

1 **WAGNER, JONES, KOPFMAN,**  
 2 **& ARTENIAN LLP**  
 3 Nicholas J.P. Wagner #109455  
 4 Andrew B. Jones #076915  
 5 Daniel M. Kopfman #192191  
 6 Lawrence M. Artenian #103367  
 7 Angela E. Martinez #297169  
 8 Laura E. Brown #306035  
 9 1111 East Herndon Avenue, Ste. 317  
 10 Fresno, California 93720  
 11 Telephone: 559-449-1800  
 12 Facsimile: 559-449-0749

13 Attorneys for Plaintiffs, DANIEL ACOSTA, GREG FRYE, JOSE HERNANDEZ, DENNIS  
 14 EASLEY, ORLANDO CASTILLO

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 DANIEL ACOSTA, GREG FRYE, JOSE  
 18 HERNANDEZ, DENNIS EASLEY, and  
 19 ORLANDO CASTILLO,

Case No.: 15-CV-02128- JCS

CLASS ACTION

20 Plaintiffs,  
 21 vs.

**DECLARATION OF DENNIS EASLEY  
 IN SUPPORT OF ENHANCEMENT  
 AWARDS**

22 FRITO-LAY, INC.; FL  
 23 TRANSPORTATION, INC.; PEPSICO, INC.;  
 24 and DOES 1-100, inclusive,

Date: 5/3/18  
 Time: 11 a.m.  
 Place: F (15<sup>th</sup> Floor)

25 Defendants.

26 I, Dennis Easley, declare:

27 1. I am an individual over the age of eighteen, and have resided in California at all  
 28 times discussed below. I have personal knowledge of the matters stated herein and if called as a  
 witness, could competently testify about the contents of this declaration.

2. I am one of the four named plaintiffs in this action, and prepare this declaration  
 in support of Plaintiffs' Motion for Approval of Attorneys' Fees, Costs, and Enhancement

1 Awards.

2 3. I was hired by defendant as an over-the-road driver on May 30, 1991 and worked  
3 there until January 31, 2014 when my employment terminated. As a named plaintiff in this case,  
4 I have spent a substantial amount of time and energy contributing to the investigation,  
5 prosecution, and settlement of this case over the three years that it has been active.  
6

7 4. In agreeing to serve as a class representative, I took upon myself certain duties  
8 and responsibilities to the class. I agreed to shoulder these responsibilities because I felt, and  
9 continue to feel, very strongly about protecting the rights of absent class members. We are all  
10 employees of the same company, and we all suffered similarly together because of that  
11 employment.  
12

13 5. I chose not to pursue my own individual action because of the fellowship  
14 between myself and the other drivers, and despite the fact that I stood to receive a potentially  
15 greater award than I otherwise might receive in this class action. In sum, throughout this case I  
16 have considered the interests of the class to be as valuable as my own, and have put their  
17 interests above my own by choosing to litigate this case on a class wide basis.  
18

19 6. I understand that my attorneys are asking the court to authorize a monetary  
20 payment in the amount of \$20,000 as just compensation for my contributions to the success of  
21 this action. Given the time, effort, energy, and money that I have spent litigating this case, I  
22 believe the amount requested is reasonable when compared with the average payment amount  
23 that absent class members can expect to receive. It is also reasonable when compared with the  
24 greatest award amounts anticipated under the settlement, which are approximately \$33,300.  
25

26 7. I have also acted in the class's best interest by retaining experience counsel, and  
27 working closely with my attorneys to evaluate the impact that the proposed settlement will have  
28

1 on the class. I understand that the settlement in this case is subject to court approval to ensure it  
2 is in the best interests of the class as a whole.

3 8. Under the terms of the negotiated settlement, I have agreed to execute a general  
4 release of claims. I understand that this general release is more extensive than the one required  
5 to be signed by the absent class members, and will effectively waive any and all potential  
6 claims that I might have against my employer. Conversely, absent class members will only be  
7 required to release those claims that arise out of the facts specifically alleged in the operative  
8 complaint. I am willing and have agreed to execute the general release because I feel it is in the  
9 best interests of the class that I have chosen to represent.  
10

11 9. I have spent a significant amount of time litigating this case by:

12 a. Retaining experienced counsel;

13 b. Engaged in extensive in-person and over-the-phone meetings with  
14 counsel regarding my work history and performance, discussing the defendant's policies and  
15 practices, reviewing my employment and pay records, and responding to written discovery.  
16

17 c. Performing extensive reviews of all documents in my possession related  
18 to my employment with the defendant, and providing those items to counsel and counsel's staff;

19 d. Preparing for and traveling to attend two separate, full-day mediations  
20 from my home in Oakdale to San Francisco, all at my own expense;

21 e. Facilitating the settlement process by reviewing the proposed terms,  
22 discussing them with the other class representatives, and providing valuable feedback to counsel  
23 regarding revisions that were needed to ensure the proposed settlement served the best interests  
24 of the entire class; and  
25

26 f. Coordinating meetings and discussions between counsel and other  
27  
28

