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9 Attorneys for Plaintiff Fred Tollini,
10 on behalf of himself and all others similarly situated

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 FRED TOLLINI, an individual, on behalf of
14 himself and others similarly situated,

15 Plaintiff,

16 vs.

17 CGI FEDERAL INC., a Delaware
Corporation; CGI TECHNOLOGIES AND
18 SOLUTIONS INC., a Delaware Corporation
and DOES 1 through 50, inclusive,

19 Defendants.
20

Case No.: 18-cv-03275-MMC

*[Assigned for all purposes to the Honorable
Maxine M. Chesney]*

CLASS ACTION

**DECLARATION OF FRED TOLLINI IN
SUPPORT OF PLAINTIFF'S UNOPPOSED
MOTION FOR AWARD OF ATTORNEYS'
FEES AND COSTS AND CLASS
REPRESENTATIVE ENHANCEMENT AT
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

*[Filed concurrently with Notice of Motion and
Motion; Memorandum in Support; Supporting
Declarations of David Yeremian and Lluvia Islas;
and [Proposed] Order]*

Date: September 4, 2020

Time: 9:00 a.m.

Courtroom.: 7

Complaint Filed: April 30, 2018

FAC Filed: July 23, 2018

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DECLARATION OF FRED TOLLINI

I, Fred Tollini, declare as follows:

1. I am over the age of eighteen and submit this Declaration in support of the concurrently provided Motion for Approval of the Award of Attorneys’ Fees and Costs and Class Representative Enhancement (“Motion”). This motion precedes a motion my counsel will be filing for final approval of the Stipulation of Settlement of Class Action and Release of Claims (“Settlement” or “Settlement Agreement”), which the Court has preliminarily approved between myself and others similarly situated and Defendant CGI FEDERAL INC., a Delaware Corporation (“Defendant” .

2. All matters contained herein are within my personal knowledge and belief, and, if called and sworn, I can and will testify competently thereto. I was not promised any benefit nor induced to provide this Declaration in any way, but am submitting it in support of our request that I be awarded a Class Representative Enhancement under the Settlement.

3. I have been preliminarily approved by the Court as the Class Representative in the above captioned action. I was employed by CGI FEDERAL INC. as a document specialist with CGI FEDERAL INC. since approximately September 2015 until August 4, 2017.

4. I have been informed and understand that courts may award class plaintiffs money for serving as the class representative, but I am not entitled to such money as a matter of right, and that I have not been promised or guaranteed money for being the class representative. I understand we are filing the present Motion seeking final approval from the Court of an award of my requested Class Representative Enhancement, or “Service Award,” of \$5,000.00, which would be in addition to my individual settlement payment as a Class Member, as set forth in the Settlement.

5. I also understand that I am serving as the representative plaintiff on behalf of other similarly situated aggrieved employees in California in connection with our claim for penalties under the Private Attorneys General Act (“PAGA”).

6. I have reviewed the Settlement Agreement we have negotiated with Defendant in this action on behalf of the Class Members. I agreed to the terms because I believe the Settlement

1 Agreement is fair and reasonable. I understand the Court has granted preliminary approval of the
2 Settlement, and we are in the Settlement Administration and final approval process.

3 7. Before and after filing the Complaint initiating this action, I have had numerous
4 conversations and exchanged correspondence with the attorneys of David Yeremian & Associates,
5 Inc., including David Yeremian and Roman Shkodnik (“Class Counsel”), and their staff about my
6 experience at CGI FEDERAL INC. and my understanding of how I and others were paid and the
7 type of work we would do and that I did not think we were being paid for it. It was and is my
8 belief that other employees through their employment with CGI FEDERAL INC. were subject to
9 the same policies and practices as me. I also had conversations about breaks and lunches. After
10 speaking with Class Counsel, I learned how a class action and representative action lawsuit could
11 remedy the situation for me and other similarly situated employees of Defendant in California. I
12 was happy to be able to bring a lawsuit as a class representative to try and obtain the unpaid wages
13 and other compensation for myself, but also for my fellow employees like me who had not been
14 paid for all their hours worked and had not received all required breaks.

15 8. From the beginning of my involvement in this case, my attorneys informed me
16 about what it meant to be a class representative. I understood that I was expected to represent and
17 even champion the other employees’ interests, placing their interests ahead of my own, and that
18 my claims and damages had to be similar to theirs.

19 9. I agreed to try and become a class representative because it was important to me
20 that my fellow employees get paid for all the hours they worked and were under Defendant’s
21 control, and not just myself. My attorneys have explained to me in great detail the risks,
22 responsibilities, and duties of being a class representative. As a class representative, I understood
23 it was my responsibility to actively participate in the lawsuit to safeguard the interests of other
24 employees, and to ensure that my interests were not in conflict with those of the other employees.
25 I did so to the best of my ability. I do not believe that I have any interests that are adverse to those
26 of the employees, and have placed and will continue to place the interests of the Class above my
27 own.

28

1 10. I was glad to serve as a Named Plaintiff and Class Representative of my fellow
2 similarly situated employees, but this case has required a major time commitment from me, and
3 has demanded my attention and focus. I have spent a substantial amount of time and energy
4 contributing to the investigation, prosecution, and settlement of this case. I estimate that I have
5 spent numerous hours, including on the following tasks:

- 6 a. Speaking with Class Counsel about getting involved in and filing this case;
- 7 b. Being regularly interviewed in detail by Class Counsel regarding the working
8 conditions at CGI FEDERAL INC., and particularly the nature and extent of my
9 experiences and the policies and practices that applied to my employment and the
10 employment of the other similarly situated employees;
- 11 c. Searching for and gathering all relevant documents in my possession and providing
12 them to my attorneys;
- 13 d. Speaking with my attorneys about potential witnesses and employees;
- 14 e. Preparing for and participating in my deposition;
- 15 f. Regularly receiving and responding to correspondence and phone calls from my
16 attorneys, including during mediation and during the mediation brief drafting
17 process, regarding the claims and defenses; and
- 18 g. Conducting numerous conferences with my attorneys regarding the mediation,
19 Settlement Agreements and finalizing them, and regarding the settlement
20 administration proceedings and approval process.

21 11. Throughout this case, I have frequently spoken with my attorneys, who often had
22 questions for me about CGI FEDERAL INC. and my work experiences during their investigation
23 of the case. They also asked me to review documents related to the case, including the Settlement
24 Agreement and many of the pleadings we filed. I made sure to promptly respond to their requests.

25 12. I have chosen to represent those who may be afraid to speak up because of fear of
26 being fired or retaliated against. I have remained in contact with my attorneys regarding the
27 litigation, and anticipate that I will continue to be contacted by class members regarding the status
28 of the settlement, including questions regarding the issuance of Settlement payments.

1 13. I understood that filing the case as a class action may subject me to the stigma that
2 is sometimes associated with those who bring these kinds of lawsuits. I was aware that being a
3 class representative in this case could well end up compromising my future employment
4 opportunities. I was nervous about the negative consequences that could result from my decision
5 to be class representative.


6 14. I took a huge risk by coming forward to help with this class action. If I had lost the
7 case and been ordered to pay Defendant’s litigation costs, it would have been financially
8 devastating to me. I therefore reviewed the settlement agreement closely with Class Counsel in
9 order to understand the benefits and risks and the changes we were making to them, and each time
10 I ultimately determined the Settlement was fair and reasonable.

11 15. I understand that I may be entitled to the payment of a Service Award, which we
12 have requested for my role as a class representative and my work related to the case. I further
13 understand that this additional payment is not guaranteed and is subject to Court approval. My
14 opinion about the fairness and adequacy of the settlement in the case is not based on this potential
15 payment. I also believe this amount is fair and justified because it is in consideration for me
16 agreeing to provide a full general release, which is much broader than the limited release for all
17 Class Members. I was willing to agree to my broader release because it helped the parties agree to
18 the Settlement, which I believe is an excellent result for the Class I have committed to represent.

19 16. For the reasons stated above, I believe I am entitled to an additional payment of
20 **\$5,000.00** in this case and respectfully request that the Court award it. I believe this amount is fair
21 and justified because of my involvement in and assistance with this litigation, and the risks I took
22 by agreeing to be a class representative.

23 I declare under penalty of perjury under the laws of the State of California and of the
24 United States that the foregoing is true and correct.

25 Executed June 18, 2020 at Windsor, California.

26 
27 _____
28 Fred Tollini