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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN FRANCISCO**

13 COORDINATION PROCEEDING SPECIAL
14 TITLE [RULE 3.550]

CASE NO. CJC-20-005068

CASE NO. CGC-18-567868

15 POSTMATES CLASSIFICATION CASES

16 **DECLARATION OF DAMONE BROWN**
17 **IN SUPPORT OF PLAINTIFFS'**
18 **MOTION FOR FINAL APPROVAL OF**
19 **CLASS ACTION SETTLEMENT**

20 Included Actions:

21 Winns v. Postmates, Inc., No. CGC-17-562282
22 (San Francisco Superior Court)

Date: November 3, 2021

Time: 2:00 p.m.

Judge: Hon. Suzanne R. Bolanos

23 Rimler v. Postmates, Inc., No. CGC-18-567868
24 (San Francisco Superior Court.)

25 Brown v. Postmates, Inc., No. BC712974
26 (Los Angeles Superior Court)

27 Santana v. Postmates, Inc., No. BC720151
28 (Los Angeles Superior Court)

Vincent v. Postmates, Inc., No. RG19018205
(Alameda County Superior Court)

Altounian v. Postmates, Inc., No. CGC-20-
584366 (San Francisco Superior Court)

DECLARATION OF DAMONE BROWN

I, Damone Brown, declare, as follows:

1. I am the named Private Attorneys General Act (“PAGA”) representative in the action entitled *Brown v. Postmates, Inc.*, Los Angeles Superior Court Case Number BC 712974 and *Brown v. Postmates, Inc.*, California Court of Appeals, 2d Appellate District Case No. B296427. I have personal knowledge of the facts stated in this declaration and, if called to testify, I could truthfully attest to the matters contained herein.

2. I have worked for Defendant Postmates, Inc. (“Defendant”) as a driver in Los Angeles, California for approximately 4.5 years. As a driver I would receive a fee from Defendant for each delivery completed and, on occasion, received tips from customers in addition to the delivery fees. I was not paid an hourly wage by Defendant.

3. I brought this action on behalf of myself, other similarly situated individuals who worked for Defendant in the same capacity in which I worked for Defendant, and on behalf of the State of California.

4. During my employment with Defendant, I was consistently misclassified as an independent contractor, exempt from California’s labor laws. As a result of being misclassified by Defendant as an independent contractor I was not compensated for all hours worked making deliveries. As a driver, I was required to use my own personal vehicle to make deliveries for Defendant. I was also required to use my personal mobile phone to access Defendant’s mobile app to receive delivery requests. I had to pay for all expenses related to the use of my mobile phone and to the use of my personal vehicle, including but not limited to insurance, maintenance, parking and gasoline. In addition, I believe that I was not provided with adequate meal periods and not provided all rest periods. As a result, I sought advice from the attorneys at Moss Bollinger LLP regarding my potential claims against Defendant.

5. In conversations with my attorneys, Jeremy Bollinger, Dennis Moss, and Ari Moss of Moss Bollinger, LLP, I learned that I not only had claims for unpaid wages, non-reimbursement of business expenditures, and meal and rest break violations, but I also had additional claims for inaccurate wage statements, untimely payment of final wages, related penalties and interest.

1 6. I engaged Moss Bollinger, LLP to represent me as a PAGA representative in the
2 matters referenced above.

3 7. I understand that I have retained counsel with skill and experience handling wage
4 and hour class actions, including representative PAGA actions like this one.

5 8. Since becoming a PAGA representative, I have communicated with my attorneys
6 about the lawsuit and the progress of this case on a regular basis. Either I called to check in on the
7 case or my attorneys contacted me at least once a month. I had numerous conversations with my
8 attorneys about this case, helped them evaluate the claims, and helped them to understand the
9 nature of Defendant’s business and employment practices as they relate to the misclassification of
10 individuals like me, the reimbursement policies, the meal and rest break policies and the daily
11 work that I and other similarly situated employees performed. I also assisted my attorneys with
12 their investigation of the case by, among other things, providing them documents that were
13 relevant to my work for Defendant (including downloading and copying all records maintained on
14 my mobile phone through Defendant’s App), explaining Defendant’s practices, and connecting
15 them with other individuals like me.

16 9. I have been apprised of the settlement in coordinated proceedings in the California
17 Superior Court in and for the County of San Francisco, case number CJC20-005068. I believe that
18 the settlement is a fair compromise for the PAGA aggrieved employees. I have been apprised of
19 the risks going forward, that we could lose the case, or that we could win but Defendant would not
20 be able to pay a judgment, or that the case would be unduly delayed by the further appeal process.
21 Based on these risks, the settlement, in my opinion, is reasonable and fair.

22 10. I understand that as part of this settlement, in addition to releasing the claims I
23 alleged in my PAGA action complaint, I have agreed to dismiss *Brown v. Postmates, Inc.*, that is
24 currently pending against Defendant. I am aware that the pendency of this appeal enhanced the
25 value of this settlement.

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I swear under penalty of perjury under the laws of the State of California that the foregoing is true and correct, this October 12, 2021, at Los Angeles, California.

DocuSigned by:

86B7DC177A9410
Damone Brown