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Attorneys for Plaintiffs COREY J. DEVINE,
and JERMAINE WILLIS, individually,
and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF TUOLUMNE

ANDREA OTANEZ VERDUGO, individually, and
on behalf of others similarly situated

Plaintiff,

v.

CAPSTONE LOGISTICS, LLC, a Delaware
Limited Liability Company with its principal place
of business in Georgia; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO.: CV66120

UNLIMITED CIVIL

**DECLARATION OF COREY J. DEVINE IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE PAGA ACTION
SETTLEMENT**

Date: November 12, 2025

Time: 8:30 a.m.

Dep: 5

Hon. Steven S. Streger

Action Filed: April 22, 2024

I, Corey J. Devine, hereby declare as follows:

1. I am an Intervenor and proposed Class Representative in the above-captioned class and representative action, *Verdugo v. Capstone Logistics LLC*, No. CV66120, Tuolumne County Superior Court. I am also the named plaintiff in *Devine v. Capstone Logistics, LLC*, No. 20STCV39030, Los Angeles Superior Court.

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 Plaintiffs' Motion for Preliminary Approval of Class and Representative PAGA Action Settlement.

4. I worked for Defendant as a "Lumper," a non-exempt position, from on or about April 19, 2018 to on or about August 7, 2020 and was subject to one or more of the violations of the Labor Code at issue in this case. For instance, I regularly worked overtime at Defendant's direction, but Defendant failed to properly calculate my regular rate of pay, resulting in a systematic underpayment of wages to me, including overtime wages and break premium payments. I was also issued wage statements by Defendant that failed to state all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate.

5. I seek to represent current and former non-exempt employees who worked for Capstone 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 Capstone should be held accountable for how they treat their employees and decided to pursue these claims.

7. Since retaining my attorneys, I have been actively involved with the case. Before the case was filed, I spent a significant amount of time looking for and reviewing documents and speaking with my attorneys regarding the facts of the case. Throughout the litigation, I have maintained regular contact with my attorneys and received updates from them. When Capstone filed a motion to compel arbitration, I discussed facts relevant to opposing that motion with my attorneys and submitted a declaration in opposition to the motion. When the motion to compel arbitration was granted in part, I filed an arbitration

1 against Defendant, intending to continue pursuing representative PAGA claims after prevailing in
2 arbitration. I spent significant amounts of time engaged in this arbitration, including by providing
3 additional documents and information to my attorneys, preparing for and attending a deposition, and
4 preparing for and attending the arbitration hearing itself. I discussed the mediator's proposal and
5 settlement agreement with my attorneys, evaluated whether the settlement was fair and reasonable, and
6 reviewed and signed the settlement agreement. Had this case proceeded to trial, I was prepared to attend
7 the trial. I estimate that I have spent at least 150 hours being involved in this case since retaining my
8 attorneys.

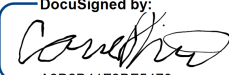
9 8. Before and during the litigation, I was advised by my attorneys about my duties and
10 responsibilities as a representative for other current and former employees. I have taken these duties
11 seriously and was actively involved in my case throughout. I understand the factual allegations, and, as
12 far as I am aware, my experience is typical of Capstone's employees in California. I have no interest
13 that is adverse to, or even substantially different from, any other employee.

14 9. I was never offered anything to serve as the class representative, and I understand that my
15 duty to the class is ongoing until the litigation is fully resolved. I do not anticipate receiving any benefit
16 as a result of my participation other than my individual class member award, and if approved, the
17 requested service award. Ultimately, I believe the settlement is fair, adequate, and reasonable because it
18 holds Capstone accountable and will provide money to the proposed class without further delay.

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

21 Ceres , ca , 95307

22 Executed on 10/28/2025 in _____, California.

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25 DocuSigned by:

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26 Corey J. Devine
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