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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. Jessica Morgan, 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 preliminary 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. When I first retained my attorneys (Lauby, Mankin & Lauby) and chose to pursue this case on a class action basis, I understood that I had specific burdens as the "Class Representative," which included: (a) representing the interests of all class members, (2) considering the interests of all class members above my own personal interests, (3) participating actively in the lawsuit, including potential testimony at deposition and trial, and keeping

1 generally aware of the status and progress of the lawsuit. Moreover, I understood that any
2 resolution of the lawsuit is subject to court approval and must be designed in the best interests of
3 the class as a whole.

4 3. Since first initiating this action on behalf of the proposed class, I believe that I
5 have more than adequately performed my duties as a class representative. I have been an active
6 participant in this litigation, including assisting my attorneys in various ways and making myself
7 available when needed. For example, I have assisted my attorneys by compiling and analyzing
8 substantial documentation regarding the claims in this case and have also responded to formal
9 discovery. I have also helped to explain and discuss the company's practices and their general
10 practices and procedures, locating and analyzing company documents, among others. I have also
11 reviewed all settlement documents and believe that this settlement is fair for the class. Finally, I
12 will continue to take all steps necessary to finalize this settlement and obtain court approval.

13 4. Additionally, I believe that my claims are typical of the other employees (the class
14 members) because we were all subjected to the same uniform practices of the company in regard
15 to payment of wages, calculation of the regular rate of pay and overtime, meal and rest breaks,
16 wage statements, along with other issues. For example, I was subjected to the same issues with
17 meal periods and rest breaks as other class members, and I was also subjected to the same issues
18 regarding alleged underpayments for "drive time" and similar claims.

19 5. I have no conflicts with the proposed class members and will continue to assist
20 with the litigation and prosecute the case on behalf of the other employees.

21 6. I respectfully request that the court preliminarily approve the service award. As
22 outlined above, I have performed substantial services for the Class and helped obtain a highly
23 beneficial settlement for my fellow employees. At the final approval stage, I will submit an
24 additional declaration setting forth all the work I did for this case, including an estimated number
25 of hours spent assisting the Class and my attorneys.

26 I declare under penalty of perjury under the laws of the State of California that the
27 foregoing is true and correct. Executed on Jun 17, 2024, at Irvine, California.

28 By: 
Clarence Phillips (Jun 17, 2024 15:34 PDT)
Clarence Phillips