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BRENDAN FITZGERALD

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CRUZ

WILLIAM ROSE and BRENDAN FITZGERALD, as individuals, and on behalf of all others similarly situated,

Plaintiffs,

vs.

SCARBOROUGH HOME CENTER; SCARBOROUGH TAHOE, INC.; SCARBOROUGH LUMBER AND BUILDING SUPPLY, INC., DBA ACE HARDWARE, a California corporation; and DOES 1 through 100, inclusive,

Defendants.

CASE NOS.: 24CV02298

DECLARATION OF PLAINTIFF BRENDAN FITZGERALD IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Judge: Hon. Syda Kosofsky Cogliati
Date: January 8, 2026
Time: 8:30 AM
Dept.: 5

Complaint Filed: August 13, 2024

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DECLARATION OF BRENDAN FITZGERALD

I, Brendan Fitzgerald, hereby declare:

1. The facts set forth herein are true of my own personal knowledge, and if called upon to testify thereto, I could and would competently do so under oath.

2. I am one of the named Plaintiffs in this action.

3. On September 13, 2024, my case was filed as a Class Action Complaint entitled *Fitzgerald v. Scarborough Home Center et al.*, in the Superior Court of California, Santa Cruz County, on behalf of myself and all others similarly situated.

4. I was employed by Defendants as a non-exempt hourly employee Yard Worker from May 2021 through August 29, 2021.

5. I filed my class action lawsuit alleging Defendants failed to pay me overtime and minimum wages, failed to provide me compliant meal/rest breaks, and did not reimburse me for my business expenses.

6. On or about July 9, 2025, Aegis Law Firm (representing myself) and Lipeles Law Group (representing Plaintiff Rose) entered into a Joint Prosecution and Attorney Fee Split Agreement, to which I consented in writing.

7. On or about October 20, 2025, Plaintiffs filed a consolidated Second Amended Class Action and PAGA Complaint combining my case with the instant *Fitzgerald* case.

8. I understand that, as a Class Representative, I have a duty to look out for and protect the interest of the Class as a whole. I do not believe, nor do I have any reason to believe, that my interests in this lawsuit are in conflict or in any way antagonistic to the interests of those of my fellow Class Members.

9. As one of the named Plaintiffs in this action, I provided significant assistance to Plaintiffs' Counsel in this case. I spent approximately 40 hours on tasks related to this case. Among other things, I participated in several lengthy interviews and phone conferences over a period lasting several months, searched for and produced a significant number of relevant

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documents, kept in contact with my attorneys regarding the status of the case, and remained available by phone during the all-day mediation on June 2, 2025. My efforts were instrumental in securing the favorable terms of the Settlement Agreement, which will provide monetary compensation to a Class of hundreds of Class Members.

10. In addition, this case also involved risks for me, such as the risk of having to pay Defendants' costs if we lost. Disregarding these risks, I pursued this case on behalf of the Class to a successful resolution and settlement.

11. It is my understanding that based upon my industrious efforts as one of the Named Plaintiffs in this action there is something called a Class Representative Service Payment. I respectfully request that the Court grant this award to me in the amount of $7,500 in addition to my pro rata share of the settlement fund.

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

Executed on December 1, 2025 in California.

Signed by:
4BC370301FF2420...
Brendan Fitzgerald