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Attorneys for Plaintiff TEVIN BRANDT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KERN

TEVIN BRANDT, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiff,

v.

MOTOR CITY SALES & SERVICE, a
California corporation; MCLB, INC., a California
corporation; and DOES 1-50, Inclusive,

Defendants.

Case No. BCV-22-102078

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

Date: September 6, 2023

Time: 8:30 a.m.

Location: Metropolitan Division Justice Building
1215 Truxtun Ave
Bakersfield, CA 93301

Judge: Hon. Bernard C. Barmann, Jr.

Dept.: H

1 I, TEVIN BRANDT, 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 named Plaintiff in the above
4 wage and hour PAGA and class action filed against Motor City Sales & Service and MCLB, INC
5 (“Defendants”).

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 worked for Defendants as an hourly, non-exempt, employee in California from April
12 of 2021 to November of 2021. At all times during my employment, I was entitled to legally compliant
13 meal and/or rest periods, and minimum, regular and overtime wages for all hours worked. Throughout
14 my employment, I was subject to Defendants’ written policies and procedures.

15 5. Generally, my lawsuit claims that Defendants failed to include non-discretionary
16 incentive compensation when calculating the regular rate of pay when paying overtime wages, meal
17 period premiums, and sick pay, failed to provide compliant meal and rest periods, failed to pay for all
18 hours worked, failed to reimburse for required business expenses, failed to furnish accurate itemized
19 wage statements, failed to separately pay for all non-productive time, and failed to pay all wages when
20 due.

21 1. I believe that my claims are typical of the claims of the Class Members that I am seeking
22 to represent because I was subject to the same alleged unlawful employment policies and practices at
23 issue in this action, including but not limited to, Defendants’ failure to include non-discretionary
24 incentive compensation when calculating the regular rate of pay for purposes of overtime wages, meal
25 period premiums and sick pay, failure to provide complaint meal and rest periods, failure to pay for
26 all hours worked, failure to reimburse for required business expenses, failure to furnish accurate
27 itemized wage statements, failure to separately pay for all non-productive time, and failure to pay all

1 wages when due. Factually, Defendants' policies and practices apply class wide, and Defendants'
2 liability can be determined by facts common to all members of the Class.

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

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

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

21 I declare under the penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct. Executed on July 18, 2023, at Bakersfield, California.

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24 By:  Tevin Brandt (Jul 19, 2023 09:36 PDT)
25 TEVIN BRANDT
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