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Attorneys for Plaintiff Angel Cuellar

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN JOAQUIN

ANGEL CUELLAR, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

NEW BERN TRANSPORT CORPORATION,
a Delaware Corporation; PEPSI-COLA SALES
AND DISTRIBUTION, INC., a Delaware
Corporation; PEPSICO, INC., a North Carolina
Corporation; and Does 1-10, Inclusive,

Defendants.

Case No. STK-CV-UOE-2024-0008803
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Robert T. Waters
Department 11B

**DECLARATION OF DAVID MARA,
ESQ., IN SUPPORT OF PLAINTIFF'S
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Date: TBD

Time: 9:00 a.m.

Dept.: 11B

1 I, DAVID MARA, declare as follows:

- 2 1. I am President of Mara Law Firm, PC, and counsel of record for the Plaintiff and the putative
3 class in this matter. I am duly admitted to practice before all the courts of the state of
4 California. The following facts are within my personal knowledge and, if called to testify, I
5 could and would competently testify thereto.
- 6 2. I graduated from California Western School of Law and was admitted to practice law in
7 California in May 2004.
- 8 3. I extensively handle employment cases which involve violations of the California Labor Code
9 and Industrial Welfare Commission Wage Orders, such as wage and hour class actions and
10 cases alleging violations of the Private Attorneys General Act of 2004 (“PAGA”). I have
11 litigated over three hundred and fifty (350) class action and PAGA lawsuits over the course
12 of approximately 20 years.
- 13 4. I was co-class counsel in *Hohnbaum v. Brinker Restaurant Corp.* (San Diego County Superior
14 Court, Case No. GIC834348) which was the underlying case in the California Supreme
15 Court’s landmark decision in *Brinker Restaurant Corp. v. Superior Court* (2012) 53 Cal.4th
16 1004, in which the California Supreme Court delineated the scope of employer obligations to
17 provide, and employee rights to receive, meal and rest periods under California law.
- 18 5. I am frequently called upon to author Amicus Curiae briefs on behalf of Consumer Attorneys
19 of California (“CAOC”). For example, I authored the Amicus Curiae briefs on behalf of
20 CAOC in *Augustus v. ABM Security Services, Inc.* (2016) 2 Cal.5th 257, (The California
21 Supreme Court ruling that, like meal periods, employers must relieve employees of all duty
22 and relinquish all control to satisfactorily discharge its obligation to authorize and permit rest
23 periods.); *Frlekin v. Apple, Inc.* (2020) 8 Cal.5th 1038 (The California Supreme Court ruling
24 that the time spent on the employer’s premises waiting for, and undergoing, required exit
25 searches of packages, bags, or personal technology devices voluntarily brought to work is
26 compensable hours worked within the meaning of the Wage Orders.); *Oliver v. Superior Court*
27 (2021) California Court of Appeal Case No. H049185 (A brief asking the California Court of
28 Appeal for the Sixth Appellate District to determine whether mandatory drive time of personal

vehicles should be considered hours worked within the meaning of the Wage Orders’ suffered or permitted test.). *Davidson v. O’Reilly Auto Enterprises, LLC* (9th Cir., 2020; Docket No. 18-56188) (a brief seeking Review *En Banc* of an order denying class certification in a wage and hour matter).

6. I am also a member of CAOC’s Amicus Committee that determines the cases in which the organization will agree to provide amicus support.

7. I have also lectured as a panelist for California Employment Lawyers Association regarding a host of wage and hour issues.

8. I have been named as class counsel in the following certified cases as a result of the court granting a motion for class certification: *Mario Norona v. B&G Delivery System, Inc.* (Sacramento County Superior Court, Case No. 34-2015-00186826-CU-OE-GDS); *Jerald Schroeder v. YRC, Inc.; et al.* (Central District of California, Case No. 12-cv-01374-TJH); *John Martin v. Sysco Corporation, et al.* (Eastern District of California, Case No. 1:16-cv-00990-DAD-SAB); *William Smith v. Werner Enterprises, Inc. d/b/a C.L. Werner, Inc.* (District of Nebraska, Case No. 8:15-cv-287); *Thomas Perez v. City of San Diego* (San Diego County Superior Court, Case No. 37-2014-00016621-CU-OE-CTL); *Denson Sales, et al. v. United Road Services, Inc. et al* (Northern District of California, Case No. 19-cv-08404-JST), *Eric Mendez v. M&N Consulting, Inc. dba A-Line Messenger Service* (San Bernardino County Superior Court, Case No. CIVDS1923624); *Denson Sales v. Professional Auto Transport, Inc. et al.* (San Bernardino County Superior Court, Case No. CIVDS2010153); *Bobby Williams v. Mohsen Transport, Inc.* (San Diego County Superior Court, Case No. 37-2019-00063361-CU-OE-CTL); and *Ashton Harden v. Mushiana Transport Inc.* (Sacramento County Superior Court, Case No. 34-2021-00301950-CU-OE-GDS).

9. I have also been named as class counsel in numerous cases during the settlement process. Here is a non-exhaustive list of cases where I have been named as class counsel in cases during the settlement process: *Kenneth Cox v. 3PL Worx, et al.* (Yolo County Superior Court, Case No. CV-18-100); *Brian Davidson v. A&B Trucking Services, Inc.* (Kern County Superior Court Case No. BCV-16-102985); *Alex Vega, et al. v. Advance Beverage Co., Inc.* (Kern County

1 Superior Court, Case No. BCV-16-100848); *Jaime Ruiz v. Altura Centers for Health* (Kern
2 County Superior Court, Case No. BCV-19-101577); *George Zamudio v. AmeriPride Service,*
3 *Inc.* (Alameda County Superior Court, Case No. RG1809666); *Richard Hendricks v. Antonini*
4 *Freight Express, Inc.* (San Joaquin County Superior Court, Case No. STK-CV-UOE-2016-
5 6999); *Alton Davis v. Apria Healthcare Group, Inc.* (San Diego County Superior Court, Case
6 No. 37-2014-00004724-CU-OE-CTL); *Alan Atchison v. Ashley Furniture Industries, Inc., et*
7 *al.* (Central District of California, Case No. 17-cv-00528-JAK-SP); *Bernard Payton v. Atech*
8 *Logistics, Inc.* (Sonoma County Superior Court, Case No. SCV 258595); *Ramon Jenkins v.*
9 *Compass Group USA, Inc., et al.* (Yolo County Superior Court, Case No. CVCV-18-747);
10 *Timothy Spikes, et al. v. Bear Trucking, Inc., et al.* (San Bernardino County Superior Court,
11 Case No. CIVDS1715151); *Joshua Turpen v. Benjamin's Transfer Inc.* (Solano County
12 Superior Court, Case No. FCS048845); *Cesar Mendoza v. Bi-Rite Food Service, Inc.* (San
13 Mateo County Superior Court, Case No. 17CIV02044); *Terrance Bailey v. Blue Apron, LLC;*
14 *et al.* (Northern District of California, Case No. 18-cv-07000-VC); *Jeffrey Weast v. California*
15 *Aseptic Beverages, LLC* (San Bernardino County Superior Court, Case No. CIVDS1825256);
16 *Michael Valentich v. Hub Construction Specialties, Inc.* (San Bernardino County Superior
17 Court, Case No. JCCPDS4893); *Jose De Jesus Ortega Velazquez v. Hunter Landscape, Inc.;*
18 *et al.* (San Bernardino County Superior Court, Case No. CIVDS1928062); *Adrian Diaz v.*
19 *Keystone Automotive Operations, Inc.* (Riverside County Superior Court, Case No.
20 RIC1817450); *Arturo Gonzalez v. NCI Group, Inc. dba NCI Building Systems* (Eastern
21 District of California, Case No. 18-cv-00948-AWI-SKO); *Larry Perez v. The Nielsen*
22 *Company (US), LLC* (Orange County Superior Court, Case No. 30-2021-01194324-CU-OE-
23 CXC); *Erik Martinez v. Patrick Industries, Inc.* (San Bernardino County Superior Court, Case
24 No. CIVDS2009663); *Randolph Fitch v. Shaw Industries, Inc.; et al.* (San Bernardino County
25 Superior Court, Case No. CIVSB2024674); *Joshua Rael v. Intercontinental Hotels Group*
26 *Resources, Inc.* (Los Angeles County Superior Court, Case No. 19STCV16010); and *Aaron*
27 *Romero v. Vitro Flat Glass, LLC* (Kern County Superior Court, Case No. BCV-21-101357).

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

3 Dated: February 9, 2026

Respectfully submitted,

MARA LAW FIRM, PC

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David Mara