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7 Attorneys for Plaintiff CHARMAINE TATE
8 As an individual and on behalf of all others similarly situated

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF EL DORADO**

12 CHARMAINE TATE, as an individual and
on behalf of all others similarly situated,

13
14 Plaintiff,

15 v.

16 PRO ENERGY SERVICES GROUP, LLC,
a Delaware Limited Liability Company;
17 and DOES 1-100, inclusive,

18
19 Defendants.
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Case No.: 23CV0586

Assigned for All Purposes to:
Hon. Gary S. Stossberg
Dept. 9

DECLARATON OF CHARMAINE TATE

Date: TBD
Time: 8:30 a.m.
Dept. 9

1 I, CHARMAINE TATE, declare as follows:

2 1. I am an adult over the age of eighteen (18) years old. I am a plaintiff in the above-
3 captioned lawsuit. I have personal knowledge of the facts set forth in this declaration. I make this
4 declaration in support of Plaintiff's Motion for Final Approval of Class Action Settlement.

5 2. I worked for defendant Pro Energy or approximately one month in and around
6 September 2022. My job title was 'Flagger' or traffic helper' and I worked on the flag team that
7 assisted with road closures and traffic management. I was a union member of the Local IBW
8 union. I usually would work anywhere from 6-12 hours per day, 5 days a week. While I worked
9 with Pro Energy I don't think I was paid for all hours that I worked because sometimes after I
10 clocked out I had to go on a company van to pick up other workers. I don't believe any of this
11 time was recorded or paid for. I also was always getting texts and calls on my personal phone
12 about work issues with no reimbursement. I also don't think I received all of the meal and rest
13 breaks I was entitled to, as sometimes I had to eat lunch or take a break while still standing at my
14 work station and helping with traffic control.

15 3. I decided to file this lawsuit because I did not feel that I was treated fairly as an
16 employee of Defendant, especially with regard to me not receiving all of the pay I believe I
17 earned, for not getting all of my lunches and other breaks, and not getting anything for using my
18 own phone.

19 4. It is my understanding this lawsuit could not have been prosecuted or settled on
20 behalf of the Class unless I or some other current or former employee decided to serve as a named
21 plaintiff and proposed class representative. In deciding to serve as a named plaintiff and proposed
22 class representative in this case, I understood that my name could be publicly attached to this
23 lawsuit and that my work experiences to some extent would be set forth in a public court file. I
24 recognized I would need to devote a certain amount of time that I could have spent otherwise. I
25 also recognized my bringing the lawsuit carried some degree of risk for defendants' legal costs
26 among other things. Despite this, I decided to serve as the named plaintiff and proposed class
27 representative, without any promise of recovery or compensation.
28

1 5. I am familiar with the work involved in prosecuting this case. I have participated in
2 meetings, phone calls, and other communications with my lawyers regarding this case. I am
3 familiar with the allegations and defenses of the claims in this case. I am familiar with the major
4 events in this case, including the investigation performed by my lawyers, the mediation with
5 Defendant that resulted in this settlement, and the preparation of settlement papers and the need to
6 obtain court approval of the proposed settlement. I participated in the litigation and provided my
7 lawyers with information and documents regarding my employment with Defendant.

8 6. I believe that the proposed class-wide settlement obtained on behalf of the Class
9 and other aggrieved employees is excellent in view of the issues and risks involved with the case.

10 7. I believe I have fulfilled my duties as a proposed class representative, which
11 required a significant amount of time and effort during the course of this case. These efforts
12 required dedicating numerous hours to lawsuit activities including, but not limited to: (a)
13 communicating with my attorneys to stay informed of ongoing developments in the case and to
14 discuss the proposed settlement ultimately negotiated; (b) searching for and providing documents
15 and other materials relating to my work experience; (c) responding to requests for information
16 relating to my work experience; and (d) reviewing filings and key documents including drafts of
17 the complaint and the settlement agreement. These tasks required my dedication of at least 20
18 hours of my time, which time I honestly could have spent on family, personal time, or work. My
19 understanding is that future tasks may require several more hours of my time. Further, at all times
20 I was ready, willing and able to testify at deposition and/or trial. I believe I have been diligent and
21 that I have acted above and beyond that of which is expected of a named plaintiff and proposed
22 class representative to date and will continue to do so. To the best of my knowledge I have not
23 conflicts of interest of any kind with any other class member.

24 8. It is my opinion that \$10,000.00 is a fair and adequate award for my service as the
25 named plaintiff and proposed Class Representative, and in consideration for my general release of
26 all claims against Defendant. I believe that amount is fair and reasonable in view of the work I
27 have and will continue to perform on behalf of the Class. I believe that my role as the class
28 representative in this lawsuit has resulted in a valuable benefit to the Class Members, and I

1 accepted the potential risk of being liable for the opposing parties' costs if we were unsuccessful
2 in this lawsuit. I believed in this case, so I was willing to be the named plaintiff and proposed class
3 representative to risk this and pursue this class action litigation. I also accepted the risk that news
4 of this lawsuit could also potentially impact my ability to secure other work.

5 9. Based on the time, service, risk, stress, potential stigma, loss of benefits and
6 excellent outcome of this case, I believe the enhancement for me is fair and reasonable.

7 I declare under penalty of perjury under the laws of California that the foregoing is true
8 and correct. Executed on 08 / 22 / 2024, at Sacramento, California.

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10 *Charmaine Tate*

11 Charmain Tate
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