case settled, Final
16 Approval granted and funds fully distributed.
17 l. *Velasquez-Lopez v. Hotel Cleaning Services, Inc. et al.*, Riverside
18 Superior Court, Case No. RIC 420909. Wage and Hour Class Action
19 seeking past wages for overtime, meal and rest break violations for
20 housekeepers employed by defendant in the State of California. Plaintiffs'
21 counsel appointed as lead counsel. Case settled, Final Approval granted,
22 no objections and funds fully distributed.
23 m. *Ruiz, et al. v. Unisource Worldwide, Inc., et al.*, USDC, CENTRAL
24 DISTRICT, Case No. CV09-05848. Wage and Hour Class Action seeking
25 past wages for meal and rest period violations for non-exempt employees
26 employed by defendant in the state of California. Case settled. Awaiting
27 Preliminary Approval hearing. Plaintiff has petitioned the Court for Lead
28 Counsel.

1 n. *Herrador v. Culligan International Company, et al.*, USDC,
2 CENTRAL DISTRICT, Case No. SACV 08-680. Wage and Hour Class
3 Action seeking past wages for field and branch employees of defendant in
4 the State of California. Plaintiffs' counsel appointed as lead counsel.
5 Case settled and awaiting Final Approval.

6 o. *Defries v. Domain Restaurants, et al.*, Orange County Superior
7 Court, Case No. 05CC00128. Wage and Hour Class Action seeking past
8 wages for restaurant employees of defendant in the State of California.
9 Plaintiffs' counsel appointed as lead counsel. Case settled, Final Approval
10 granted, no objections and funds fully distributed.

11 p. *Denton v. BLB Enterprises, Inc., et al.*, Orange County Superior Court,
12 Case No. 07CC01292. Wage and Hour Class Action seeking unpaid
13 overtime, meal and rest break violations for security guards employed by
14 defendant in the State of California. Plaintiffs' counsel appointed as lead
15 counsel. Case settled, Final Approval granted, no objections and funds
16 fully distributed.

17 q. *Rios v. Sandberg Furniture Manufacturing Co., Inc, et al.*, Los Angeles
18 Superior Court, Case No. BC411477. Wage and Hour Class Action
19 seeking unpaid meal and rest break violations for production employees
20 employed by defendant in the State of California. Plaintiff counsel
21 appointed as lead counsel. Case settled, Final Approval granted, no
22 objections and funds fully distributed.

23 r. *McMurray v. Dave and Busters, Inc.*, et al., Orange County Superior
24 Court, Case No. 06CC00099. Wage and Hour Class Action seeking past
25 wages for meal and rest break violations for restaurant employees
26 employed by defendant in the State of California. Plaintiffs' counsel
27 appointed as co-lead counsel. Case settled, Final Approval granted, no
28 objections and funds fully distributed.

1 s. *Osuna v. DFG Restaurants, Inc.*, et al., Los Angeles Superior Court,
2 Case No. BC 330145. Wage and Hour Class Action seeking past wages of
3 overtime for mis-classification of managers employed by Defendant, DBA
4 Carl's Jrs. in the State of California. Plaintiffs' counsel appointed as co-
5 lead counsel. Case settled, Final Approval granted, no objections and
6 funds fully distributed.

7 t. *Burns v. Gymboree Operations, Inc.*, et al., San Francisco Superior
8 Court, Case No. CGC-07-461612. Wage and Hour Class Action seeking
9 past wages for meal and rest break violations for retail employees
10 employed by defendant in the State of California. Plaintiffs' counsel
11 appointed lead counsel. Case settled, Final Approval granted, no
12 objections and funds fully distributed.

13 u. *Willems v. Diedrich Coffee, Inc.*, et al., Orange County Superior Court,
14 Case No. 07CC00015. Wage and Hour Class Action seeking past wages
15 of overtime for mis-classification of managers employed by Defendant in
16 the State of California. Plaintiffs' counsel appointed lead counsel. Case
17 settled, Final Approval granted, no objections and funds fully distributed.

18 v. *Davila, et al. v. Beckman Coulter, Inc.*, et al., Orange County Superior
19 Court, Case No. 07CC01347. Wage and Hour Class Action seeking past
20 wages for overtime, meal and rest break violations for production workers
21 employed by defendant in the State of California. Plaintiffs' counsel
22 appointed lead counsel. Case settled; final approval granted; no
23 objections and funds fully distributed.

24 w. *Perez v. Naked Juice Company of Glendora, Inc.*, Los Angeles
25 Superior Court, Case No. BC387088. Wage and Hour Class Action
26 seeking past wages for overtime, meal and rest period violations for
27 production employees employed by defendant in the State of California.
28 Plaintiff counsel appointed as lead counsel. Case settled, Final Approval

1 granted, no objections and funds fully distributed.

2 18. Here, the Parties' agreement to pay Class Counsel Fees of 1/3 of the
3 Gross Settlement Amount is reasonable. Plaintiffs' counsel has borne the entire risk
4 and cost of this litigation on a pure contingency fee basis. The legal issues raised
5 drew significantly upon my firms and co-counsel's experience and the extensive
6 review and analysis of documents and information by me and others at my firm and
7 our co-counsel. In a complex action such as this, the proposed attorneys' fees are,
8 at the very least, on the low side of the market rate for contingency fees.

9 19. At this juncture, with the addition of more hours due to the
10 administration of the Settlement by Class Counsel, administration of the Settlement,
11 and preparation for final approval, counsel for plaintiff will provide a detailed
12 analysis of its time in advance of the final approval hearing.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Executed on April 17, 2024 at Irvine, California.

15 _____
/s/ James Hawkins

16 James R. Hawkins

17
18
19
20
21
22
23
24
25
26
27
28