

1 Thomas D. Rutledge (SBN 200497)
2 Attorney-at-Law
3 16956 Via de Santa Fe, Suite 1847
4 Rancho Santa Fe, California 92091-4606
5 Telephone: (619) 886-7224
6 Email: thomasrutledgelaw@gmail.com

7 Paul K. Haines (SBN 248226)
8 Sean M. Blakely (SBN 264384)
9 HAINES LAW GROUP, APC
10 2155 Campus Drive, Suite 180
11 El Segundo, CA 90245
12 Email: phaines@haineslawgroup.com
13 sblakely@haineslawgroup.com

14 Attorneys for Plaintiffs

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN DIEGO-CENTRAL DIVISION

17 MICHELLE ACEVES, and GARY)
18 MARTINEZ, as individuals, and on)
19 behalf of others similarly situated, and as)
20 the State of California's designated)
21 proxies under the Private Attorneys)
22 General Act (PAGA) on behalf of the)
23 State of California and other aggrieved)
24 employees,)

25 Plaintiffs,)

26 vs.)

27 ATLAS RETAIL SERVICES INC., a)
28 Texas corporation; and DOES 1 through)
50 inclusive)

Defendants.)

Lead Case No.: 37-2024-00018584-CU-
OE-CTL (Consolidated with Case No.
37-2024-00029333-CU-OE-CTL)

Judge: Hon. Wendy M. Behan
Dept.: C-66

**DECLARATION OF THOMAS D.
RUTLEDGE ISO PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND PAGA
SETTLEMENT**

Hearing Date: September 18, 2026
Time: 10:15 a.m.
Complaint Filed: April 19, 2024
Trial Date: N/A

**[[Proposed] Order, Decs of Sean M.
Blakely and Paul K. Haines, Not. of
Mot. & Mot., and Mem. of P&As ISO
Mot. filed concurrently herewith]**

I, THOMAS D. RUTLEDGE, declare and state as follows:

1. I am co-counsel of record for the named Plaintiffs, the putative Class, and a quasi-attorney general for the State of California and Aggrieved Employees as their designated proxy pursuant to the Private Attorney General Act (PAGA). As such, I am fully familiar with the facts, pleadings, and history of this matter. The following facts are within my own personal knowledge, and if called as a witness, I could testify competently to the matters stated herein.

2. This declaration is submitted in support of Plaintiffs' Motion for Preliminary Court Approval of the Class and PAGA Settlement.

My Experience Handling Class and Representative Actions.

3. The Law Office of Thomas D. Rutledge consists of me, one associate, several paralegals, and various support staff during all times relevant to this litigation.

4. I have had the privilege of practicing law for 30 years.

5. I have served the public my whole adult life.

6. Before practicing law, from about April 1987 to April 1994, beginning at the age of 21, I proudly served in the U.S. Army National Guard in various capacities: first, as a Private First Class in a combat engineer's unit; and in 1990, after receiving my commission from the Commonwealth of Massachusetts's State Officers' Candidate School, as a field artillery officer, mortar platoon leader, and infantry company executive officer in the Commonwealth of Pennsylvania (1992-1994) and Massachusetts (1987-1992) Army National Guard.

7. In 1990, I earned a B.A. in History and Political Science from the University of Massachusetts, Boston, Massachusetts.

8. In 1992, I earned a C.S.S. in Management and Administration from Harvard University, Cambridge, Massachusetts.

9. In 1995, I earned a J. D. from Temple University and became a member of the State Bars of Florida and Massachusetts.

1 10. In 1999, I obtained admission to the California Bar.

2 11. I am a former active member in the San Diego County Bar Association
3 (and several committees therein, such as the Labor and Employment Law Section,
4 Litigation Section, and Family Law Section), a current member of the California
5 Employment Lawyers Association, Consumer Attorneys of San Diego (CASD), and a
6 former member of the National Employment Lawyers Association.

7 12. I am the former Co-Chairman to the San Diego County Bar Association
8 Labor and Employment Law Section.

9 13. I am a former Board of Director for CASD (served 2013-2016).

10 14. I am a former U.S. Navy Judge Advocate General's (JAG) Corps
11 attorney.

12 15. From 1995 to 2002, I served in various capacities on active duty as a
13 prosecutor, defense attorney, and staff judge advocate in the U.S. Navy JAG Corps
14 handling hundreds of criminal and civil litigation matters.

15 16. I served a total of 20 years in the U.S. military retiring from the U.S.
16 Naval Reserve in 2008.

17 17. From 2002 to 2004, I was a litigation associate at Christensen, Miller,
18 Fink, Jacobs, Glaser, Weil & Shapiro LLP in Los Angeles, California, a firm of more
19 than 100 lawyers at that time, working on complex litigation.

20 18. From 2004 to 2009, I was a litigation associate for Branton & Wilson,
21 APC, a firm of more than 15 lawyers at the time, working mostly on employment law
22 matters (defense and plaintiff).

23 19. From 2009 to the present, I have focused my practice exclusively on
24 prosecuting employment law claims on behalf of employee-plaintiffs, with a very
25 small amount of my practice devoted to personal injury, landlord-tenant, and family
26 law matters.

27 20. All my employee-plaintiffs' cases, including this case, are accepted on a
28 nothing down contingency fee basis.

21. I personally have represented thousands of class members and aggrieved employees in over three dozen class and/or representative (Private Attorney General Act) actions prosecuting wage and hour claims, more than 20 of which were certified as class actions. *See, e.g., Julio, et al. v. Express Tires*, S.D. Superior Court Case No.: 37-2010-00097801; *Epton v. ADP TotalSource, et al.*, U.S.D.C. Case No.: 11cv0856-JM; *Tuter, et al. v. King's Seafood Company, LLC, et al.*, San Diego Superior Court Case No.: 37-2011-00084756; *Crosby v. CHMB*, San Diego Superior Court Case No.: 37-2011-0087583-CU-OE-CTL; *Diego v. JMS Properties LLC, et al.*, San Diego Superior Court Case No.: 37-2013-00056177-CU-OE-CTL; *Mitchell, et al. v. Phone Ware Inc., et al.*, San Diego Superior Court Case No.: 37-2014-00008449-CU-OE-CTL; *Long, et al. v. Stanley Black & Decker, Inc., et al.*, U.S.D.C. Case No.: 14CV1246 JLS BGS; *Villagrana v. 7-Eleven*, San Diego Superior Court Case No.: 37-2014-00008449-CU-OE-CTL; *Parnell, et al. v. Harte-Hanks Shoppers, Inc., et al.*, Orange Superior Court Case No.: 10-2014-00736236-CU-OE-CXC; *Martz v. T.R.L. Systems, Inc.*, San Bernardino Superior Court Case No.: CIVDS1515312; *Rosentein v. Pratt and Whitney, et al.*, U.S.D.C. Case No.: 15CV2183 JM/JLB; *Don v. Penn*, San Diego Superior Court Case No.: 37-2016-00025005; *Ramirez v. Coastal Trans. Serv.*, San Diego Superior Court Case No.: 37-2016-00020248; *Velez v. CoWorx Staffing Services LLC*, San Bernardino Superior Court Case No.: CIVDS1803229; *Martz v. HCI Systems Inc.*, San Bernardino Superior Court Case No.: CIVDS1607545, *Babouchian, et al. v. Soleil Communications Inc., et al.*, San Diego Superior Court Case Number: 37-2017-00044756-CU-OE-CTL, and many others.

22. I have attended dozens of lectures presented by legal professionals on the topic of prosecuting class and representative action litigation in the last 30 years, I have tried wage and hour cases in Superior Court, AAA, and JAMS private arbitrations, I have appeared before the Labor Commissioner on scores of wage claims, and I have handled the representation of parties in dozens of mediations before well-known mediators, such as Mark Rudy, Jeff Ross, Mike Dickstein, David

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1 Rotman, Robert Kaplan, Judge Herbert B. Hoffman (Ret.), and many others.

2 **Conclusion.**

3 23. I have been engaged in all aspects of this litigation.

4 24. I highly recommend that the Court approve the settlement.

5 Except as to those matters made upon information and belief, I declare under
6 penalty of perjury under the laws of the State of California that the foregoing is true
7 and correct.

8 Executed this day of August 26, 2026, in the County of San Diego, California.

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10 /s/Thomas D. Rutledge

11 Declarant
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