

1 Carolyn H. Cottrell (SBN 166977)  
 David C. Leimbach (SBN 265409)  
 2 Michelle S. Lim (SBN 315691)  
 Scott L. Gordon (SBN 319872)  
 3 SCHNEIDER WALLACE  
 COTTRELL KONECKY LLP  
 4 2000 Powell Street, Suite 1400  
 Emeryville, California 94608  
 5 Telephone: (415) 421-7100  
 Facsimile: (415) 421-7105  
 6 ccottrell@schneiderwallace.com  
 dleimbach@schneiderwallace.com  
 7 mlim@schneiderwallace.com  
 sgordon@schneiderwallace.com

8 *[Additional Counsel listed on next page]*

9 Attorneys for Plaintiffs and the Settlement  
10 Classes and Collective

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 HAROLD JONES, et al.,

14 Plaintiffs,

15 vs.

16 CERTIFIEDSAFETY, INC.

17 Defendants.  
18

**Lead Case No. 3:17-cv-02229-EMC**  
 Consolidated with 3:17-cv-03892-EMC (*Crummie*)  
 Related to: 3:18-cv-04379-EMC (*Ross*)  
 3:19-cv-01338-EMC (*Jones II*)  
 3:19-cv-01380-EMC (*Jones III*)  
 3:19-cv-01381-EMC (*Jones IV*)  
 3:19-cv-01427-EMC (*East*)  
 3:19-cv-01428-EMC (*Jones V*)

19 **DECLARATION OF MARCELLOUS ROSS**

20 Date: May 28, 2020  
 21 Time: 1:30 p.m.  
 Courtroom: 5 (17th Floor)  
 22 Judge: Honorable Edward M. Chen

23 *Jones* Complaint filed: April 21, 2017  
24  
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1 Edwin Aiwazian (SBN 232943)  
2 Arby Aiwazian (SBN 269827)  
3 Jill J. Parker (SBN 274230)  
4 LAWYERS FOR JUSTICE, PC  
5 410 West Arden Avenue, Suite 203  
6 Glendale, California 91203  
7 Telephone: (818) 265-1020  
8 Facsimile: (818) 265-1021

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Attorneys for Plaintiffs and the Settlement Classes and Collective

1 I, Marcellous Ross, hereby declare as follows:

2 1. I am the Named Plaintiff in *Ross v. CertifiedSafety, Inc.*, pending in the United  
3 States District Court for the Northern District of California.

4 2. I am over the age of eighteen. The following statements are based on my personal  
5 knowledge. If called on to do so, I could and would testify competently to these statements.

6 3. I submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees and  
7 Costs and for Service Awards in these Actions.

8 4. I was employed by CertifiedSafety from approximately 2002 to 2016. I worked for  
9 CertifiedSafety as a Safety Attendant. In this role, I provided safety support and implemented  
10 safety protocols, including identifying, mitigating, and reporting potential safety hazards at  
11 CertifiedSafety's worksites. I worked for CertifiedSafety at oil refinery sites in California and  
12 Tennessee.

13 5. I worked long hours for CertifiedSafety. However, I was not paid for all of the hours  
14 that I actually worked. For example, I had to go through security checks, traverse the refinery  
15 locations, and put on and take off protective gear in order to do my job, but I was not paid for this  
16 time. I was regularly unable to take compliant meal and rest breaks. Also, I paid out of my own  
17 pocket for a variety of expenditures for my work.

18 6. As a result of these issues, I believed that I experienced wage violations and meal  
19 and rest break violations. I knew that my co-workers had similar experiences.

20 7. I first heard that there was a class action pending against CertifiedSafety on behalf of  
21 Safety Attendants when I received the Notice of Collective Action Lawsuit in the *Jones* action in  
22 late 2017. I wanted to help do something about these issues, so I decided to contact Schneider  
23 Wallace Cottrell Konecky LLP. They are my attorneys in this case.

24 8. I first reached out to Schneider Wallace Cottrell Konecky LLP to discuss my work  
25 experiences with Defendant in April 2018. I have been involved with these Actions ever since.

26 9. Prior to filing the *Ross* case, I had multiple telephonic interviews with my attorneys.  
27 Generally, we discussed my work experiences, the law, and the kinds of claims I could pursue. We  
28 also discussed the risks of a case like this.

1           10. I knew that there was no guarantee that we would be successful in this case, and that  
2 there was a significant chance of protracted litigation. I understood I could potentially be liable for  
3 fees and costs, and that there was a risk that some of the claims could be compelled to arbitration. I  
4 also understood that I could have to spend a significant amount of time in the discovery process.

5           11. Additionally, I realized that my name would be on a class and representative action,  
6 and that this information could be visible to others. I have concerns that employers may look  
7 disfavorably on my involvement in these Actions.

8           12. Nonetheless, I felt strongly that Defendant had unlawful wage and hour policies.  
9 Therefore, I decided to proceed as a representative plaintiff and file a lawsuit. I understood that I  
10 would serve as the Named Plaintiff, the representative of a proposed class of workers, and the  
11 representative employee for claims under the California Labor Code Private Attorneys General Act  
12 (“PAGA”).

13           13. I worked with my attorneys to prepare the initial class and representative action  
14 complaint. I supplied information and documents to my attorneys to assist with the drafting  
15 process. I reviewed a draft of the complaint carefully and provided my attorneys with input. We  
16 filed the *Ross* case on July 18, 2018 in federal court.

17           14. After we filed in the initial complaint in *Ross*, I had continued discussions with my  
18 attorneys concerning the refinery locations where I worked for CertifiedSafety and the dates that I  
19 worked at those locations.

20           15. I estimate that I devoted at least 15 hours to the Actions during the initial interviews  
21 with my attorneys and the complaint-drafting process.

22           16. In late 2018, we discussed the possibility of a mediation in the hope of reaching a  
23 class-wide settlement. We had further discussions ahead of the April 23, 2019 mediation. I cleared  
24 my schedule and made myself available for the second mediation.

25           17. I extensively communicated with my attorneys regarding the results of the mediation  
26 and the essential terms of the Settlement that we reached.

27           18. I estimate that I spent approximately 3 hours on discussions with my attorneys  
28 regarding the second mediation.

1           19.     After the proposed Stipulation of Class, Collective, and Representative Action (the  
2 “Settlement”) was reached, I carefully reviewed the terms. The Settlement is a lengthy document,  
3 and I reviewed it closely. I discussed it with my attorneys. I spent time evaluating the proposed  
4 outcome to assure that it was fair. Based on my own review and my attorneys’ evaluation and  
5 recommendation, I believe the Settlement is fair and reasonable. I signed the Settlement on  
6 November 20, 2019.

7           20.     I estimate that I spent at least 3 hours carefully reviewing the Settlement and  
8 discussing the terms with my attorneys.

9           21.     Throughout this action, I have been in regular communication with my attorneys to  
10 keep apprised of the status of the litigation. I have kept up-to-date on the status at every phase.  
11 Over the past two years, I estimate that I have spent 10 hours on phone calls and emails regarding  
12 status updates with my attorneys.

13           22.     In sum, I worked with my attorneys to prepare the *Ross* complaints; assembled,  
14 discussed, and reviewed documents; participated actively in the mediation process and settlement  
15 decisions; and otherwise remained in constant contact with my attorneys. I have been involved  
16 with this litigation for two years, and during that time I have contributed at least 30 hours of my  
17 own time to the prosecution of these claims.

18           23.     By participating in this case as a Plaintiff, I placed myself at personal risk. For  
19 example, I faced: (a) risk to my reputation in my community as a result of stepping forward  
20 publicly in a class action; (b) risk to my reputation as it concerns my future employment  
21 opportunities; (c) risk that I would be subject to intrusive discovery and time demands in this  
22 litigation; and (d) risk that I would have to pay defense costs if I lost this case.

23           24.     Nevertheless, I chose to face these risks to challenge the way that Defendant treated  
24 its employees.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 22nd day of April, 2020, in Valejo, California.

  
Macellous Ross