

BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP

Norman B. Blumenthal (State Bar #068687)

Kyle R. Nordrehaug (State Bar #205975)

Aparajit Bhowmik (State Bar #248066)

Jeffrey S. Herman (State Bar #280058)

Sergio Julian Puche (State Bar #289437)

Trevor G. Moran (State Bar #330394)

2255 Calle Clara

La Jolla, CA 92037

Telephone: (858)551-1223

Facsimile: (858) 551-1232

Website: www.bamlawca.com

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SANTA BARBARA

DEREK CASEY, an individual, on behalf of
himself, and on behalf of all persons similarly
situated,

Plaintiff,

v.

MARBORG RECOVERY, LP, a California
Limited Partnership; MARBORG
INDUSTRIES, a California Corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 24CV02182

**DECLARATION OF DEREK CASEY IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date:

Hearing Time:

Judge: Hon.

Dept.:

Action Filed: April 18, 2024

1 I, Derek Casey, declare as follows:

2 1. I am over the age of eighteen, a Plaintiff and a proposed Class Representative in the above-
3 entitled matter. I submit this declaration in support of the Motion for Preliminary Approval of Class
4 Settlement and in support of my application for a class representative service payment.

5 2. I have personal knowledge of all the facts stated herein. I could and would competently
6 testify under oath to these facts in court if requested to do so.

7 3. I worked for the defendants Marborg Recovery, LP and Marborg Industries (collectively,
8 “Marborg”) in California from November of 2023 to January of 2024, and during that time period
9 was classified by Marborg as a non-exempt employee.

10 4. I retained my attorneys who are experienced in both class action and PAGA representative
11 action litigation and claims against employers for violations of the California Labor Code. I have
12 no personal relationship or family ties to my attorneys or any officer of the Court. I am not aware
13 of having any actual or potential conflicts of interest with another class member in this case. I am
14 not aware of any other pending matter or action asserting claims that will be extinguished or
15 adversely affected by this settlement.

16 5. I decided to file this class action lawsuit and be a plaintiff/class representative because I felt
17 that my legal rights as an employee and others like me were violated. For example, I was forced to
18 work off the clock, as I was forced to wait in line when clocking in and out of the wall monitor each
19 day. Additionally, I was provided with “coveralls” to wear as a part of my job, and would dawn my
20 coveralls in the locker room both prior to clocking in for my shift and would change out of them
21 after clocking out. I was also tasked with ensuring the doors were locked on each and every shift,
22 which took around five minutes, daily after clocking out. Additionally, I did not always receive
23 compliant meal and rest breaks which were often late, short or missed entirely – and when these
24 violations occurred, I did not receive all break penalty payments I was entitled to. Defendant also
25 miscalculated my regular rate which resulted in a net underpayment of overtime pay. Further, I was
26 not reimbursed for the use of my personal cellular phone, which I was forced to use in furtherance
27 of my job duties.
28

1 6. I spoke to my attorneys several times and discussed how Marborg implemented its company
2 policies and procedures. I also assisted my attorneys in their investigation into my claims by
3 providing them documents and answering their questions. I reviewed the complaint before it was
4 filed and was given access to an electronic file sharing program that alerted me via email when
5 important documents were filed so that I could review them and keep up with the developments in
6 the case which I understood was one of my duties as a class representative. I could also access court
7 filings from this case on my attorney's law firm website. Also, I was informed that Marborg had
8 the right to take my deposition, and that the preparation and deposition itself could take multiple
9 days. Although my deposition was not taken, I feel I would have been adequately prepared and
10 comfortable to give testimony on my experiences.

11 7. Even though this action is in the process of settling, I was and remain prepared to perform
12 all the duties of a class representative. I understand that as a class representative I have assumed a
13 fiduciary responsibility to prosecute this class action on behalf of the absent class members. I have
14 understood that as a fiduciary, I have a duty to prosecute this action for the benefit of the class
15 members and surrender any right to compromise the group action for an individual gain.

16 8. I understood that being a plaintiff/class representative in this case meant that I was seeking
17 damages not only for myself but also other current and/or former non-exempt employees working
18 for Marborg in California who make up the class. I felt that these individuals were not aware of
19 their labor law rights and even if they were they would probably be apprehensive about speaking
20 up or even simply because of the time, effort and risk involved in filing a class action lawsuit.

21 9. I understood that being a part of this lawsuit involved risks. For example, my attorneys
22 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all
23 or part of the attorney fees and costs paid by Marborg to defend this lawsuit. Also, I knew there
24 was a risk that future employers, if they ever find out about this lawsuit, could hold it against me or
25 downgrade me as a potential hire. As the only named Plaintiff in this case it would not be difficult
26 for a future employer to become aware that I sued a former employer for labor law violations.
27 Ultimately, I decided these risks were worth it and decided to fight for my rights and the rights of
28 others regardless of the risks, time and effort I spent on this case.

1 10. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
2 to date on important developments by reviewing court filings that were made available to me
3 electronically as I described above.

4 11. A mediation took place on December 5, 2025, with Tagore Sabramaniam, Esq., a well-
5 respected and experienced mediator of wage and hour class actions. After the mediation the parties
6 were able to come to an agreement to settle the action. I communicated with my attorneys regarding
7 the terms of the settlement which was reached between the parties and understood that I was
8 representing absent class members and therefore wanted the best possible result to be obtained for
9 the class members and I believe a very positive result was in fact achieved via settlement. I reviewed
10 and signed the Memorandum of Understanding on January 12, 2026. When the final settlement
11 agreement was ready, I reviewed it closely and signed it on February 13, 2026.

12 12. I have been actively involved with this lawsuit performing the duties described above.
13 Although I did not keep time records, I was in regular contact with my attorneys, reviewed court
14 filings and spent a significant amount of time on the issues presented during the lawsuit and in the
15 settlement process. I estimate that I spent approximately 30-40 hours working on this case up until
16 this point. I believe I have been diligent and have done what is expected of a named plaintiff and a
17 proposed class representative to date, and will continue to do so. I have and always will maintain
18 the best interest of the class members.

19 13. My attorneys explained to me that the settlement process involves a two-step review by the
20 Court to determine whether the settlement is fair before approving the settlement. I know this
21 process also involves notifying all class members of the settlement terms and of their rights to make
22 a claim for their settlement share, to opt out of the settlement or to object to the settlement.

23 14. I believe I did the right thing by filing this case on behalf of the class members who, subject
24 to court approval, are in line to receive monetary payments as a result of this case and settlement.
25 This is money they may never have ever gotten if I did not pursue this action on their behalf. I feel
26 significant personal satisfaction to know that I played a role in the class members being entitled to
27 monetary payments as a result of the filing of this lawsuit. I also believe that the requested class
28 representative service award of \$15,000 from the settlement is fair compensation for the work I

1 performed and the risks I undertook.

2 15. In light of all the time and effort I have spent on this case, the risk I undertook by suing a
3 former employer, the exposure to being responsible for paying Marborg costs in the event we did
4 not win the case, the reputational risk that future employers may hold this lawsuit against me, and
5 in light of the size of the settlement, I believe the request for \$15,000 as a class representative
6 service payment is fair and reasonable.

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

9 Executed on 03/12/2026, at Lompoc, CA
10 (date) (city, state)

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12 Derek J.L. Casey (Mar 12, 2026 21:40:24 PDT)
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