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ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT
6/9/2025 2:52 PM
By: Mariah Mora, DEPUTY

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

BRANDON LEWIS and KARL DITOMMASO,
individually, and on behalf of all others similarly
situated,

Plaintiff,

v.

ADT SOLAR LLC, a Louisiana limited liability
company; MARC JONES CONSTRUCTION,
L.L.C. DBA SUNPRO SOLAR, BUILDPRO &
ENERGYPRO, a Louisiana limited liability
company; and DOES 1 through 10, inclusive,

Defendants.

Case No.: CIVSB2317667

[Hon. Stephanie Tanada, Dept. S33-SBJC]

**PLAINTIFF KARL DITOMASSO
DECLARATION IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed with Notice of Motion and Motion,
Memorandum of Points and Authorities, the
Declaration of John G. Yslas, Declaration of
Brandon Lewis and Proposed Order]*

PRELIMINARY APPROVAL HEARING

Date: April 9, 2025

Time: 8:30 a.m.

Dept.: S33

Complaint filed: July 31, 2023

FAC Filed: October 8, 2024

Trial Date: March 10, 2025

DECLARATION OF KARL DITOMMASO

I, KARL DITOMMASO, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I am the proposed class representative in this action and submit this declaration in support of Plaintiff's Motion for Preliminary Approval of Class & Representative Action Settlement. I believe I have provided invaluable assistance during the course of this case, and I respectfully hope the Court will approve my request of a \$5,000 service payment for my role as the Class Representative.

3. I am a former employee of Defendant ADT Solar LLC. I worked for ADT Solar from approximately June 2023 to approximately April 2023. Throughout the entirety of my employment, I was subject to Defendant's patterns and practices that have been alleged as unlawful in the Class & the Labor Code Private Attorneys General Act of 2004, Labor Code sections 2698 *et seq.* ("PAGA") actions and Notice sent to Defendant and the Labor & Workforce Development Agency ("LWDA").

4. I have pursued this lawsuit because I was concerned that I was not paid properly for all the hours that I worked, and I was not provided all my meal and rest breaks. While working for Defendant, my coworkers and I were asked to work long hours because of the amount of work, sometimes without taking meal and rest breaks. My meal and rest breaks were often interrupted by supervisors and co-workers asking me to perform work tasks. I frequently performed work tasks while off-the-clock before the start of my shift and after the end of my shift. I also observed my co-workers working long hours without taking breaks. I was not reimbursed for necessary business-related expenses.

5. By participating in this lawsuit as a proposed Class Representative, I hoped that I might be able to change Defendant's practices to better protect the working conditions of my co-workers. I also understood it was my duty as the Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

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6. Prior to commencing this case, I provided Wilshire Law Firm with a detailed account of the facts related to my employment with Defendant. Based on our conversations, my attorneys and I were able to identify instances when I was not paid correctly.

7. I have invested a lot of personal time and energy while this lawsuit has been pending. I made it a priority to be actively involved because I wanted to do everything I could to help my attorneys in prosecuting this case. I regularly communicated with my attorneys to discuss updates on the case and to provide information. I communicated with my attorneys via phone calls. Some of these phone calls lasted up to 30 minutes.

8. I made myself available during the mediation for this case, and I kept in regular contact with my attorneys before and after the mediation to ensure that any questions the attorneys had could be answered.

9. I also reviewed pleadings filed in this case, including the settlement-related documents.

10. I believe the settlement is a good settlement, and I would recommend that the Court approve it, because I believe it is fair, adequate, and reasonable. I am glad that I have had the opportunity to represent the Class in this lawsuit, and that I was able to recover money through a settlement for the Class. I have also observed my attorneys' work throughout this case, and I believe they have been thorough, diligent, prompt, courteous, and professional.

11. Standing up for myself and the rights of others was not an easy decision, and I am relieved that this is coming to an end. I estimate that I spent at least 45 hours on this case.

12. I did not make the decision to file a class action lightly. I was concerned by the attention a publicly filed lawsuit, and especially a class action, would attract. My name would be associated with a lawsuit that I filed against my former employer. I was aware that it is possible to perform background checks of publicly filed documents on the Internet, sometimes with nothing more than a simple Google search. I am mindful that employers might find out that I sued a former employer, and this could hurt my employability.

13. I respectfully ask that the Court award me a \$5,000 service payment. I am receiving no additional compensation other than the compensation provided for in the settlement. Based on my

involvement in this case and the benefits provided to my former co-workers, I can say I helped stand up for the other workers who may have been too afraid to say anything to management because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was not afraid to take that risk, because I strongly care about helping my current and former co-workers. I also continue to fear that any employer may find out that I participated in this lawsuit and hold it against me. In a competitive job market, this factor may weigh heavily against me. Nevertheless, I felt that important rights were at stake that hurt myself and other employees.

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

Executed on 1/28/2025, at Oceanside, California.

DocuSigned by:

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KARL DITOMMASO