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Attorneys for Plaintiff Angel Cuellar

SUPERIOR COURT OF THE STATE 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

CLASS ACTION

**DECLARATION OF ANGEL CUELLAR IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Final Approval Hearing:

Date: September 17, 2026

Time: 9:00 a.m.

Dept.: 11B

Complaint filed: July 25, 2024

Trial Date: Not set

1 I, Angel Cuellar, declare:

2 1. I am the named plaintiff/class representative in this action and make this
3 declaration in support of the Motion for Final Approval of the Class and Representative Action
4 Settlement with Defendant New Bern Transport Corporation (“New Bern”). I have personal
5 knowledge of the facts stated in this declaration, except as to those matters stated upon
6 information or belief, and, as to those matters, I believe them to be true. If called as a witness, I
7 could and would testify truthfully and competently to the matters stated in this Declaration.

8 2. I submit this declaration to supplement my prior declaration in support of
9 preliminary approval of the settlement, which was filed on February 13, 2026. This declaration
10 provides additional information regarding the estimated number of hours I devoted to this
11 action, the risks I undertook in serving as the class representative, and the benefits and results
12 achieved for the class.

13 3. I am not related to, nor do I have any personal or financial relationship with,
14 anyone associated with D.Law, Inc., Cohelan Khoury & Singer, or Mara Law Firm. I also have
15 no conflicts of interest with any member of the class.

16 4. I am aware of the agreed-upon division of attorneys’ fees, and have signed a
17 Representation Agreement, informing me that any fees awarded in this case will be divided as
18 follows: 33.3% to Cohelan Khoury & Singer, 33.33% to D.Law, Inc., and 33.33% to Mara Law
19 Firm.

20 5. When I decided to bring this case on behalf of all current and former drivers
21 employed by New Bern between July 25, 2020, and December 3, 2025, I understood that I was
22 seeking compensation not only for myself but also for my fellow employees. I also knew that
23 pursuing the case as a class representative would delay the resolution of my own claims. I
24 accepted that responsibility because many of these employees were either unaware of their legal
25 rights or were afraid to raise concerns with management for fear of losing their jobs. It is
26 gratifying to know that, because this case settled, approximately 1,900 current and former
27 employees will receive compensation, averaging about \$300 each, with some receiving more
28 than \$575.

1 6. I understood that by bringing this case, I risked having a judgment entered
2 against me for some or all of New Bern's costs if I did not prevail. I also understood that filing
3 this lawsuit could negatively affect my future employment opportunities. Potential employers
4 can easily search my name online, discover that I filed this lawsuit, and decide not to hire me
5 because they fear I might bring similar claims against them. I understood that pursuing this case
6 therefore carried a personal risk that it could affect my ability to find work in the future.

7 7. I was also worried about the effect that bringing this lawsuit could have on my
8 reputation. I did not want to be viewed as a disgruntled former employee or as someone who
9 sues employers. I was concerned that being known as someone who had sued my former
10 employer could cause people in my industry to view me differently or question my character or
11 professionalism. I nevertheless accepted these risks because I believed the claims were
12 important and that pursuing them was the right thing to do.

13 8. Since I first began working on this case more than 2 years ago, I estimate that I
14 have devoted approximately 65-75 hours to it. I began assisting with the case before it was even
15 filed. Over the course of the litigation, I spent significant time communicating with my
16 attorneys by telephone and email to answer questions about my claims and the facts of the case.
17 I searched for, organized, and produced records and other documents relevant to the litigation,
18 and I reviewed documents and information that my attorneys asked me to examine and explain,
19 including materials produced by New Bern. Throughout the case, I remained in regular contact
20 with my counsel, made myself available to answer questions, and promptly responded to
21 requests for additional information or documents. I also remained on standby by telephone for
22 an entire day during the mediation so that my attorneys could contact me if they needed
23 information regarding my claims or authority to address issues that arose during the settlement
24 negotiations. I spent additional time reviewing settlement documents and declarations in support
25 of this settlement.

26 9. I am now self-employed, so the time I spent participating in this litigation also
27 came at a direct economic cost to me. When I needed to be available to my attorneys, including
28 during mediation or to respond to questions or calls, I sometimes had to stop what I was doing

1 and put my work on hold. Because I am self-employed, when I stop working, I lose time that I
2 could otherwise have spent working and earning income. I nevertheless made myself available
3 when my attorneys needed me because I understood that my participation was important to
4 prosecuting the case and achieving the best possible result for the class.

5 10. My participation in this case also required sacrifices by my family. I have a wife
6 and child, and the time I devoted to this litigation was time that I otherwise could have spent
7 with them. There were times when I had to put aside work, family time, or other personal
8 obligations to communicate with my attorneys, gather information, review documents, or
9 remain available when needed. These were real sacrifices for me and my family, but I
10 understood that serving as the class representative required me to remain involved throughout
11 the litigation.

12 11. The litigation was also a source of ongoing stress. Even when I was not actively
13 communicating with my attorneys, the lawsuit was often at the back of my mind. I would
14 sometimes be at work thinking about the case, what might happen, or what I might need to do
15 next. This was particularly difficult because I work in construction and my work requires me to
16 remain focused and attentive, including when I am working around heavy machinery. I had to
17 manage the stress and distraction associated with the litigation while also making sure that I
18 remained focused on my work and worked safely.

19 12. As the sole named plaintiff in this case, I took my responsibilities to the other
20 employees seriously. I understood that I had responsibilities beyond pursuing my own claims. I
21 worked closely with my attorneys, promptly responded to their requests, provided information
22 and documents, and made myself available whenever necessary to assist in prosecuting the case
23 and reaching a resolution. I did this despite the risks to my reputation and future work
24 opportunities, the time and income I sacrificed, the effect on my family, and the ongoing stress
25 associated with having this litigation hanging over me. I believed these sacrifices were
26 worthwhile because I wanted to obtain a recovery not only for myself but also for the other
27 employees whose rights were at issue in this case.

28 13. I understand that, unlike other employees, I am providing a complete release of

1 any and all claims against New Bern, whether known or unknown, as part of the settlement of
2 this case. In light of the broad release I am providing, the many hours and months I devoted to
3 this litigation, and the risks I accepted by bringing and pursuing this case, I respectfully request,
4 and believe it is reasonable to receive, the \$10,000 service payment provided for in the
5 settlement agreement.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct. Executed on 8/14/2026, in Ceres, California.

8 Signed by:

9 

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11 Angel Cuellar