

Alexander M. Medina (SBN 222015)
E-mail: alex@medinamckelvey.com
Eric M. Lloyd (SBN 254390)
E-mail: eric@medinamckelvey.com
MEDINA McKELVEY LLP
925 Highland Pointe Drive, Suite 300
Roseville, California 95678
Telephone: (916) 960-2211
Facsimile: (916) 742-5488

Attorneys for defendant PURPOSE DRIVEN
TRANSPORT INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ORANGE

JOHN CLARKE, an individual, on his own
behalf and on behalf of all others similarly
situated,

Plaintiff,

v.

PURPOSE DRIVEN TRANSPORT INC., a
California corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No. 30-2024-01421145-CU-OE-CXC

**DECLARATION OF HON. MITCHEL
R. GOLDBERG (RET.) IN SUPPORT
OF PLAINTIFF JOHN CLARKE'S
MOTION FOR PRELIMINARY
APPROVAL**

Action Filed: August 21, 2024
FAC Filed: October 25, 2024
Trial Date: Not Yet Set

1 I, Hon. Mitchel R. Goldberg (Ret.), declare as follows:

2 1. I am a retired U.S. Bankruptcy Judge for the U.S. Bankruptcy Court, 9th Circuit,
3 Central District of California, serving from 1988 -2008. I have been a mediator at Adjudicate, Inc.
4 dba Judicate West since 2009 specializing in complex financial disputes. I have personal
5 knowledge of the facts set forth herein and, if called as a witness, could and would testify
6 competently thereto.

7 2. Plaintiff JOHN CLARKE ("Plaintiff") and defendant PURPOSE DRIVEN
8 TRANSPORT INC. ("Defendant") (collectively, the "Parties") initially engaged my services to
9 mediate on or about June 17, 2025. The primary scope of my engagement was to provide an
10 objective, independent analysis of the financial condition of Purpose Driven Transport and
11 provide an opinion as to a range of amount and under what terms that it could afford to pay to
12 resolve this dispute based on its financial condition.

13 3. In preparation for the mediation, I requested, and Defendant provided
14 comprehensive financial documents and information, along with relevant reports from a Certified
15 Public Accountant, which included Tax returns, Income and expense statements, and balance
16 sheet statements from 2021 through 2024 and financial data for the first six months of 2025. In
17 addition, they provided me with information about the owners of the company as well as the large
18 tax and penalty burden they face.

19 4. I had a pre mediation zoom with Defendant and their counsel and carefully
20 reviewed the financial data as well as learning about the history of the business and its current
21 clientele as well as exploring its ability to pay a negotiated settlement based on its current
22 financial situation. I conducted both a liquidating scenario and a going concern scenario to
23 develop a reasonable range for the parties to negotiate a payment plan over time.

24 5. The Parties then participated in a full-day mediation on December 9, 2025, during
25 which the Parties agreed to a full and final settlement of Plaintiff's individual and representative
26 claims after extensive negotiations,

27 6. In my opinion, this structured payment plan allows for a maximum recovery based
28 on the financial situation of the Defendant company. Paying any more than the negotiated

1 settlement or continuing with the high cost of litigation would create significant insolvency risks
2 for the Defendant Purpose Driven Transport Inc.

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

5 8. Executed on July 30, 2026, 2026, at Yorba Linda California.

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Hon. Mitchel R. Goldberg (Ret.)
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