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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.
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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*)

DECLARATION OF MICHAEL EAST

19 Date: May 28, 2020

20 Time: 1:30 p.m.

21 Courtroom: 5 (17th Floor)

22 Judge: Honorable Edward M. Chen

23 *Jones* Complaint filed: April 21, 2017
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Attorneys for Plaintiffs and the Settlement Classes and Collective

DECLARATION OF MICHAEL EAST

1 I, Michael East, hereby declare as follows:

2 1. I am the Named Plaintiff in *East v. CertifiedSafety, Inc.*, pending in the United States
3 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 July 2010 to December
9 2016. I worked for CertifiedSafety as a Safety Attendant. In this role, I provided safety support and
10 implemented safety protocols, including identifying, mitigating, and reporting potential safety
11 hazards at CertifiedSafety's worksites. I worked for CertifiedSafety at oil refinery sites in
12 numerous locations across the United States.

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 spoke to Schneider Wallace Cottrell Konecky LLP to discuss my work
25 experiences with Defendant in February 2018. I have been involved with these Actions ever since.

26 9. Prior to filing the *East* 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.

7 12. Nonetheless, I felt strongly that Defendant had unlawful wage and hour policies.
8 Therefore, I decided to proceed as a representative plaintiff and file a lawsuit. I understood that I
9 would serve as the Named Plaintiff and the representative of a proposed class of workers.

10 13. I worked with my attorneys to prepare the initial class and representative action
11 complaint. I supplied information and documents to my attorneys to assist with the drafting
12 process. I reviewed a draft of the complaint carefully and provided my attorneys with input. We
13 filed the *East* case on March 18, 2019 in federal court.

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

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

19 16. I extensively communicated with my attorneys regarding the results of the mediation
20 and the essential terms of the Settlement that we reached.

21 17. I estimate that I spent approximately 3 hours on discussions with my attorneys
22 regarding the mediation.

23 18. After the proposed Stipulation of Class, Collective, and Representative Action (the
24 “Settlement”) was reached, I carefully reviewed the terms. The Settlement is a lengthy document,
25 and I reviewed it closely. I discussed it with my attorneys. I spent time evaluating the proposed
26 outcome to assure that it was fair. Based on my own review and my attorneys’ evaluation and
27 recommendation, I believe the Settlement is fair and reasonable. I signed the Settlement on
28 November 21, 2019.

1 19. I estimate that I spent at least 3 hours carefully reviewing the Settlement and
2 discussing the terms with my attorneys.

3 20. Throughout this action, I have been in regular communication with my attorneys to
4 keep apprised of the status of the litigation. I have kept up-to-date on the status at every phase.
5 Over the past two years, I estimate that I have spent 5 hours on phone calls and emails regarding
6 status updates with my attorneys.

7 21. In sum, I worked with my attorneys to prepare the *East* complaint; assembled,
8 discussed, and reviewed documents; participated actively in the mediation process and settlement
9 decisions; and otherwise remained in constant contact with my attorneys. I have been involved
10 with this litigation for two years, and during that time I have contributed at least 25 hours of my
11 own time to the prosecution of these claims.

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

17 23. Nevertheless, I chose to face these risks to challenge the way that Defendant treated
18 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 Suisun City, California.



Michael East