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Superior Court of California,  
Sacramento  
06/05/2023  
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By \_\_\_\_\_, Deputy  
34-2022-00314949-CU-OI

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6 and similarly situated employees

7 [additional parties continued on next page]

8  
9 SUPERIOR COURT OF CALIFORNIA

10 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,  
inclusive,

18 Defendants.

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

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

**CLASS ACTION**

**DECLARATION OF JAMES M. TREGGIO IN  
SUPPORT OF PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION AND PAGA SETTLEMENT**

Reservation No. 2720117

Date: June 30, 2023

Time: 9:00 a.m.

Dept.: 27

Judge: Hon. Jill Talley

**BY FAX**

Filed: February 2, 2022

FAC Filed: June 6, 2022

SAC Filed: March 10, 2023

Trial Date: None Set

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1 I, James M. Treglio, declare:

2 1. I am an attorney at law duly admitted to practice before all the courts of the State of  
3 California and an attorney of record for Plaintiff Michael Adams ("Plaintiff") herein. I am making this  
4 declaration on behalf of the named plaintiffs, the putative class members, and in support of Plaintiffs'  
5 Motion for Preliminary Approval of Class Action and PAGA Settlement ("Motion"). I have personal  
6 knowledge of the matters set forth herein, and, if called as a witness, could competently testify thereto.

7 2. I am familiar with California law governing wages, reimbursement, and other  
8 entitlements owed to employees, including, but not limited to, the relevant statutes at issue in this case  
9 such as California Labor Code sections 201, 202, 203, 204, 210, 221, 226, 226.3, 226.7, 256, 510, 512,  
10 558, 558.1, 1174, 1194, 1194.2, 1197, 1197.1, 1198, 2698, 2699, 2699.3, 2699.5, 2802, and California  
11 Business and Professions Code sections 17200 *et seq.*

12 3. I was admitted to the California Bar in 2003. I received my Bachelor of Arts degree in  
13 Government from College of William & Mary in 1998 and my Juris Doctor degree from the  
14 University of San Diego in 2003. From 2003 through 2006, I was the staff attorney for the Fair  
15 Housing Council of San Diego, where I specialized in housing discrimination enforcement. In 2007, I  
16 joined the law firm of Clark & Markham, LLP, where I specialized in consumer and wage and hour  
17 class actions, which has comprised my practice of law ever since. In 2012, the law firm of Clark &  
18 Markham, LLP into the Clark Law Firm and the Markham Law Firm. I stayed with the Clark Law  
19 Firm, and in 2015, the firm became Clark & Treglio after I was made partner. By 2013, my work with  
20 the Clark Law Firm, Clark & Markham, LLP, and Clark & Treglio resulted in nearly 5% of all  
21 recoveries made by the LWDA up to that point.

22 4. In 2017, I joined Keegan & Baker, LLP, which was also a class action firm. Whereas my  
23 work at Clark & Markham, LLP and the Clark Law Firm was primarily focused on wage and hour  
24 class actions, my work at Keegan & Baker, LLP involved more consumer actions, including data  
25 breach class actions, and actions brought under the Fair Credit Reporting Act.

26 5. In 2018, I left Keegan & Baker, LLP and joined the Melmed Law Group, P.C. The  
27 Melmed Law Group, P.C., is an employment law firm with a focus on class and PAGA representative  
28 actions.

1           6.     In 2019, I joined my current firm, Potter Handy, LLP, to become head of its new class  
2 action division. In that capacity, I litigate both consumer and employment class actions throughout the  
3 State of California.

4           7.     Since 2007, I have specialized in complex wage and hour and consumer class action  
5 litigation. I have been involved in every stage of class action litigation as both a lead counsel, the lead  
6 and primary associate, and as co-counsel. A summary of my experience, including representative class  
7 action litigation is attached hereto at Exhibit A.

8           8.     In connection with these prior class actions, I have conducted discovery, argued  
9 motions, drafted pleadings, drafted class notices, drafted appellate briefs, examined witnesses,  
10 represented class members at settlement conferences and mediations, deposed defendants and third-  
11 party witnesses, defended class representative depositions and participated in final disposition  
12 hearings. I have also tried PAGA representative actions.

13          9.     I do not have a pre-existing business, personal, social, familial or financial relationship  
14 with Plaintiff and has never represented Plaintiff before this case. I have no conflicts of interest with  
15 the Class or with Plaintiff. I am not related to the Plaintiff. I have not previously represented any of  
16 Defendants in any matter. I know of no other known pending actions similar to this action. There are  
17 no opposing factions within the Class and I do not represent opposing factions within the Class in that  
18 all claims are predicated upon the same theories of liability and benefit all class members equally. I  
19 have personally worked with Plaintiff, formulated legal theories and strategies, drafted pleadings,  
20 prepared and answered discovery, and interviewed witnesses.

21          10.    Given my experience as a class action employment litigator, I believe the Settlement  
22 Agreement is a fair and adequate compromise of the monetary relief claims that Plaintiff and the Class  
23 Members have raised in this case. Based on the discovery conducted in the case, our detailed analysis  
24 of the data and documents produced by Defendant, and the application of appropriate litigation and  
25 appeal risks and delay discounts, we determined that the Settlement was fair, reasonable and  
26 adequately reflects the settlement value of the case. The proposed Settlement is advantageous to the  
27 Settlement Class who would otherwise face the uncertainty of litigation, including whether they would  
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1 obtain class certification, and/or a loss at trial. If the matter were to proceed to trial, the apparent  
2 strength of a case is no guarantee against a defense verdict.

3 11. Given the foregoing information, the settling parties evaluated and considered all  
4 alternatives in reaching their settlement decisions and now respectfully request this Court to grant  
5 preliminary approval.

6 12. During the course of this litigation, I have reviewed and analyzed numerous policy and  
7 pay documents, including records and information produced by Defendant Suburban Propane, L.P. and  
8 related entities, and have worked to marshal facts supporting liability and potential damages.

9 13. I have reviewed the Declaration of Justin P. Rodriguez and agree with his statements  
10 regarding the case history, the assessment of the value of each of the Plaintiffs' claims, the mediation,  
11 and the discovery and investigations performed.

12 14. Based on the evidence and likely testimony in this case, I believe the \$945,000.00  
13 settlement represents a fair and reasonable discount from the realistic recovery and is within the  
14 "ballpark" of a fair, reasonable, and adequate settlement of the wage and hour class action and Private  
15 Attorneys General Act claims alleged in this case

16 15. I have spoken with every other attorney at my firm to determine whether they have any  
17 relationship with either of the proposed *cy pres* beneficiaries. No attorneys in my firm have any  
18 relationship with Capital Pro Bono, Inc., or the Center for Workers Rights.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
20 true and correct. Executed on June 5, 2023 in San Diego, California.

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James M. Treglio  
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## **Exhibit A**



## POTTER HANDY, LLP

A Law Firm

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Jim Treglio, Esq.  
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### James M. Treglio, Head of Class Action Division

**Practice Areas:** Consumer Class Actions, False Advertising, Unfair Competition, Wage and Hour Litigation, Background Check Cases, Data Breaches, Unlawful Recordings, Confidentiality of Medical Information Act, PAGA Representative Actions, Housing Discrimination  
Admitted: 2003, California

**Biography:** Staff Attorney, Fair Housing Council of San Diego, 2003 – 2006, Associate, Clark & Markham LLP, 2006 to 2012, Associate Clark Law Firm 2012-2015, Partner, Clark & Treglio, 2015-2016, Associate, Keegan & Baker, LLP 2016-2018, Associate, Melmed Law Firm, P.C., 2018-2019, Head Attorney, Class Action Division, Potter Handy, LLP ; Lecturer – Fair Housing Laws and Litigation Conference 2006.

**Education:** College of William and Mary (B.A., 1998), University of San Diego (J.D. 2003)

**Reported Cases:** *Steroid Hormone Product Cases*, 181 Cal.App.4th 145 (2010); *Mendoza v. Nordstrom, Inc.*, 2 Cal.5th 1074 (2017); *James Cunha v. Intellicheck, LLC, et al.*, 254 F.Supp.3d 1124 (N.D. Cal. 2017); *Brinkley v. Monterey Financial Services, Inc.* 873 F.3d 1118 (9<sup>th</sup> Cir. 2017).

### Class Action Experience

*Aguilera v. Eagle Systems International, d/b/a Synergy Companies* (Lead) - Settled  
Alameda County Superior Court, Case No. RG14742927

Nature of the Case: Unfair Competition- Failure to Pay Wages, Failure to Pay Overtime Compensation, Failure to Reimburse for Business Expenses, Failure to Provide Waiting Time Penalties, Failure to Provide Meal and Rest Breaks, Unfair Competition

*Alvarado v. Lewis Operating Co.* (Co-Counsel) - In Litigation  
Sacramento Superior Court, Case No. 34-2014-00159707

Nature of the Case: Unfair Competition- Failure to Pay Wages Owed, Unfair Competition, PAGA

*Anderson v. Oracle Corporation* (Co-counsel) – Settled  
San Mateo Superior Court, Case No. CIV469916

Nature of Case: Unfair Competition – Overtime, Meal and Rest Breaks

Andreas v. Lowe's HIW, Inc. (Lead associate) – Settled  
United States District Court for the District of Nevada, Case No. 3:07-CV-253  
Nature of the Case: Unpaid Overtime

In Re Androstendiol Cases (lead associate) – Settled  
Los Angeles Superior Court, JCCP 4363,  
Nature of the Case: Unfair Competition-: Deceptive Advertising, CLRA, Unfair  
Competition Law

Arellano v. Kellermeier (lead) - Settled  
United States District Court for the Southern District of California, Case No. No. 13-cv-  
00533-BAS (BGS)  
Nature of the Case: Unfair Competition- Unpaid Overtime, Meal and Rest Breaks,  
Failure to Itemize Wage Statements, Waiting Time Penalties

Bello v. Proctor & Gamble (lead) - Settled  
United States District Court for the Central District of California, Case No. 8:12-cv-  
01583  
Nature of Case: Unfair Competition, Unpaid Meal and Rest Breaks, Failure to Reimburse  
Business Expenses

Bennie v. Lowe's HIW, Inc. (Lead) – Settled  
United States District Court for the Central District of California, SACV08-00576 DOC  
Nature of the Case: Unfair Competition – Failure to Provide a Day of Rest

Bloomquist v. Covance, Inc. (Associate) – In Litigation  
San Diego Superior Court, Case No. 37-2016-00026455-CU-OE-CTL  
Nature of Case: Misclassification of clinical research associates, unpaid overtime, missed  
meal and rest periods, unitemized wage statements

Brinkley v. Monterey Financial Services, Inc. – In Litigation  
United States District Court, Southern District of California, Case No. 16-cv-1103-WQH-  
WVG  
Nature of Case: Unlawful recording of phone calls

Bulisco v. Mosaic Solutions (Associate) - Settled  
Orange County Superior Court, Case No. 30-2011-00047600-CU-OE-CXC  
Nature of the Case: Unfair Competition- Failure to Pay Wages Owed, Provide Meal and  
Rest Breaks, Failure to Itemize Wage Statements, Failure to Reimburse for Business  
Expenses, Split Shifts, Timely Pay Upon Termination.

Cunha, et al., v. Intellicheck, et al. (Lead Associate) - Settled  
United States District Court, Northern District of California, Case No.17-cv-00597-JST  
Nature of Case: FCRA Violations connected with background checks.

Cohen v. Lowes HIW, Inc. (Lead Associate) - Settled



United States District Court, Central District of California, SACV 10-00425-CJC  
(MLGx)

Nature of Case: Unfair Competition- Failure to Itemize Wage Statements, Unlawful Deductions

Cones v. Parexel International Corporation (Lead Associate) -- Settled

United States District Court, Southern District of California, Case No. 16cv3084 L (BGS)

Nature of Case: Unfair Competition: misclassification as salaried employees, overtime, meal periods, rest periods, wage statements.

Connell v. Sun Microsystems, Inc. (Co-Counsel) – Settled

Alameda Superior Court, RG06252310

Nature of Case: Unfair Competition – Unpaid overtime related to misclassification as salaried employees, unpaid overtime, meal periods, rest periods, etc.

Contreras v. Bank of America, N.A., (Lead Associate) - Settled

San Francisco Superior Court, Case No. CGC-07-467749

Nature of Case: Unfair Competition- Failure to Pay Overtime, Unreimbursed Business Expenses

Corona v. Airtouch Wireless d/b/a Verizon Wireless (Lead) - Settled

Los Angeles Superior Court, Case No. BC467679

Nature of the Case: Unfair Competition, Unpaid Wages and Vacation Time

Cota v. Countrywide Securities, et al. (Lead Associate) – Settled

Los Angeles County Superior Court, BC388005

Nature of Case: Unfair Competition – Overtime, Meal and Rest Breaks

Decarr v. Harvest Management (Associate) - Settled

Santa Clara Superior Court, Case No. 109CV153466

Nature of Case: Unfair Competition- Unpaid Overtime and Meal And Rest Breaks

Del Valle v. LA Fitness (Lead Associate) - Settled

Los Angeles Superior Court, Case No. BC438654

Nature of Case: Unfair Competition- Failure to Pay Overtime, Meal and Rest Breaks, Reimburse Expenses, Split Shifts

Estrella v. Freedom Debt Relief (Associate) – Settled

United States District Court for the Central District of California, Case No. CV 09–03156  
SI

Nature of Case: Unfair Competition – Unlawful Business Practices

Evans v. Walmart (Co-Counsel)- Settled

United States District Court, District of Nevada, Case No. 2:10-CV-1224-JCM-JCL

Nature of Case: Unfair Competition- Failure to Pay Overtime

Fjeld v. Penske (Lead) - Settled

United States District Court for the Central District of California, Case No. CV 12-3500-GHK (JCGx).

Nature of the Case: Unfair Competition- Unpaid Wages, Overtime, Meal and Rest Breaks, and to Itemize Pay

Fontes v. Heritage Propane (Lead) - Settled

United States District Court, Southern District of California, Case No.: 14cv1413-MMA (NLS): 14cv1413-MMA (NLS)

Nature of the Case: False Advertising, Unfair Competition

Friedlander v. Hot Topic (Lead) -Settled

Los Angeles Superior Court, Case No. BC520319

Nature of the Case: Failure to Reimburse Business Expenses, Failure to Provide Meal and Rest Periods, Failure to Pay Overtime, Unfair Competition

Fuzell v. Hallmark Marketing Corporation (Co-Counsel) – Settled

United States District Court, Central District of California, Case No. CV08-04342 VBF (Ex)

Nature of Case: Unfair Competition – Unpaid time, Unreimbursed Expenses

Gandara v. Nestle Purina (Co-Counsel) - Settled

United States District Court, Northern District of Illinois, Case No. 1:12-cv-02871

Nature of the Case: Unfair Competition, Consumers Legal Remedies Act

Gutierrez v. Johnson & Johnson (Lead) – In Litigation

United States District Court, Southern District of California, Case No. 3:19-cv-01345-DMS-AGS

Nature of Case: Unfair competition, false advertising, CLRA.

Gruender v. First American Title Company (Lead Associate) – Settled

Orange County Superior Court, Case No. 06CC00197

Nature of Case: Unfair Competition – Overtime, Meal and Rest Breaks

Guy v. Toys R Us, Inc., et al., (Lead Associate) – In Bankruptcy

United States District Court, Southern District of California, Case No.: 16-CV-2224-AJB-JMA

Nature of Case: Unreimbursed business expenses, unpaid vacation time upon termination, unfair competition, PAGA.

Harrington v. Professional Security Consultants (Lead) -Settled

Los Angeles Superior Court, BC538101

Nature of the Case: Failure to Pay Wages Owed, Unfair Competition, PAGA

Hill v. Chicos, Inc., (Lead) - Settled

San Mateo Superior Court, Case No. CIV 522758

Nature of Case: Unfair Competition- Failure to Reimburse Business Expenses

Johnson v. Metlife (Co-Counsel)- Settled

United States District Court, for the Central District of California, Case No. SACV 13-128-JLS (RNBx)

Nature of the Case: Unfair Competition, Unpaid Wages, Overtime, Meal and Rest Breaks

Jones v. Wal-Mart (Co-Counsel)- Settled

United States District Court, Central District of California, Case No. SACV 13-128-JLS (RNBx).

Nature of the Case: Unfair Competition, Failure to Pay Wages Owed, Overtime, and to Itemize Pay Statements

Lizarraga v. CBC Restaurant Corp. (Lead Associate) - Settled

Orange County Superior Court, Case No. 30-2008-00233464

Nature of Case: Unfair Competition- Overtime, Meal and Rest Breaks

Mendoza v. Nordstrom (Lead) - Settled

United States District Court, Central District of California, Case No.: SACV 10-00109-CJC(MLGx)

Nature of Case: Unfair Competition- Working 7 or More Consecutive Days, Split Shifts

Miller v. RP On-Site, LLC, et al. (Lead) – In Litigation

United States District Court, Northern District of California, Case No.5:19-cv-02114-LHK

Nature of Case: Unfair Competition – Background Checks

Miller v. Wellpoint Companies, Inc. (Associate) – Settled

United State District Court, Central District of California, Case No. 09-5666 GW (RCX)

Nature of Case: Payment by way of out-of-state checks.

Minor v. Barnes & Noble, Inc. (Lead Associate) - Settled

Alameda County Superior Court, Case No. RG09450216

Nature of Case: Unfair Competition- PAGA Claim for Paying With Out of State Check

Mitre v. Smart & Final (Lead) - Settled

Santa Clara Superior Court, Case No. 113CV241954

Nature of the Case: Unfair Competition, Failure to Reimburse Business Expenses

Murry v. Kellogg Sales Company (Lead) - Settled

Los Angeles Superior Court, Case No. BC411211

Nature of Case: Unfair Competition- Misclassification, Certified for Unitemized Wage Statements

Owen v. Robinson's May (Lead Associate) – Settled  
Los Angeles County Superior Court, Case No. BC355629  
Nature of the Case: Unfair Competition – Failure to Pay Vacation Accrued

Padilla v. Kraft Foods Global, Inc., (Lead Associate) – Settled  
Orange County Superior Court, 07CC00009  
Nature of Case: Unfair Competition – Overtime, Meal and Rest Breaks

Pearce v. SBC Advanced Solutions, Inc., (Lead Associate) – Settled  
United States District Court, Central District of California Case No. 8:07-cv-00450  
Nature of Case: Unfair Competition – Overtime, Meal and Rest Breaks

Ramirez v. Wells Fargo N.A., (Co-Counsel)-Settled  
Alameda County Superior Court, Case No. RG1046146  
Nature of Case: Unfair Competition- Overtime, Meal and Rest Breaks, Off the Clock

Richie v. Blue Shield (Lead) - Settled  
United States District Court, Northern District of California, Case No. C-13-2693  
Nature of the Case: Failure to Reimburse Business Expenses, Failure to Pay Overtime Compensation, Unfair Competition

Rondone v. Orchard Supply Hardware Stores Corporation (Associate) - Settled  
Santa Clara Superior Court, Case No. 110CV164041  
Nature of Case: Unfair Competition- Failure to Pay Overtime and Meal and Rest Breaks

Rose v. Lincare, Inc., (Co-Counsel) - Settled  
San Francisco Superior Court, Case No. CGC07-465052  
Nature of Case: Unfair Competition- Overtime, Meal and Rest Breaks

Rosenloev v. 24 Hour Fitness (Lead) - Settled  
Orange County Superior Court, Case No. 30-2009-00180140  
Nature of Case: Unfair Competition- Split Shifts, Commission Theft, Failure to pay Missed Meal, Periods, Off the Clock

Santana, et al., v. Rady Children's Hospital-San Diego, (Lead Associate) – Settled  
San Diego Superior Court, Case No. 37-2014-00022411-CU-MT-CTL  
Nature of Case: Unfair Competition – Disclosure of medical information

Schwegmann, et al., v. Hill's Pet Nutrition, et al. (Co-Counsel) – In Litigation  
United States District Court, District of Kansas, Case No. 2:19-cv-02149-JAR-TJJ, MDL 2887  
Nature of Case: Unfair Competition/CLRA – Sale of pet food containing too much or too little vitamin D.

Scott v. Pro's Choice Beauty (Lead Associate) – Settled  
United States District Court, Northern District of California, Case No. 3:2008-cv-04697  
Nature of Case: Unfair Competition – Unpaid time, Unreimbursed Expenses

Sparks v. ADP (Lead Associate) – Settled  
United States District Court, Central District of California, Case No. 2:2007-cv-03203  
Nature of Case: Unfair Competition – Overtime, Meal and Rest Breaks

Stoba v. Saveology, LLC, (Lead Associate) – Settled  
United States District Court, Case No. 13cv2925 BAS (NLS)  
Nature of Case: Unlawful recording

Stowe v. The Pep Boys Manny Moe & Jack of California (Lead) - Settled  
Los Angeles County Superior Court, Case No. BC520550  
Nature of Case: Unfair Competition, Failure to Reimburse Business Expenses

Tan v. Sutter Health, (Co-Counsel) - Settled  
Alameda County Superior Court, Case No. RG12622057  
Nature of the Case: Unfair Business Practices, Failure to Pay Overtime, Provide Meal and Rest Breaks, Itemize Wage Statements, PAGA

Tarango v Ajilon Communications (Lead Associate) - Settled  
Los Angeles Superior Court, Case No. BC423185  
Nature of Case: Unfair Competition- Overtime, Meal and Rest Breaks

Thomas v. Avis Budget- Settled  
United States District Court, Central District of California, Case No. CV 08-7397 AHM (AJWx)  
Nature of Case: Unfair Competition- Overtime, Meal and Rest Breaks

Trujillo v. Party City (Associate) - Settled  
Santa Clara Superior Court, Case No. 109CV149665  
Nature of Case: Unfair Competition- Overtime, Meal and Rest Breaks

Valenzuela v. Affiliated Computer Systems (Lead) - Settled  
Los Angeles Superior Court, Case No. BC431884  
Nature of Case: Unfair Competition- Failure to Pay Wages When Due Through Debit Card

Valles v. International Business Machines Corporation (Lead Associate) - Settled  
United States District Court, Central District of California, Case No. SACV 09-202 AG (MLGx).  
Nature of Case: Unfair Competition- Misclassification

Victorio v. Modis, Inc., et al. (Lead) – Settled  
United States District Court, Northern District of California Case No. 5:19-cv-01713-VKD

Nature of Case: Unfair Competition – FCRA violations.

Viloria v. Stewart Title Company (Co-Counsel) – Settled  
Fresno Superior Court, Case No. 07 CE CG 01735 AMC  
Nature of Case: Unfair Competition- Overtime, Meal and Rest Breaks

Wright v. Home Depot (Co-Counsel) – Settled  
Orange County Superior Court, 20-2008-000548814  
Nature of Case: Unfair Competition – Meal and Rest Breaks

Yanez v. Care 1<sup>st</sup> Health Plan (Lead Associate) – Settled  
Los Angeles Superior Court, Case No. BC470122  
Nature of Case: Unfair Competition – Unlawful disclosure of medical information