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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

BYRON ASHLEY, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiff,

v.

SAFC CARLSBARD, INC., a California
corporation; and Does 1 through 50, Inclusive,

Defendants.

Case No. 37-2023-00016815-CU-OE-CTL

**DECLARATION OF BYRON ASHLEY
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF
CLASS SETTLEMENT**

Hearing Date: February 28, 2025

Hearing Time: 9:30 AM

Judge: Marcella O. McLaughlin

Dept: C-72

Complaint Filed: April 21, 2023

Trial Date: Not Set

1 I, Byron Ashley, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the
3 above-entitled matter. I submit this declaration in support of the Motion for Preliminary
4 Approval of Class Settlement and in support of my application for a Class Representative
5 Service Payment.
6

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

9 3. During the class period I worked as a Maintenance Technician for Defendant SAFC
10 Carlsbad, Inc. ("Defendant" or "SAFC") in California and during that time period, I was
11 classified by SAFC as a non-exempt employee.
12

13 4. I retained my attorneys who are experienced in both class action and PAGA
14 representative action litigation and claims against employers for violations of the California
15 Labor Code. I have no personal relationship or family ties to my attorneys or any officer of the
16 Court. I am not aware of having any actual or potential conflicts of interest with another class
17 member in this case nor am I aware of having any actual or potential conflicts of interest with
18 Apex Class Action, the settlement administrator. I am not aware of any other pending matter or
19 action asserting claims that will be extinguished or adversely affected by this settlement.
20

21 5. I decided to pursue this class action lawsuit and be a plaintiff/class representative because
22 I felt that my legal rights as an employee and others like me were violated. For example, I often
23 did not receive compliant meal and rest breaks which were late, interrupted or missed entirely. I
24 also did not receive all the meal and rest break premiums I was entitled to and when I did receive
25 premium payments, they were often an incorrect amount. Also, I received bonus compensation,
26 that was not properly factored into my rate of pay, which resulted in the underpayment of wages.
27

1 Furthermore, from time to time I worked off the clock without compensation for my time
2 worked.

3 6. I spoke to my attorneys several times and discussed how SAFC implemented its company
4 policies and procedures. I also assisted my attorneys in their investigation into my claims by
5 providing them documents and answering their questions. I reviewed the complaint before it
6 was filed and after it was filed I was given access to an electronic file sharing program that
7 alerted me via email when important documents were filed so that I could review them and keep
8 up with the developments in the case which I understood was one of my duties as a class
9 representative. I was in contact with my attorneys to answer questions. I would also contact my
10 attorneys from time to time if I had any questions about the case.
11

12 7. Even though this action is in the process of settling, I was and remain prepared to
13 perform all the duties of a class representative. I understand that as a class representative I have
14 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent class
15 members. I have understood that as a fiduciary, I have a duty to prosecute this action for the
16 benefit of the class members and surrender any right to compromise the group action for an
17 individual gain.
18

19 8. I understood that being a plaintiff/class representative in this case meant that I was
20 seeking damages not only for myself but also other current and/or former non-exempt employees
21 working for SAFC in California who make up the class. I felt that these individuals were not
22 aware of their labor law rights and even if they were they would probably be apprehensive about
23 speaking up or even simply because of the time, effort and risk involved in filing a class action
24 lawsuit.
25

26 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
27

1 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
2 or part of the attorney fees and costs paid by SAFC to defend this lawsuit. Also, I knew there
3 was a risk that future employers, if they ever find out about this lawsuit, could hold it against me
4 or downgrade me as a potential hire. As the only named Plaintiff in this case it would not be
5 difficult for a future employer to become aware that I sued my employer for labor law violations.
6 Ultimately, I decided these risks were worth it and decided to fight for my rights and the rights of
7 others regardless of the risks, time and effort I spent on this case.
8

9 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
10 to date on important developments by reviewing court filings that were made available to me
11 electronically as I described above.
12

13 11. A mediation took place on July 11, 2024 with Gig Kyriacou, a well-respected and
14 experienced mediator of wage and hour class actions. After the mediation the parties were able
15 to reach an agreement to settle the action. I communicated with my attorneys regarding the
16 terms of the settlement which was reached between the parties and understood that I was
17 representing absent class members and therefore wanted the best possible result to be obtained
18 for the class members and I believe a very positive result was in fact achieved via settlement. I
19 reviewed and signed the Memorandum of Understanding on August 27, 2024 and when the final
20 settlement papers were ready, I closely reviewed the Class Action and PAGA Action Settlement
21 Agreement, which I signed on January 23, 2025.
22

23 12. I have been actively involved with this lawsuit performing the duties described above.
24 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
25 filings, and spent a significant amount of time on the issues presented during the lawsuit and in
26 the settlement process. I estimate that I spent approximately 30-40 hours working on this case
27

1 up until this point. I believe I have been diligent and have done what is expected of a named
2 plaintiff and a proposed class representative to date and will continue to do so. I have and always
3 will maintain the best interest of the class members.

4
5 13. My attorneys explained to me that the settlement process involves a two-step review by
6 the Court to determine whether the settlement is fair before approving the settlement. I know
7 this process also involves notifying all class members of the settlement terms and of their rights
8 to make a claim for their settlement share, to opt out of the settlement or to object to the
9 settlement.

10 14. I believe I did the right thing by filing this case on behalf of the class members who,
11 subject to court approval, are in line to receive monetary payments as a result of this case and
12 settlement. This is money they may never have ever gotten if I did not pursue this action on their
13 behalf. I feel significant personal satisfaction to know that I played a role in the class members
14 being entitled to monetary payments as a result of the filing of this lawsuit. I also believe that
15 the requested Class Representative Service Payment of \$10,000 from the settlement is fair
16 compensation for the work I performed and the risks I undertook.

17
18 15. In light of all the time and effort I have spent on this case, the risk I undertook by suing
19 my employer, the exposure to being responsible for paying SAFC's costs in the event we did not
20 win the case, the reputational risk that future employers may hold this lawsuit against me, the
21 general release and in light of the size of the settlement, I believe the request for \$10,000 as a
22 Class Representative service payment is fair and reasonable.

23
24 ///

25 ///

26 ///

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

3
4 Executed on 01/24/2025, at Carlsbad, California.
5 (city, state)

6 Byron Ashley

7 Byron Ashley (Jan 24, 2025 4:20 PST)

Byron Ashley