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Attorneys for BRETT KELLY, on behalf
of himself, all others similarly situated, and
on behalf of the general public

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF STANISLAUS

BRETT KELLY on behalf of himself, all
others similarly situated, and on behalf of
the general public,

Plaintiffs,

v.

CONRAD WOOD PRESERVING CO. dba
CONRAD FOREST PRODUCTS; and
DOES 1-100,

Defendants.

Case No. CV-23-003516

[Consolidated with Case No. CV-23-004867]

**DECLARATION OF BRETT KELLY IN
SUPPORT OF SETTLEMENT APPROVAL**

1 I, BRETT KELLY, declare as follows:

- 2 1. I have personal knowledge of all matters stated herein, and if called as a witness, I could
3 and would competently testify thereto, except as to those matters stated upon information
4 and belief, and as to those matters, I believe them to be true.
- 5 2. I am a named Plaintiff and Class Representative in the above-captioned lawsuit, and I
6 submit this declaration in support of settlement approval.
- 7 3. I worked for Conrad Wood Preserving Co. dba Conrad Forest Products ("Conrad") as a
8 non-exempt hourly employee in California from about October of 2022 to around
9 February 2023. I worked for Conrad as a sawfiler.
- 10 4. I bought this action to redress certain employment claims that I had against Conrad. On
11 June 26, 2023, I brought this lawsuit.
- 12 5. I had many meetings and conversations with my attorneys about my experience working
13 for Conrad.
- 14 6. Since becoming a class representative, I have diligently worked on this case.
- 15 7. Throughout the case, I regularly talked with my attorneys. I always answered phone calls
16 from my attorneys or called them back promptly when they called. I also promptly
17 responded to emails sent by my attorneys.
- 18 8. I also looked for documents from my employment with Conrad and provided my attorneys
19 with all documents I found, such as wage statements and pay records. I have worked hard
20 to help move the case forward. I have spent many hours in prosecuting this case.
- 21 9. I was aware that, at some point in this case, I would have my deposition taken. I knew that
22 the deposition could take a full day and that I may have to meet with my attorneys prior
23 to my deposition. I was at all times ready and willing to sit for my deposition.
- 24 10. Although I did not attend the mediation in person, I was available on the phone. I gave my
25 consent to settle with Conrad for the gross settlement amount of \$900,000. I completely
26 and carefully reviewed the Memorandum of Understanding ("MOU") and settlement
27 agreement. I then signed the MOU and settlement agreement.
- 28

1 11. In light of the work I performed in this case and the duties associated with being a class
2 representative in a case of this magnitude, I believe the \$15,000 class representative
3 enhancement payment is reasonable. I understand that this additional payment is not
4 guaranteed and is subject to Court approval.

5 12. In addition, I believe the \$15,000 class representative enhancement payment is reasonable
6 because I feel like I was wrongfully terminated from Conrad and contemplated bringing
7 action against them for this. By accepting this \$15,000, I am releasing the right to bring
8 those claims. Therefore, I think from the work I did on this case and the fact that I am
9 releasing my right to bring a wrongful termination lawsuit against Conrad, the \$15,000
10 should be permitted.

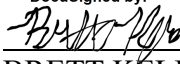
11 13. I have and will continue to adequately represent all of the interests of the class. With my
12 status as class representative, I will treat the interests of the Class above my interests.

13 14. My claims are typical of the Class Members because I am similarly situated to all current
14 and former non-exempt hourly, employees who were employed by Conrad in California at
15 any time from June 26, 2019, to April 13, 2024. Thus, my interests are the same as all
16 members of the Class.

17 15. I recognize that any resolution of this matter must be approved by the Court in terms of
18 whether the settlement is fair and reasonable, and that I am obligated to protect the interests
19 of all of Class Members for the Class Period.

20 I declare under penalty of perjury under the laws of the State of California that all the
21 foregoing is true and correct.

22
23 Date: 3/13/2024

24
25 DocuSigned by:

BRET K KELLY
26
27
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