

Filed

Superior Court of California,
Sacramento

06/05/2023

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By _____, Deputy

34-2022-00314949-CU-O

1 Galen T. Shimoda (Cal. State Bar No. 226752)
Justin P. Rodriguez (Cal. State Bar No. 278275)
2 Renald Konini (Cal. State Bar No. 312080)
Shimoda & Rodriguez Law, PC
3 9401 East Stockton Boulevard, Suite 120
Elk Grove, CA 95624
4 Telephone: (916) 525-0716
Facsimile: (916) 760-3733

5 Attorneys for Plaintiffs CARLETON EDWARDS on behalf of himself
6 and similarly situated employees

7 [additional parties continued on next page]

8 **SUPERIOR COURT OF CALIFORNIA**

9 **FOR THE COUNTY OF SACRAMENTO**

11 CARLETON EDWARDS, MICHAEL
12 ADAMS, and PETER HALL, individually and
13 on behalf of all other similarly situated
employees,

14 Plaintiffs,

15 vs.

16 SUBURBAN PROPANE, L.P., a Delaware
17 Limited Partnership; and DOES 1 to 100,
18 inclusive,

19 Defendants.

Case No. 34-2022-00314949-CU-OE-GDS

*Assigned for All Purposes to Hon. Jill Talley,
Department 27*

CLASS ACTION

**DECLARATION OF PETER HALL IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Reservation No. 2720117

Date: June 30, 2023

BY FAX

Time: 9:00 a.m.

Dept.: 27

Judge: Hon. Jill Talley

Filed: February 2, 2022

FAC Filed: June 3, 2022

SAC Filed: March 10, 2023

Trial Date: None Set

1 POTTER HANDY LLP
Mark D. Potter (SBN 166317)
2 mark@potterhandy.com
James M. Treglio (SBN 228077)
3 jimt@potterhandy.com
100 Pine St., Ste 1250
4 San Francisco, CA 94111
(858) 375-7385
5 Fax: (888) 422-5191

6 Attorneys for Plaintiff MICHAEL ADAMS and the Putative Class

7
8 **BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP**

Norman B. Blumenthal (State Bar #068687)
Kyle R. Nordrehaug (State Bar #205975)
9 Aparajit Bhowmik (State Bar #248066)
Nicholas J. De Blouw (State Bar #280922)

10 2255 Calle Clara
La Jolla, CA 92037
11 Telephone: (858)551-1223
Facsimile: (858) 551-1232
12 Website: www.bamlawca.com

13 Attorneys for Plaintiff PETER HALL
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1 I, Peter Hall, declare:

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3 1. I am a competent adult, I have personal knowledge of the facts set forth in this declaration,
4 and I am making this declaration on behalf of myself, as a named plaintiff, and in support of Plaintiffs'
5 Motion for Preliminary Approval of Class Action and PAGA Settlement and also in support of my
6 application for a Class Representative Service Payment.

7
8 2. I worked for the above-referenced defendant ("Suburban Propane") in California from
9 November of 2016 to September of 2021 and I was classified as a non-exempt employee during that time
10 period.

11 3. I retained my attorneys who are experienced in both class action & PAGA representative
12 action litigation and claims against employers for violations of the California Labor Code. I have no
13 personal relationship or family ties to my attorneys or any officer of the Court. I am not aware of having
14 any actual or potential conflicts of interest with another member of the class in this case nor am I aware
15 of having any actual or potential conflicts of interest with the settlement administrator. I am not aware of
16 having any actual or potential conflicts of interest with the proposed *Cy Pres* recipients. I am not aware
17 of any other pending matter or action asserting claims that will be extinguished or adversely affected by
18 this settlement.
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21 4. I decided to pursue this class action lawsuit for the benefit of myself and other non-
22 exempt employees who worked for Suburban Propane and be a class representative because I felt that
23 my legal rights and others like me were violated. For example, Suburban Propane provided me a fax
24 machine for my home office so that I could fax in my shift and service reports at the conclusion of each
25 day. Suburban Propane required me to do this work off the clock at home after I had clocked out for the
26 day. As a result I was not paid for all hours I worked. Also, even though Suburban Propane provided
27 me with a cell phone I nonetheless had to use my personal cell phone for work related communications
28

1 because the cell phone I was provided did not work properly. Suburban Propane did not reimburse me
2 for the costs associated with using my personal cell phone for work-related issues and I was also not
3 reimbursed for any home office expenses which included Internet, electricity and my landline telephone
4 to use the fax machine.

5 5. Before the complaint was filed I spoke to my attorneys several times and discussed how
6 Suburban Propane implemented its company policies and procedures. I also assisted my attorneys in their
7 investigation into my claims by providing them documents and answering their questions. I reviewed the
8 complaint before it was filed and after it was filed I was given access to an electronic file sharing program
9 that alerted me via email when important documents were filed so that I could review them and keep up
10 with the developments in the case which I understood was one of my duties as a class representative. I
11 would also contact my attorneys from time to time if I had any questions about the case.
12

13 6. Even though this action is in the process of settling, I was and remain prepared to
14 perform all the duties of a class representative. I understand that as a class representative I have
15 assumed a fiduciary responsibility to prosecute this class action on behalf of the absent non-exempt
16 employees who worked for Suburban Propane during the class period. I have understood that as a
17 fiduciary, I have a duty to prosecute this action for the benefit of the members of the class and surrender
18 any right to compromise the group action for an individual gain.
19

20 7. I understood that being a plaintiff/class representative in this case meant that I was seeking
21 damages not only for myself but also other current and/or former non-exempt employees who worked for
22 Suburban Propane in California during the class period. I felt that this group of employees were not aware
23 of their labor law rights and even if they were they would probably be apprehensive about speaking up or
24 even simply because of the time, effort and risk involved in filing a class action lawsuit.
25

26 8. I understood that being a part of this lawsuit involved risks. For example, my attorneys
27
28

1 explained to me that if the case went to trial and we lost, I could be held responsible to pay for all or part
2 of the attorney fees and costs paid by Suburban Propane to defend this lawsuit. Also, I knew there was a
3 risk that future employers, if they ever found out about this lawsuit, could hold it against me or downgrade
4 me as a potential hire. As one of the named Plaintiffs in this case it would not be difficult for a future
5 employer to become aware that I sued a former employer for labor law violations. Ultimately I decided
6 these risks were worth it and decided to fight for my rights and the rights of others regardless of the risks,
7 time and effort I spent on this case.

9 9. During the lawsuit I stayed in touch with my attorneys by phone and email. I also kept up
10 to date on important developments by reviewing court filings that were made available to me electronically
11 as I described above.

13 10. A mediation took place on December 12, 2022 with Louis Marlin, an experienced and well-
14 respected mediator of wage and hour class actions. Following the all-day mediation session, the parties
15 agreed to settle the action based on a mediator's proposal.

17 11. I have reviewed the final Joint Stipulation of Class Action and PAGA Settlement and
18 Release, discussed the terms with my attorneys, and asked my attorneys any questions I had. I believe
19 the terms of the Settlement and allocations are fair and reasonable given the facts of the case.

21 12. I have been actively involved with this class action lawsuit performing the duties
22 described above. Although I did not keep time records, I was in regular contact with my attorneys,
23 reviewed court filings, and spent a significant amount of time on the issues presented during the lawsuit
24 and in the settlement process. I estimate that I spent approximately 30-40 hours working on this case up
25 until this point. I believe I have been diligent and have done what is expected of a named plaintiff and a
26 proposed class representative to date, and will continue to do so. I have and always will maintain the
27 best interest of the class.

1 13. My attorneys explained to me that the settlement process involves a two-step review by the
2 Court to determine whether the settlement is fair before approving the settlement. I know this process
3 also involves notifying all class members of the settlement terms and of their rights to make a claim for
4 their settlement share, to opt out of the settlement or to object to the settlement.

5 14. I believe I did the right thing by filing this case on behalf of the class who are in line to
6 receive monetary payments as a result of this case and settlement. I also believe that the requested Class
7 Representative Service Payment of \$10,000 from the settlement is fair compensation for the work I
8 performed and the risks I undertook.

9 15. As part of the settlement it was necessary for me to sign a general release of claims I may
10 have against Suburban Propane. I believe the Class Representative Service Payment I have requested
11 provides me with some compensation for this agreed release.
12

13 16. I understand that any Class Representative Service Payment I may receive is for my
14 participation as a Class Representative and it is not contingent on my support or approval of the
15 Agreement.
16

17 17. In light of all the time and effort I have spent on this case, the risk I undertook by suing a
18 former employer, the exposure to being responsible for paying Suburban Propane's costs in the event we
19 did not win the case, the reputational risk that future employers may hold this lawsuit against me, the
20 general release, and in light of the size of the settlement, I believe the request for \$10,000 as a Class
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1 Representative service payment is fair and reasonable.
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3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. °
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6 Executed on Apr 24, 2023, at Ridgecrest California
7 (city, state)

8 Peter Hall
9 Peter Hall (Apr 24, 2023 06:24 PDT)
10 Peter Hall
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