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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

KAREEM COLES, an individual, on behalf of
himself, and on behalf of all persons similarly
situated,

Plaintiffs,

v.

CAREFUSION RESOURCES, LLC, a
Delaware Limited Liability Company;
BECTON DICKINSON AND COMPANY, a
New Jersey Corporation; and DOES 1-50,
Inclusive,

Defendants.

Case No. 37-2022-00048696-CU-OE-CTL

**DECLARATION OF KAREEM COLES IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: March 22, 2024
Time: 10:30 a.m.

Judge: Hon. Loren G. Freestone
Dept.: C-64

1 I, KAREEM COLES, 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
5 Attorneys' Fees and Expenses and Service Award. I have personal knowledge of all the facts stated
6 herein. I could and would competently testify under oath to these facts in court if requested to do so.

7 2. I retained Class Counsel in May 2022 and filed the lawsuit in December 2022. I filed the
8 case on behalf of myself and a class of all non-exempt employees who worked for CareFusion in
9 California and/or all non-exempt employees employed by BD who worked for CareFusion in California,
10 at any time between the period beginning October 2, 2020, to October 20, 2023.

11 3. I worked for Defendants from 2008 to approximately June of 2022, as a non-exempt
12 employee. Throughout my employment, I was subject to Defendant's written policies and procedures
13 contained in, among other documents, the "BD Corporate Policy."

14 4. I filed the case because I believed my rights as an employee were violated by Defendants
15 and also the rights of other employees that worked for Defendants. Among other claims, I believe
16 Defendants failed to pay me for all hours worked, failed to provide legally compliant meal and rest
17 periods, failed to reimburse for required business expenses, and failed to provide accurate itemized wage
18 statements.

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

24 6. I decided to go through with the case because I believed violations occurred and most
25 employees would not know what their rights are and even if they did, they would be apprehensive to file
26 a lawsuit against their employer for fear of retaliation.

27 7. **Review and Approval of Settlement:** Mediation was held on June 15, 2023. Even though
28 I could not attend, I was available by telephone to speak with my attorneys and did speak with them

1 regarding the mediation before it took place, as well as during the mediation itself. I also spoke with
2 my attorneys after the mediation and discussed the mediator's proposal which was ultimately accepted.
3 I am satisfied with the terms of the settlement that was agreed to by the parties. I reviewed and signed
4 the Memorandum of Understanding on July 17, 2023, and when the settlement papers were ready, I
5 signed them on September 13, 2023.

6 8. **Participation:** Since I retained Class Counsel approximately twenty-two months ago, I
7 have been actively involved with this class action lawsuit performing the duties described above. While
8 I did not keep formal time records, I was in regular contact with my attorneys, attended hearings,
9 reviewed important court filings, and spent considerable time on the issues presented during the
10 litigation and in the settlement process. I estimate that I spent approximately 25 hours working on this
11 case.

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

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

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

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12. Further, I support my attorneys' application for a Class Counsel Award in the amount of \$675,000.00, comprised of \$650,000.00 for attorneys' fees (one-third of the Gross Settlement Amount) and up to \$25,000.00 for reimbursement of actually incurred litigation expenses.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 02/28/2024, at Murrieta, California.

By: Kareem Coles (Feb 28, 2024 13:54 EST)

KAREEM COLES