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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

KALUM VAUGHNS, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

BERRY GLOBAL, INC., a Delaware corporation;
and DOES 1 through 50, inclusive,

Defendants.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

FEB 24 2023

BY: Paola Iniguez Deputy

Case No. CIVSB2129167

[Hon. David Cohn, Department S-26]

**DECLARATION OF KALUM VAUGHNS IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: May 10, 2023
Time: 8:30 a.m.
Department: S-26

Complaint Filed: November 24, 2021

1 I, Kalum Vaughns, declare as follows:

2 1. I am an individual over the age of 18. I am the named plaintiff in the above-reference
3 action. I have personal knowledge of the facts set forth below, except as to those matters stated on
4 information and belief and, as to those matters, I believe them to be true. If called as a witness, I could
5 testify competently as to the matters stated in this declaration.

6 2. I began working for Berry Global, Inc. in around August of 2019. Until my employment
7 as a packer ended around March of 2021, I was paid on an hourly basis as a non-exempt employee. In
8 addition to my base hourly earnings, I also earned non-discretionary incentives, including shift
9 differentials, and other non-hourly remuneration, including bonuses. Though I was not permitted to take
10 duty-free 10-minute rest periods and was not provided duty-free 30-minute meal periods, I was not paid
11 an additional hour of regular rate wages for missed rest periods or meal periods. Instead, I was paid an
12 additional hour of wages at my base hourly rate. These payments also were not considered when
13 calculating my regular rate of pay for purposes of paying sick pay wages.

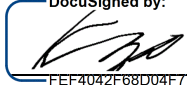
14 3. While I was required to go through COVID screenings before the start of shifts and to
15 attend work meetings after the end of shifts, I was not paid for this time. I am informed and believe I
16 was not timely paid all of my wages and was not furnished with accurate wage statements. I also was not
17 reimbursed for business expenses, including the usage of my personal phone and supplies or tools for
18 work-related purposes.

19 4. I have taken all necessary steps to represent the interests of the Class, including by
20 providing information and documents to my counsel, discussing the claims and lawsuit with my counsel,
21 and answering any questions that have come up, including about how I was paid or what my wage
22 statements show or meant. I understand that I am responsible to the Class with respect to trying the case,
23 appearing in court, and working with Class Counsel. I am willing to act as a fiduciary for the Class. I
24 remain willing to devote my time to this lawsuit for the benefit of the Class. I do not believe I have any
25 interests that are adverse to the interests of the Class. I also am unaware of any such issues having been
26 raised or presented by anyone else.

27 5. I believe many employees would not sue their employer out of fear. I took on risks by
28 bringing this lawsuit, and I understand that other people will benefit because of the actions that I have

1 taken. I feel that it is a positive accomplishment, am proud of the result, and believe that the class
2 settlement is fair, adequate, and reasonable.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is
4 true and correct. Executed this 17th day of February 2023, at Fontana, California.

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Kalum Vaughns