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10 Attorneys for Plaintiff
11 LARRY JENKINS

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF SAN JOAQUIN
14 UNLIMITED JURISDICTION

15 LARRY JENKINS, an individual,
16 Plaintiff,

17 v.

18 SUNVIEW LOGISTICS INC., a
19 corporation; SPEED INTERMODAL, a
20 business entity, form unknown; and
21 DOES 1-25, inclusive,
22 Defendants.

Case No. STK-CV-UOE-2023-0012580

**Declaration of Joseph Clapp in Support of
Motion for Order Approving the Dismissal of
Class and PAGA Claims Without Prejudice**

Date:
Time: 9:00 a.m.
Dept.: 10B
Judge: Hon. Blanca Banuelos

1 I, Joseph Clapp, declare:

2
3 1. I am the attorney of record for Plaintiff Larry Jenkins. I have personal knowledge of the
4 following facts.

5 **Facts Supporting Dismissal of Class and PAGA Claims.**

6 2. In 2023, Plaintiff filed his Complaint alleging individual wage and hour claims, class
7 wage and hour claims, and PAGA (Labor Code Sec. 2698 *et seq.*) claims for civil penalties.
8 Thereafter, the parties conducted substantial written and deposition discovery.

9 3. No motion for class certification has been filed in this action.

10 4. Before the commencement of any settlement negotiations, my client informed me that he
11 is not willing to bear the burdens or to assume the risks associated with being a class representative
12 in a class action or a relator in a PAGA action.
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15 **No Consideration Was Given for the Dismissal of Class or PAGA Claims.**

16 5. Thereafter, the parties engaged in negotiations to resolve Plaintiff's individual claims
17 only, and they were successful in reaching a modest, but confidential, settlement of Plaintiff's
18 individual claims. (If the court so directs, the parties will submit the settlement agreement for an *in*
19 *camera* inspection.) In this settlement, no consideration, of any kind or in any form, was given for
20 the dismissal of class or PAGA claims.

21
22 **Submission to LWDA.**

23 6. Although there has been no settlement of the PAGA claims, nevertheless on September 5,
24 2025, the papers supporting this motion were submitted to the on-line PAGA filing portal operated
25 by the California Department of Industrial Relations in its case of *Jenkins v. Sunview Logistics*,
26 Case No. LWDA-CM-980868-23. This will permit the Labor and Workforce Development Agency
27 (which contains the DIR (Labor Code Sec. 1)) to review this matter and to object, if it feels any
28 objection is warranted.

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Conclusion.

5. Plaintiff requests that:

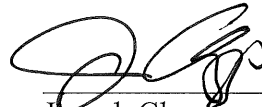
(a) the court find that the dismissal without prejudice of the class claims will not prejudice the class members, so that there is no need to notify class members;

(b) the court approve the dismissal of class claims without prejudice; and

(c) the court approve the dismissal of the PAGA claims without prejudice.

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

Date: September 5, 2025



Joseph Clapp

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PROOF OF SERVICE

I, the undersigned, hereby declare: I am employed in the County of Alameda, California; I am over eighteen years of age and not a party to the within action. I am either admitted to practice before this Court or employed in the office of an attorney admitted to practice in this Court. My business address is 7677 Oakport, Suite 1150, Oakland, California 94621.

On this date, I served the following:

**Declaration of Joseph Clapp in Support of Motion for Order Approving
the Dismissal of Class and PAGA Claims Without Prejudice**

addressed as follows:

Paul J. Bauer, Esq. Michael J. Conway, Esq. Sagaser, Watkins & Wieland PC 5260 North Palm Ave., Ste. 400 Fresno, CA 93704	<i>Attorneys for Defendants</i> Sunview Logistics Inc. and Speed Intermodal
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 X [By U.S. Mail]] I caused such envelope, with postage fully prepaid, to be placed in the United States mail at Oakland, California.

 [By E-Mail]] I caused such document to be electronically transmitted via the Internet to (email address) from Oakland, California.

 [By Electronic Transmission] I hereby certify that on this date, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and service via transmittal of a Notice of Electronic Filing.

 [By Overnight Delivery] UPS and or FedEx is a provider of overnight delivery services. I placed the above described document(s) in an envelope or package designated for use by UPS and/or FedEx, and delivered said designated envelope to an authorized Office or drop box of UPS at Oakland, California, with delivery fees for overnight delivery fully prepaid, and addressed to the addressee(s) above.

 [By Personal Service] I caused such envelope to be delivered by hand to the above address.

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

Dated: September 5, 2025

Joseph Clapp