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Attorneys for Plaintiff TYLER EMERY, individually
and on behalf of others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CRUZ

TYLER EMERY individually and on behalf of
others similarly situated,
Plaintiff,

vs.

SANTA CRUZ BICYCLES, LLC; and DOES 1
through 25, inclusive, Defendants.
Defendants.

Case No.: 24CV00244

*Assigned for all purposes to the Honorable
Syda K. Cogliati, Dept. 5*

**DECLARATION OF PLAINTIFF TYLER
EMERY IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: October 7, 2024
Time: 8:30 a.m.
Dept: 5

Complaint Filed: January 25, 2024
Trial Date: Not Set

DECLARATION OF TYLER EMERY

I, Tyler Emery, declare and state as follows:

1. I am over the age of eighteen (18) and a resident of the State of California. I am the named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by Defendant Santa Cruz Bicycles, LLC (“Santa Cruz Bicycles”) as an hourly-paid, non-exempt Shipper from approximately August 2017 to approximately May 2023.

3. Because I thought the practices at Santa Cruz Bicycles may not be lawful, I decided to pursue a lawsuit against the company. I wanted to take steps to make sure Santa Cruz Bicycles was held accountable for not properly compensating its employees for all hours worked and for non-compliant meal and rest breaks. After speaking with the attorneys, I also investigated class and representative action lawsuits on my own. Thereafter, I further consulted with the attorneys at Blackstone Law, APC about my situation, class actions, representative action lawsuits under the Private Attorneys General Act (“PAGA”), and what it meant to bring a class and PAGA action so that I understood what I was considering doing.

4. I have regularly conferred with my attorneys regarding the case as part of my responsibilities as a class and PAGA representative. This process included searching for and providing documents concerning my employment with Santa Cruz Bicycles, answering any questions my attorneys had about the documents, providing information regarding the company's practices and the duties of other non-exempt employees, and helping my attorneys develop a strategy as to what additional documents and information they could seek to obtain from Santa Cruz Bicycle.

5. I routinely checked in with my attorneys and their staff to make sure that they had all of my most current information and any additional information that I had obtained. I made myself available to answer any questions my attorneys had about Santa Cruz Bicycle's practices and treatment of its employees whenever they needed me. I responded to them as quickly as possible and gave them as much information as I could.

6. I understood that in the event this matter did not settle and proceeded to trial, I would need to respond to discovery, attend a deposition, and be in court to participate in the trial. I was ready

1 to perform that role, as well as fulfill any other responsibilities necessary for this lawsuit.

2 7. I took a considerable risk by bringing and pursuing this lawsuit for several reasons.
3 First, I understood that if I lost, I would potentially have to pay the costs in the lawsuit. I also
4 understood there was a risk of losing any current job and/or income due to the time that I would have
5 to spend fulfilling my responsibilities in this matter, including having to attend the trial, if needed.
6 Most importantly, I believe that by pursuing this case, I have taken a significant risk because future
7 employers can easily find out that I sued my prior employer, and that may negatively impact my ability
8 to find employment within this industry – and even outside of it – in the future. In contrast, the other
9 employees who will be receiving money from this lawsuit did not have to file a claim or take the risk
10 that I took in bringing this action.

11 8. I reviewed the settlement agreement, discussed the settlement agreement with my
12 attorneys, and asked them questions before signing it.

13 9. I believe that I have done everything that my attorneys have asked of me and tried, to
14 the best of my ability, to seek relief for the Class, the PAGA Employees, and the State of California.
15 In total, I have spent approximately 30 to 35 hours participating in this case as described above. I
16 believe my efforts helped get the result obtained in this case.

17 10. I understand that any resolution of this lawsuit on a class wide basis is subject to court
18 approval, and any settlement must be in the best interest of the Class as a whole. At all times
19 throughout the course of this litigation I have considered the interests of the Class and put them before
20 my own personal interests.

21 11. I understand that incentive or enhancement awards are discretionary and intended to
22 compensate named plaintiffs for the quality and quantity of the work done on behalf of the class and
23 other employees, the financial and/or reputational risk undertaken in bringing the class and/or PAGA
24 action, and an acknowledgment of the benefits resulting from the representative's actions. I believe
25 my work in this matter warrants a modest incentive award for the reasons set forth above.

26 12. I respectfully request that the Court approve an Enhancement Payment in the amount
27 of \$7,500.00 for my efforts and active participation in the case and for the broader, general release of
28 all claims that I have or may have against Santa Cruz Bicycles in connection with the settlement.

1 Taking into consideration the time that I dedicated to this case and favorable terms of the settlement,
2 I believe that this amount is reasonable.

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4 I declare under penalty of perjury under the laws of the State of California that the foregoing
5 is true and correct. Executed on 09/09/2024, at Santa Cruz, California.

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8 Tyler Emery
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