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Attorneys for Plaintiff JOHN KNEISLY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF RIVERSIDE

JOHN KNEISLY, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiff,

v.

S R MACHINING, INC., a California
Corporation; S R MACHINING-
PROPERTIES, LLC, a California Limited
Liability Company; and DOES 1-50, Inclusive,

Defendants.

Case No. CVRI2201491

**DECLARATION OF JOHN KNEISLY IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: October 4, 2023

Time: 8:30 a.m.

Judge: Hon. Harold W. Hopp

Dept.: 1

1 I, JOHN KNEISLY, declare as follows:

2 1. I am over the age of eighteen, a California resident, Plaintiff and Proposed Class
3 Representative in the above-entitled matter. I submit this declaration in support of Plaintiff's Motion
4 for Final Approval of Class Action and PAGA Settlement and in support of Plaintiff's Motion for Class
5 Counsel Award and Class Representative Service Award. I have personal knowledge of all the facts
6 stated herein. I could and would competently testify under oath to these facts in court if requested to do
7 so.

8 2. I retained Class Counsel February of 2022 and filed the lawsuit in April of 2022. I filed
9 the case on behalf of myself and all persons who are or previously were employed by S R Machining,
10 Inc., and/or S R Machining-Properties LLC ("Defendants") and performed work in California during
11 the period of April 14, 2018 to October 10, 2022.

12 3. I worked for Defendants as a non-exempt employee in California from approximately
13 May of 2008 to May of 2020. At all times during his employment, Plaintiff was subject to Defendants'
14 written policies and procedures contained in, among other documents, the "SR Machining, Inc.
15 Employee Handbook."

16 4. I filed the case because I believed my rights as an employee were violated by Defendants
17 and also the rights of other employees that worked for Defendants. Among other claims, I believe
18 Defendants failed to provide legally compliant meal and rest periods, failed to pay for all hours worked,
19 and failed to pay all wages upon separation.

20 5. Before I initiated the case as a plaintiff and Class Representative, I spoke at length with
21 my attorneys. We discussed my work experience and how company policies were applied to me and
22 other employees. I provided the attorneys with documents they requested. We reviewed the documents
23 together and asked and answered many questions regarding my experience working for Defendants, the
24 litigation process, and about class actions generally.

25 6. During these conversations, I learned about my responsibilities as a plaintiff in the lawsuit
26 and as proposed a Class Representative. I understood that pursuing this action as a class action rather
27 than merely seeking my individual claims substantially increased the risk to me. Those risks included
28 the possibility of being held liable for Defendants' attorneys' fees and costs in a complex class action if

1 I lost the case. I also understood that as a Class Representative, I would be under increased scrutiny by
2 the attorneys and the Court because I needed to prove that I was an adequate class representative.
3 Further, I understood that I would lose some autonomy over my individual claims that I could not make
4 decisions for my sole benefit and that I needed to make every litigation decision with the best interests
5 of the Settlement Class in mind.

6 7. I also understood that pursuing this litigation created a very public record of my grievances
7 with Defendants which produced the risk that a future employer could hold it against me that I sued a
8 former employer.

9 8. I also knew that I was making a sacrifice in that I could have pursued my claims only on
10 an individual basis, likely obtaining a recovery greater than the portion of the class settlement I stand to
11 receive from this settlement. My attorneys explained to me that the net settlement value of my individual
12 claims may be greater than my ultimate recovery from the net class settlement amount.

13 9. Notwithstanding these risks and sacrifices, I decided to go through with the case because
14 I believed violations occurred and most employees would not know what their rights are and even if
15 they did, they would be apprehensive to file a lawsuit against their employer for fear of retaliation.

16 10. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed status
17 updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the phone,
18 because I wanted to keep up with developments in the case which I understood was one of my duties as
19 a class representative.

20 11. **Review and Approval of Settlement:** Mediation was held on October 10, 2022. Even
21 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
22 them regarding the mediation before it took place, as well as during the mediation itself. I also spoke
23 with my attorneys after the mediation and discussed the mediator's proposal which was ultimately
24 accepted. I was very satisfied with the terms of the settlement that was agreed to by the parties. I
25 reviewed and signed the Memorandum of Understanding on October 27, 2022 and when the settlement
26 papers were ready, I again spoke with my attorneys and reviewed the settlement agreement which I
27 signed on February 3, 2023.
28

1 12. **Participation:** Since I retained Class Counsel approximately eighteen months ago, I have
2 been actively involved with this class action lawsuit performing the duties described above. While I did
3 not keep formal time records, I was in regular contact with my attorneys, attended hearings, reviewed
4 important court filings, and spent considerable time on the issues presented during the litigation and in
5 the settlement process. I estimate that I spent approximately 20 hours working on this case.

6 13. Also, my attorneys explained to me that the settlement process involved a two-step review
7 by the Court to determine whether the settlement was fair before ordering that the settlement be funded
8 and paid. I knew this process also involved notifying all class members of the settlement terms and of
9 their rights to make a claim for their settlement share, to opt out of the settlement or to object to the
10 settlement.

11 14. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who
12 now stand to receive substantial monetary payments as a result of this case and settlement. I also believe
13 that the requested Class Representative Service Award in the amount of \$10,000 from the settlement is
14 fair compensation for the (1) the work I performed, (2) the sacrifices made not pursuing this case
15 individually, and (3) the risks I undertook.

16 15. In light of all the time and effort I have spent on this case, the sacrifice I have made, the
17 risks I undertook by suing a former employer, the exposure to being responsible for paying Defendants'
18 costs in the event we did not win the case, and in light of the size of the settlement, I believe the request
19 for \$10,000 as a service award is fair and reasonable.

20 16. In addition to the Class Representative Service Award, I expect to receive \$2,918.04 as
21 an Individual Settlement Payment.

22 17. Further, I have reviewed the terms of the Settlement, including the monetary terms. I
23 support my attorneys' application for a Class Counsel Award in the amount of \$88,333.33, comprised
24 of \$73,333.33 for attorneys' fees (one-third of the Gross Settlement Amount) and up to \$15,000 for
25 reimbursement of actually incurred litigation expenses.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing is
27 true and correct. Executed on Sep 6, 2023, at Rialto (Location/City), California.
28

By: John Kneisly
John Kneisly (Sep 6, 2023 12:14 PDT)

JOHN KNEISLY