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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.a

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.: CIVSB2305867

*[Assigned for all purposes to the Hon. Tony
Raphael, Dept. S36]*

**DECLARATION OF PLAINTIFF
MIGUEL MORENO IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: January 24, 2025
Time: 8:30 a.m.
Dept.: S36

Action Filed: March 2, 2023
Trial Date: None Set

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DECLARATION OF MIGUEL MORENO

I, Miguel Moreno, hereby declare as follows:

1. I am an individual over the age of eighteen (18). I have personal knowledge of the facts stated in this declaration and could and would testify to those facts if called upon to do so. I am also one of the named plaintiffs in the above-caption case. I am submitting this declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement.

2. I worked for Neovia Logistics Distribution, LP ("Neovia") from approximately July 2021 through June 2023 as a forklift operator at Neovia's warehouse located in Ontario, California.

3. Around July 2023, I decided to meet with an attorney to address the harsh conditions I faced working for Neovia. I knew the issues I faced on a regular basis as a forklift operator were a problem experienced by others who worked for Neovia. So, after learning about the duties and procedures involved with representing the interests of a class of other workers like me, I decided I wanted to serve as a class representative.

4. I knew being a class representative was a serious and time-consuming commitment, but I felt a sense of duty to work on behalf of my coworkers who had faced the same difficulties working for Neovia as I did. Even though I understood Neovia could seek to recover its costs of this lawsuit if it won the case against me, I still decided to go forward as a class representative because I felt it was important to stand up for my coworkers who were too afraid to come forward on their own. Moreover, I was made aware I would likely have to agree to a broader release compared to other Class Members if I chose to serve as a class representative.

5. Being a class representative was a big commitment. It required taking personal time out of my schedule to assist my attorneys and give them important information about Neovia and my employment. This included providing information about Neovia's corporate policies and practices. I also had many phone calls and email exchanges with my attorneys. Furthermore, I gave my attorneys lengthy interviews about my experiences to help them prepare the legal documents. As the case progressed, I searched for and turned over papers related to my job with Neovia. In addition, I have read many case documents, including the letter we submitted to the California Labor Workforce Development Agency, the operative complaint we submitted to this Court, documents produced by

Neovia, the mediation brief my attorneys prepared, and the Settlement Agreement.

6. I have also taken seriously my responsibility as one of the class representatives to stay informed of what was happening in the lawsuit. Throughout the case, I had many conversations with my attorneys about the documents, evidence, and legal strategy. Some of these conversations have been very long, sometimes involving more than one conversation or email back and forth in a day.

7. I was heartened to learn Neovia was interested in mediation to discuss settlement. In advance of the mediation, I spent a lot of time working with my attorneys to provide information and even more time searching for, organizing, and producing documents related to my work for Neovia. I also reviewed hundreds of pages of records Neovia produced regarding my work for them. Our damages calculation for mediation was based on my input on these records and on additional documents and data Neovia provided to my attorneys in response to our mediation requests. In preparation for our mediation, I had a series of phone conversations and email exchanges with my attorneys to go over my understanding of these documents and data as well.

8. On November 27, 2023, we had a mediation in this case. I made sure I was available during the mediation for any questions that might come up. The mediation lasted the entire day, and we left without reaching a settlement. After additional weeks of having conversations with my attorneys as to legal strategy and settlement, we agreed to the mediator's proposal. After further discussions with my attorneys as to proposed settlement terms, we agreed to the basic terms of the settlement.

9. After the mediation and following the mediator's proposal, I participated in several conversations with my attorneys regarding the drafting of the Settlement Agreement. As part of the Settlement Agreement, I am releasing any and all claims I have against Neovia, not just those relating to this case. This broader release also included voluntarily waiving the rights described in Civil Code section 1542. I understand this release is broader than that which applies to the other Class Members.

10. In becoming one of the class representatives, I faced the risk that initiating the case could potentially hurt my future employment possibilities with another employer because I would be looked at as a troublemaker and litigious. As I mentioned above, I also faced the risk Neovia might go after me for litigation costs if they won the case against me. This was in addition to having to agree

1 to a broader release compared to other Class Members, as stated above. Furthermore, I have not
 2 received any benefits in performing my services as one of the class representatives. Despite these
 3 risks and sacrifices, I decided representing the Class was the right thing to do and that it was important
 4 Neovia follow the law in how they treat and pay their workers.

5 11. Considering the time that I have put into this case since the original meetings and
 6 conversations in July 2023 through the present, including my continued commitment to the case and
 7 the risks that came with being one of the named plaintiffs, I respectfully request the Court grant a
 8 Class Representative Enhancement Payment of up to \$5,000, in an amount the Court deems to be fair
 9 and appropriate. I believe a significant award is warranted because of the result achieved, the many
 10 hours of my personal time I have invested in the case, my commitment to seeing it through to a strong
 11 settlement for my co-workers, and my release of all other claims I may have against Neovia.
 12 Collectively, I believe I spent approximately thirty (30) hours on this case gathering documents,
 13 meeting with my attorneys, speaking with my attorneys during the case, being available to answer
 14 questions, including at the mediation, and reviewing and agreeing on terms for the settlement.

15 12. I have fairly represented the absent Class and herein request the Court approve this
 16 settlement and confirm me as one of the class representatives. I have always maintained the best
 17 interest of the Class while performing my class representative duties.

18 13. I am not aware of any conflicts of interest that prevent me from being confirmed as
 19 one of the class representatives in this lawsuit. Moreover, I am also not related to anyone associated
 20 with Bradley/Grombacher, LLP nor have I entered any undisclosed agreements or received any
 21 undisclosed compensation in this case.

22 14. I am both proud and grateful my work and participation in the case helped to pave the
 23 way for the successful settlement. I believe the settlement offers a very beneficial result for the other
 24 workers. I request the Court grant final approval to the class action settlement.

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1 I declare under penalty of perjury under the laws of California the foregoing is true and correct
2 and based on my personal knowledge.

3 This declaration is executed on 12/20/2024, at Riverside, California.

4 DocuSigned by:
5 Miguel M
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7 MIGUEL MORENO
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