

HAINES LAW GROUP, APC

Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
Fletcher W. Schmidt (SBN 286462)
fschmidt@haineslawgroup.com
Matthew K. Moen (SBN 305956)
mmoen@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

AEGIS LAW FIRM, PC

SAMUEL A. WONG, State Bar No. 217104
KASHIF HAQUE, State Bar No. 218672
JESSICA L. CAMPBELL, State Bar No. 280626
9811 Irvine Center Drive, Suite 100
Irvine, California 92618
Telephone: (949) 379-6250
Facsimile: (949) 379-6251
Email: jcampbell@aegislawfirm.com

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

RUBEN HERNANDEZ, PATRICK JOSEPH
NEIMS, ARTURO RAMIREZ, AND MIGUEL
MORENO, as individuals and on behalf of all
others similarly situated,

Plaintiffs,

vs.

NEOVIA LOGISTICS SERVICES, LLC, a
Delaware Limited Liability Company; NEOVIA
LOGISTICS DISTRIBUTION, LP, a Delaware
Limited Partnership; and DOES 1 through 100,

Defendants.

Case No.: CIVSB 2305867

**DECLARATION OF PATRICK JOSEPH
NEIMS IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

I, Patrick Joseph Neims, hereby declare as follows:

1. I have personal knowledge of the facts set forth herein and if called upon to testify, I could and would do so competently under oath. I make this declaration in support of my Motion for Final Approval of Class Action Settlement.

History

2. From about August 2021 to June 2022, I worked for Neovia Logistics Services, LLC, a Delaware Limited Liability Company; Neovia Logistics Distribution, LP, a Delaware Limited Partnership. (“Defendant”) as an hourly/non-exempt employee in the position of Material Handling Equipment Operator. While I was working there, I felt that many of Defendant’s employees were not being paid correctly and not being provided the breaks that I learned are required by law.

3. Through my attorneys, I filed a class action lawsuit on October 28, 2022, on behalf of myself and all other non-exempt employees of Defendant who were not paid all of their wages and did not receive their meal and rest breaks.

Work Performed in the Case

4. With respect to the work I performed on the case, I participated in many conversations with my attorneys via email and phone, and provided my attorneys with information related to my working conditions as a non-exempt employee and Defendant’s company structure and operations.

5. I spent considerable time searching for documents and sent everything I found to my attorneys.

6. During the course of this case, I contacted my attorneys regularly for updates on the status of the case. I also conducted research on my own to further understand the claims and to make sure we were getting a fair settlement for the class.

7. In preparation for the mediation, I spoke with my attorneys about the status of the case, its strengths and weaknesses and believed that I assisted them in evaluating the claims, defenses, and the potential class-wide damages for use. After the Parties settled, I reviewed the settlement agreement and discussed the terms with my attorneys. Based on my review of the settlement terms, conversations with my attorneys, and my understanding of the Defendant’s operations as a former employee, I believe the

1 settlement in the case is fair and adequate and in the best interest of the employees covered by the
2 settlement.

3 **Risks and Responsibilities of Filing the Lawsuit**

4 8. When I decided to become involved in this lawsuit as a Class Representative for
5 hourly/non-exempt employees of Defendant, I understood that I was not only seeking compensation for
6 myself, but also for all other class members who worked for Defendant, and that by doing so, I would be
7 delaying more immediate recovery available to me through the Labor Commissioner's office.

8 9. I was also made aware that being a Class Representative in a class action filed on behalf of
9 others would subject me to a stigma that is sometimes associated with those who bring these kinds of
10 lawsuits. I was aware that, as a Class Representative, I might be responsible for some or all of Defendant's
11 legal costs if the case was not successfully concluded. Even with knowledge of these risks, I was willing
12 to go forward and to act on behalf of the class, but I was nervous about losing and having a judgment filed
13 against me for costs, or losing job opportunities in the future.

14 10. I understood that there were risks involved in class action lawsuits. I understood that the
15 lawsuit could continue for several years and require my services and attention the entire length of the
16 lawsuit. I learned that even if we won at trial, the case could be further delayed by appeals.

17 11. Additionally, the notice of settlement in this case was sent to approximately 1,934 current
18 and former employees of Defendant. The notice informed all of these employees that I filed a class action
19 lawsuit against the company. Exposing myself to this kind of publicity creates a risk for my future career
20 prospects, since current and former employees of Defendant may move to different companies within the
21 industry or may know people at other companies within the industry who do not want to hire someone
22 who sued her employer.

23 12. Through the date of this declaration, I would estimate that I have spent approximately 100
24 hours searching for documents; communicating with my attorneys about the case, the company structure
25 and operations, and my experience at the company; making myself available to my attorneys whenever
26 they needed me and similar related tasks. I responded to my attorneys' questions as quickly as I was able,
27 and gave them as much information as I could to help the case. This time also includes the time I spent
28 reviewing the settlement documents thus far and discussing the settlement with my attorneys before

signing the settlement documents. I anticipate spending additional time working with my attorneys wrapping up the settlement and the approval process.

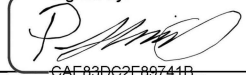
Enhancement Award

13. I believe that I have done everything my attorneys have asked of me, and I have tried to represent the class to the best of my ability. I think my efforts helped to get the result obtained in this case. I understand that I may be entitled to an additional payment for my role as a class representative and my work related to the case. I further understand that this additional payment is not guaranteed and is subject to Court approval. Taking into consideration the time I dedicated to this case and the results achieved through the settlement, I believe that the requested award is reasonable. My opinion about the fairness and adequacy of the settlement in the case is not based on this potential payment.

14. I am not aware of any interests I have that are adverse to the interests of the proposed Class members, and I do not have any conflicts that would keep me from adequately representing the class. I remain committed to prosecuting this case vigorously on behalf of the Class.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in west Covina, California.

Dated: 12/16/2024 | 4:40 PM PST

Signed by:

GAE83DC2F89744B...
 Patrick Joseph Neims