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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

JON WOOD, *et al.*

Plaintiff,

vs.

2018HMO LLC DBA HIKEI MODERN
CANNABIS, *et al.*

Defendant.

Case No. 37-2021-00053035-CU-OE-CTL

*Hon. Carolyn Caietti
Dept. 70*

CLASS ACTION

**Declaration of Class Representative,
Jon Wood, in Support of Motion for
Final Approval of Class and Collective
Action Settlement**

Final Approval Hearing
Date: April 14, 2023
Time: 10:30 AM

1 I, Jon Wood, declare as follows:

2 1. I am over 18 years of age and am the named plaintiff in this lawsuit. I am familiar
3 with and have personal knowledge of the facts set forth in this declaration.

4 2. I submit this declaration in support of the Motion for Final Approval of Class
5 and Collective Action Settlement filed in my case. If called as a witness, I would competently
6 testify honestly to the below facts based on my personal knowledge.

7 3. From March 2020 through October 2021, I was employed by Defendants 2018
8 HMO LLC and/or 2018HMPF LLC (together referred to as “Hikei”) as an hourly non-exempt
9 delivery driver.

10 4. During my employment, I became familiar with Hikei’s employment practices,
11 which led me to identify issues with my timekeeping and meal breaks that I alleged in the
12 complaints filed by my lawyers with the Court.

13 5. Following my employment with Hikei, I searched for an employment lawyer to
14 take legal action on behalf of myself and my coworkers.

15 6. My intent was to find a lawyer to correct some of the payment and timekeeping
16 practices occurring at Hikei.

17 7. I came across Ferraro Vega Employment Lawyers. Nicholas Ferraro and his law
18 firm agreed to take my case and move forward on a class action basis. Rick Waltman of Rick
19 Waltman Law, APC later signed on as co-counsel with Ferraro Vega Employment Lawyers.

20 8. Since November 2021, I have spoken at length with my attorneys, provided
21 documents and records in my possession, signed authorizations so that my attorneys could
22 request additional employment and payroll records, and provided my attorneys with contacts
23 and witnesses to speak to.

24 9. Before we filed the case, my lawyers conducted significant investigation—
25 reviewing my employment and payroll records and going over in detail specific examples of
26 wrongful conduct I alleged in the complaints. They conducted legal research and further
27 investigation on whether some types of pay also needed to be included in the overtime rate.
28

1 10. I filed this lawsuit as a class and collective action in December 2021. I filed a
2 First Amended Complaint in February 2022 in the same court.

3 11. During the lawsuit, my attorneys asked me about different policies and records
4 maintained by Hikei, reimbursement of business expenses, and the basis for how bonuses, meal
5 and rest period premiums and other amounts were earned and paid.

6 12. We exchanged numerous emails and text messages and had many telephone calls
7 and conferences.

8 13. I enjoyed working with my legal counsel and am satisfied that we were able to
9 come to a resolution.

10 14. My lawyers advised me when I filed this case that it could take a long time and
11 that I could recover my own wages quicker by bringing and settling my own case for wages,
12 but I elected to go with the class action option because it allowed for relief, recovery, and
13 change to policies and practices in a way that an individual lawsuit alone probably could not
14 have accomplished. I also aimed to obtain damages for my former co-workers.

15 15. I think that the total settlement of \$350,000, where individuals are going to
16 passively receive thousands of dollars each, is significant. It is something I am proud of. I am
17 aware that no other employees have taken action to bring this case and that this case was the
18 catalyst for recovery to class members.

19 16. Although I am proud to have my name on this lawsuit for the benefit of my
20 coworkers, this lawsuit has caused difficulty and stress in my personal and professional life.

21 17. For example, after leaving Hikei I was applying for new employment. The
22 public nature of this lawsuit—and potential employers’ potential misconception of the
23 lawsuit—caused me concern with how it might affect my employment prospects.

24 18. When I decided to file this lawsuit, I was aware that this action is public record.
25 I understood that the lawsuit could continue for several years and would require my
26 participation, attention, and determination the entire time. I was made aware that I could
27 become responsible for some or all of my former employer’s legal costs if the case did not
28 conclude successfully (though my lawyers advised me this risk was ultimately low because I

1 was bringing the claims based on strong facts and in good faith). Despite these risks, I decided
2 to serve as a proposed class representative and the sole named plaintiff.

3 19. To date, my attorneys inform me that no other current or former employee has
4 filed a PAGA or class action complaint against Hikei. This validates my decision to file the
5 case for myself and others.

6 20. Even though my lawyers tell me I likely could have received a quicker settlement
7 on an individual basis, possibly even a higher one, this would have not been fair to my
8 coworkers. After almost a year and a half of litigation, I feel good about seeing the case through
9 and bringing it to a final close.

10 21. I spent many hours working on this case before and after it was filed. I provided
11 my attorneys with information related to Hikei's policies and practices, gathered documents
12 related to my case, and reviewed the documents provided by Hikei in discovery and in advance
13 of mediation. I provided information that would have been used in my discovery responses. I
14 reviewed information and documents produced by Hikei, helped with my declaration in support
15 of this action, and frequently communicated with my attorneys by telephone, text message and
16 email to provide insight and perspective on this case.

17 22. I spoke with my attorneys and provided questions to be asked of Hikei for
18 documents and information related to this case. I made myself available for the mediation, and
19 throughout this lawsuit, and I regularly contacted my lawyers for updates and to answer their
20 questions. My attorneys told me that my unique insight resulting from my employment and
21 involvement in the investigation helped get the case settled.


22 23. I understand that I may be entitled to an additional payment for acting as a class
23 representative, and that this payment is subject to Court approval. Considering the time I
24 devoted to this case, the concerns I address above, the risks, and the results achieved through
25 the settlement, I believe that the requested service payment of \$12,500 is reasonable.

26 24. It is hard to determine exactly how much time I spent on this case. Some weeks
27 required much more time than others, such as during the pre-lawsuit investigation and discovery,
28 and the lead up to the mediation. I spent a considerable amount of time working on my case,

1 typically nights and weekends, and I spent even more time thinking about this case. I am glad it
2 has come to a successful conclusion.

3 I declare under penalty of perjury under the laws of the State of California and the United
4 States of America that the foregoing is true and correct.

5
6 Dated: Mar 16, 2023


Jon Wood (Mar 16, 2023 09:47 PDT)

Jon Wood







Motion for Final Approval - Class Rep Dec

Final Audit Report

2023-03-16

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