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Attorneys for Plaintiff FREDERICK LINDSAY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF RIVERSIDE

FREDERICK LINDSAY, an individual, in his
representative capacity on behalf of the State of
California and fellow Aggrieved Employees,

Plaintiff,

v.

STAFFMARK INVESTMENT LLC, a
Delaware limited liability company, DENSO
INTERNATIONAL AMERICA, INC., a
Delaware corporation; DENSO PRODUCTS
AND SERVICES AMERICAS, INC., a
California corporation; and DOES 1 through
50, Inclusive,

Defendants.

Case No. CVRI2203360

**DECLARATION OF FREDERICK LINDSAY
IN SUPPORT OF PLAINTIFF'S MOTION TO
APPROVE PAGA SETTLEMENT**

Hearing Date: December 10, 2024
Hearing Time: 8:30 A.M.

Judge: Hon. Harold W. Hopp
Dept.: 1

Reservation ID: 702175035858

1 I, FREDERICK LINDSAY, 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 representative action filed against Staffmark Investment LLC, Denso International
5 America, Inc. and Denso Products and Services Americas, Inc.. (hereinafter “Defendants”).

6 2. This declaration is being submitted in support of Plaintiff’s Motion to Approve PAGA
7 Settlement.

8 3. I filed the lawsuit in August of 2022. I filed the case on behalf of myself, the LWDA,
9 and a group of current and former non-exempt California employees employed directly by defendants
10 Denso International America, Inc. and Denso Products and Services Americas, Inc. (collectively
11 “Denso”) or employed by Staffmark Investment LLC and placed to work at Denso, during the period
12 from September 11, 2021 to July 14, 2024.

13 4. I worked for Defendant as a non-exempt employee in Riverside County from March of
14 2022 to April of 2022.

15 5. I filed the case because I believed my rights as an employee were violated by Defendants
16 and also the rights of other employees that worked for Defendants. Among other claims, I believe
17 Defendants failed to reimburse employees for necessary business expenses, provide compliant meal
18 periods, failed to issue accurate and itemized wage statements, and miscalculated the regular rate of
19 pay.

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

25 7. During these conversations, I learned about my responsibilities as the plaintiff in the
26 lawsuit. I understood that pursuing this action as a representative action rather than merely seeking my
27 individual claims substantially increased the risk to me. Those risks included the possibility of being
28 held liable for Defendant’s attorneys’ fees and costs if I lost the case. I also understood I would be

1 under increased scrutiny by the attorneys and the Court as a representative of the State of California
2 and other employees. Further, I understood that I could not make decisions for my sole benefit and
3 that I needed to make every litigation decision with the best interests of the State of California and other
4 employees in mind.

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

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

11 10. During the lawsuit I communicated on a regular basis with my attorneys. I reviewed
12 status updates from my attorneys and court filings on a regular basis, and spoke to my attorneys on the
13 phone, because I wanted to keep up with developments in the case which I understood was one of my
14 duties as the plaintiff.

15 11. **Review and Approval of Settlement:** A mediation was held on May 14, 2024. Even
16 though I could not attend, I was available by telephone to speak with my attorneys and did speak with
17 them regarding the mediation before it took place. I also spoke with my attorneys after the mediation
18 and discussed the proposed settlement. I was very satisfied with the terms of the settlement that was
19 agreed to by the parties. When the settlement papers were ready, I again spoke with my attorneys and
20 reviewed the Memorandum of Understanding which I signed on May 15, 2024.

21 12. **Participation:** Since I retained PAGA Counsel two and a half years ago, I have been
22 actively involved with this lawsuit performing the duties described above. While I did not keep formal
23 time records, I was in regular contact with my attorneys, reviewed important court filings, and spent
24 considerable time on the issues presented during the litigation and in the settlement process. I estimate
25 that I spent approximately 20 to 30 hours working on this case.

26 13. Also, my attorneys explained to me that the settlement process involved review by the
27 Court to determine whether the settlement was fair before ordering that the settlement be funded and
28 paid.

14. Ultimately, I believe I did the right thing in pursuing this case on behalf of the class who now stand to receive substantial monetary payments as a result of this case and settlement. I also believe that the requested Service Award in the amount of \$5,000.00 from the settlement is fair compensation for the (1) the work I performed, (2) the sacrifices made, and (3) the risks I undertook.

15. In light of all the time and effort I have spent on this case, the sacrifice I have made, the risks I undertook by suing a former employer, the exposure to being responsible for paying Defendant's costs in the event we did not win the case, and in light of the size of the settlement, I believe the request for \$5,000.00 as a service award is fair and reasonable.

16. Further, I support my attorneys' application for a PAGA Counsel Award in the amount of up to \$158,333.33, plus costs and expenses of up to \$30,000.00 for reimbursement of actually incurred litigation expenses.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed 10/21/2024, at Menifee, California

By: Frederick Michael Lindsay
Frederick Michael Lindsay [Oct 21, 2024 07:51 PDT]
FREDERICK LINDSAY