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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. CGC-21-596527

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

Date: October 20, 2023

Time: 10:30 a.m.

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

1 I, KAREEM COLES, 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 named Plaintiff in the  
4 above wage and hour class action filed against Defendant CAREFUSION RESOURCES, LLC, a  
5 Delaware Limited Liability Company, and Defendant BECTON DICKINSON AND COMPANY, a  
6 New Jersey Corporation (hereinafter “Defendants”).

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

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

12 4. I was employed by Defendant from 2008 to approximately June of 2022, as a non-  
13 exempt employee. At all times during my employment, I was denied legally compliant meal and rest  
14 periods, minimum wages and overtime compensation. Throughout my employment, I was subject to  
15 Defendants’ written policies and procedures contained in, among other documents, the “BD Corporate  
16 Policy.”

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

21 6. 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 provide complaint meal and  
24 rest periods, failure to pay overtime and meal period premiums at the correct regular rate of pay, failure  
25 to reimburse for mandatory business expenses, failure to furnish accurate itemized wage statements,  
26 failure to pay for all hours worked, and failure to pay all wages when due. Factually, Defendants’  
27

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

3 7. 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 8. I understood that at the time I filed this action, as a Class Representative, I owed a duty  
10 to the putative class members to faithfully prosecute this action with their best interests at the forefront  
11 of every decision. I understood that I could not make any decision in this action for the sole benefit  
12 of my personal interest. I understood that in executing this duty, I might have been asked to sacrifice  
13 my personal best interests for the benefit of the interests of the putative class members. Nevertheless,  
14 I knowingly and voluntarily undertook this duty in order to provide the broadest possible relief for my  
15 former co-workers for what I perceived to be Defendants' unlawful wage and hour practices. I believe  
16 that I faithfully executed the duties of a Class Representative throughout this litigation and will  
17 continue to do until this litigation is fully and finally resolved.

18 9. 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 Sep 20, 2023, at San Diego, California.

23  
24 By:  Kareem Coles (Sep 20, 2023 09:09 PDT)  
25 KAREEM COLES  
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