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11 CHRISTOPHER CORDUCK, ERNEST DIAL,
12 BILLY WAYNE GIBSON and BOBBY G. SMITH

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **OAKLAND DIVISION**

16 RONDA AUSTIN, CHRISTOPHER
17 CORDUCK, ERNEST DIAL, BILLY
18 WAYNE GIBSON, and BOBBY G. SMITH,
19 on behalf of themselves and others similarly
20 situated;

21 Plaintiffs,

22 vs.

23 FOODLINER, INC.,

24 Defendant.

Case No. 4:16-cv-07185-HSG

**DECLARATION OF ERNEST DIAL IN
SUPPORT OF PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS, AND
CLASS REPRESENTATIVE
INCENTIVE PAYMENTS**

Date: January 24, 2019
Time: 2:00 p.m.
Ctrm.: 2, 4th Floor
Judge: Hon. Haywood S. Gilliam, Jr.

DECLARATION OF ERNEST DIAL

I, Ernest Dial, declare:

1. I make this statement based on my personal knowledge. I am prepared and competent to testify to the matters set forth in this declaration.

2. I was employed by Foodliner, Inc. (“Foodliner”) as a truck driver until August 2016.

3. On October 30, 2016, I met with attorneys Hunter Pyle and Chad Saunders to discuss a possible case against Foodliner. I was asked by the lawyers to be a class representative in the case. I understood the duties of a class representative to be to protect the interests of the other truck drivers as if they were my own interests. I agreed to be named in the case as a class representative.

4. I searched for and provided my paystubs and all my other employment-related documents from Foodliner to my lawyers. I also provided information of about the way truck drivers were paid by Foodliner.

5. I have actively been involved in this class action, including gathering documents; speaking with former co-workers about the case; staying up to date about the progress of the case; and helping my lawyers understand the facts of my employment.

6. My name being on the lawsuit negatively affected my ability to work in my chosen industry. Even in my new employment I feel that I have to battle the image of whistleblower due to the public information available about my case.

7. I have exchanged numerous emails with my lawyers as requested and provided access to personal and professional email and text messages.

8. I have had at least 10 phone calls with my lawyers over the course of the past two years to be advised of the progress of the case. Each call lasted approximately 30 minutes.

9. I was actively involved with the settlement negotiations for the case. I attended the mediation in San Francisco, which took approximately 11 hours. I made myself available whenever the lawyers requested it. I carefully reviewed the settlement agreement before signing

1 it. I believe that this settlement is a good result for the class members. I accepted settlement
2 only after much consideration and in the spirit of fairness.

3 10. Ever since the class action notice was mailed out I have made myself available
4 by phone, in person and by email to ensure that class members are aware of the suit and its
5 progress and how to be a part of it.

6 11. Overall I have made a consistent effort throughout the litigation to stay informed
7 on all of the major developments in this case, and to volunteer my ideas and assistance.

8 12. Since the lawsuit was filed, I have made my availability and participation in the
9 lawsuit a top priority in my life.

10 13. I have placed the interests of the class members before my own interests,
11 including taking time off of work to attend the mediation and taking on the risk that I could be
12 responsible for Foodliner's litigation costs if the case was ultimately unsuccessful.

13 14. In total, I believe I have spent approximately 60 hours working on this case.

14 I declare under penalty of perjury under the laws of the State of California and the
15 United States that the foregoing is true and correct, and that this declaration was executed on
16 November 6, 2018, in Waterford, California.

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19 Ernest Dial

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