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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

RICHARD WINN, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiff,

v.

CITY ELECTRIC SUPPLY COMPANY, a
Florida corporation; and DOES 1-50, Inclusive,

Defendants.

Case No. 37-2023-00040231-CU-OE-CTL

**DECLARATION OF RICHARD WINN IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: October 11, 2024
Time: 9:00 a.m.

Judge: Hon. James A. Mangione
Dept.: C-75

1 I, RICHARD WINN, declare as follows:

2 1. I am over eighteen years of age and if called as a witness, I could and would competently
3 testify to the following facts from my own personal knowledge. I am the lead Plaintiff in the above
4 wage and hour class action filed against Defendant CITY ELECTRIC SUPPLY COMPANY
5 (“Defendant”).

6 2. This declaration is being submitted in support of Plaintiff’s motion for Preliminary
7 Approval of Class Action and PAGA Settlement.

8 3. I believe that I am, have been, and will continue to represent the interests of the class
9 fairly and adequately. I have claims that are typical of the claims the Class Members that I am seeking
10 to represent.

11 4. I was employed by Defendant from 2007 to approximately January 2023, as a non-
12 exempt employee. At all times during my employment, I was denied legally compliant meal and rest
13 periods, minimum wages and overtime compensation. Throughout my employment, I was subject to
14 Defendant’s written policies and procedures contained in, among other documents, the “Employee
15 Handbook.”

16 5. Generally, my lawsuit claims that Defendant failed to provide compliant meal and rest
17 periods, failed to pay for all time worked, failed to pay overtime at the correct regular rate of pay,
18 failed to furnish accurate itemized wage statements, failed to reimburse for mandatory business
19 expenses, and failed to pay all wages upon separation.

20 6. I believe that my claims are typical of the claims of the Class Members that I am seeking
21 to represent because I was subject to the same alleged unlawful employment policies and practices at
22 issue in this action, including but not limited to, Defendant’s failure to provide complaint meal and
23 rest periods, failure to pay overtime and meal period premiums at the correct regular rate of pay, failure
24 to reimburse for mandatory business expenses, failure to furnish accurate itemized wage statements,
25 failure to pay for all hours worked, and failure to pay all wages when due. Factually, Defendant’s
26 policies and practices apply class wide, and Defendant’s liability can be determined by facts common
27 to all members of the Class.

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7. Further, there is no conflict between my interests and the interests of the class that I am seeking to represent. My interests are entirely coextensive with the interests of the Class. I allege that I was injured by the same company-wide policies and practices to which the proposed Class was subjected and seek the same relief. I have already demonstrated my ability to advocate for the interests of the Class by initiating this litigation, undertaking extensive class discovery, and evaluating the proposed settlement to assure that it is fair.

8. I understood that at the time I filed this action, as a Class Representative, I owed a duty to the putative class members to faithfully prosecute this action with their best interests at the forefront of every decision. I understood that I could not make any decision in this action for the sole benefit of my personal interest. I understood that in executing this duty, I might have been asked to sacrifice my personal best interests for the benefit of the interests of the putative class members. Nevertheless, I knowingly and voluntarily undertook this duty in order to provide the broadest possible relief for my former co-workers for what I perceived to be Defendant's unlawful wage and hour practices. I believe that I faithfully executed the duties of a Class Representative throughout this litigation and will continue to do until this litigation is fully and finally resolved.

9. I believe that the proposed settlement before the Court is fair, reasonable, and adequate, and made in the best interest of the Settlement Class Members. Consequently, I respectfully, and humbly, ask the Court to grant preliminary approval of the Settlement and all of its terms.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed September 9, 2024, at El Cajon, California.

By: Richard Winn
By: Richard Winn (Sep 9, 2024 10:58 PDT)
RICHARD WINN