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Attorneys for Plaintiff, on a representative basis and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

CLARENCE PHILLIPS, individually, on a
representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

HARDY WINDOW COMPANY, a
California Corporation; and DOES 1
through 20, inclusive;

Defendants.

Case No.: CIVSB2312048

*[Assigned to Hon. Christian Towns, Dept S26,
for all purposes]*

**DECLARATION OF PLAINTIFF
CLARENCE PHILLIPS**

I, Clarence Phillips, state and declare:

1. I am the Plaintiff in the above captioned action and have personal knowledge of all matters stated herein and could competently testify thereto. I make this declaration in support of the motion for final approval of the class action settlement. I believe that the settlement is fair and reasonable and constitutes a fair resolution of the claims alleged.

2. During my employment with Hardy Window Company, there were several issues that concerned me and which I thought did not comply with California law, such as not being paid properly and not getting proper meal periods and rest breaks. Even though I was unsure if I wanted to bring a lawsuit because of the risk of stepping forward as a whistle blower, I retained Lauby, Mankin & Lauby LLP to proceed with this class action because I did not think that

1 myself or the other employees were being treated correctly.

2 3. When I first retained my attorneys (Lauby, Mankin & Lauby) and chose to pursue
3 this case on a class action basis, I understood that I had specific burdens as the “Class
4 Representative,” which included: (a) representing the interests of all class members, (2)
5 considering the interests of all class members above my own personal interests, (3) participating
6 actively in the lawsuit, including potential testimony at deposition and trial, and keeping
7 generally aware of the status and progress of the lawsuit. Moreover, I understood that any
8 resolution of the lawsuit is subject to court approval and must be designed in the best interests of
9 the class as a whole.

10 4. I respectfully request that the Court approve the full service award for the
11 following reasons.

12 5. First, by bringing this case (and doing so as a class action), I undertook significant
13 risks and stresses at a high emotional cost without any guarantee of success. After all, filing this
14 lawsuit and being a whistle blower was stressful on a day-to-day basis as I have constantly
15 worried about the risk that this case could impact my ability to find future jobs, especially since
16 the construction industry is a rather small community and the companies communicate with each
17 other frequently. Yet I still agreed to step forward to bring these claims, hoping to make a
18 positive change and recover what my coworkers and I were owed, all while knowing that this
19 could negatively impact my career. Moreover, the risk/stress of bringing this lawsuit did not
20 only last up until we settled – the risk/stress is ongoing even now, and I’m worried that the fact I
21 filed this case may make it hard to find a job in the future.

22 6. Second, as outlined above, I have spent substantial time working on this case and
23 have performed substantial services for the Class to help obtain a highly beneficial settlement for
24 my fellow employees. Since first initiating this action, I estimate that I have spent at least 60
25 hours engaged in activities to benefit the class. I have assisted my attorneys in numerous ways,
26 including helping to explain and discuss the company’s practices and their general practices and
27 procedures, locating and analyzing company documents, and communicating with other class
28

1 members. These efforts occurred through numerous meetings with Class Counsel, telephone
2 conferences, letters, emails, and text communications. I also assisted in preparation for mediation
3 helped obtain a positive result for the class and reviewed all settlement documents.

4 7. Third, I respectfully request that the Court approve the agreed-upon service award
5 because I agreed to set aside my personal interests and to put the interests of the class ahead or
6 on par with my own. In doing so, and by successfully bringing this case as a class action, I
7 helped to obtain a highly beneficial settlement for the class members.

8 8. Fourth, as a condition of this class action settlement, I was required to release and
9 waive all possible individual claims against the company – something that none of the other class
10 members were required to give up.

11 9. Fifth, bringing this case also came with a major financial risk because, if I lost the
12 case, I would be required to pay the company's costs, which could be over \$10,000.

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct. Executed on Oct 24, 2024, at Irvine, California.

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17 By: 
18 Clarence Phillips (Oct 24, 2024 10:48 PDT)
19 Clarence Phillips
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