

Electronically FILED by Superior Court of California, County of Los Angeles on 10/14/2022 04:32 PM Sherri R. Carter, Executive Officer/Clerk of Court, by K. Martinez, Deputy Clerk

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6 Attorneys for Plaintiff DAVE VACCARO
 on behalf of himself and all others similarly situated,
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 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 COUNTY OF LOS ANGELES

11 DAVE VACCARO, individually and on
 behalf of all others similarly situated,

Case No. 20STCV28871

12 Plaintiff,

CLASS ACTION

13 vs.

DECLARATION OF DAVE VACCARO

14 DELTA DRUGS, II, INC. and DOES 1
 15 through 10, inclusive,

DATE: October 25, 2022
 TIME: 9:00 a.m.
 DEPT. 6

16 Defendant.
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DECLARATION OF DAVE VACCACRO

I Dave Vaccaro, declare:

1. I am the named plaintiff in this action. I have personal knowledge of the following facts and, if called upon as a witness, could and would competently testify thereto, except as to those matters which are explicitly set forth as based upon my information and belief and, as to such matters, I am informed and believe they are true and correct.
2. I am writing this declaration in support of Plaintiff’s Motion for Final Approval and Motion for Attorney’s Fees, Costs and Incentive Award in the above-captioned action.
3. In my declaration in support of Plaintiff’s Motion for Preliminary Approval, I explained why I believe that this settlement is a fair and reasonable result for the Class. Between then and now my attorneys have informed me that there were zero objections and zero outs to the Settlement. I find that this is a favorable result for the class in that most of the members of the Class were provided a clear and concise understanding of the terms of the Settlement Agreement and their rights and to have voluntary choice whether or not to enter into the Agreement.
4. I believe that it is very telling that the Settlement Agreement is fair and reasonable in that all but nine of the Class Members decided to be a part of the agreement after being fully informed of its terms.
5. Yet, what really convinced me that the Class Members believed that the Settlement Agreement was fair and reasonable, as I did, was that even after the members of the Class were fully informed of their right to object to the Settlement Agreement, zero objections were filed.
6. The adequate notice and positive response of the Class reinforces my position during preliminary approval that this Settlement Agreement is one that is fair and reasonable to the Class and that I have acted as an adequate representative.
7. After being informed by my attorneys of my responsibilities as a class representative, I believe that I put the interests of the class members before my own and will continue to do so. Throughout this case, I believe that I served as an adequate class representative.

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8. I knew that by filing the class action complaint, I might have an obligation for some or all of Defendant’s legal costs if the case was not successfully litigated. Even knowing the pitfalls, I was not scared to stand up for what I believe is right, however, I was concerned about the possibility of losing and having a judgment filed against me for costs if we lost the case.

9. During the pendency of litigation, I stayed in touch with my attorneys, by phone and email on a regular basis, and was fully aware of all significant developments in the case as I took the duty and privilege of acting as a Class Representative in this case very seriously. Throughout the life of this case, I have had about a dozen calls with my attorneys and have exchanged several dozen emails as well. I worked with my attorneys throughout the case, assisting in drafting the complaint by providing information and documentation to support the claims. I also regularly discussed the case with my attorneys when they had questions, and also participated in the settlement, by speaking with my attorneys about the status of settlement discussions. I was therefore very much involved in the settlement process, consulting with my attorneys on the facts and terms relevant to the settlement, and reviewing and signing the settlement documents once we reached a deal.

10. For the past twenty-six (26) months, I was intimately involved with the class action lawsuit performing the duties discussed above. While I didn’t keep accurate time records, I was in regular contact with my attorneys regarding the status of the case and ways in which I could help move the case towards settlement. I expended considerable time on the issues presented during the litigation and in the settlement process and took a substantial risk that was not taken by other members of the Class.

11. I have reviewed the Honorable Court’s Preliminary Approval Order, and respectfully request to be compensated \$10,000 as an incentive award for my work representing the class.

12. I have agreed to a class settlement in this case with Defendant. I have reviewed the Complaint, the Settlement Agreement, and other related materials, and have discussed their contents with my attorneys.

13. I believe that the settlement achieved is a fair result for the Class, and is fair and reasonable, considering the potential risks of going forward with litigation, especially in light of some of the defenses that Defendant has raised with regards to its defenses to certifying the case as a

1 class action.. While I disagree with these defenses, I recognize that the Court or a Jury may
2 find them compelling. In determining that this Settlement is fair and reasonable, I considered
3 these defenses, and listened to the advice of my counsel, in giving them due weight.

4 14. The settlement achieved was for a total sum of \$300,000. In light of the serious risks of going
5 forward with this case, the chance that we did not win on class certification, the likelihood of
6 appeals, the potential for lengthy delay, and the ultimate uncertainty of recovery through
7 litigation, I believe the settlement is fair and reasonable and represents a fair result for Class
8 Members.

9 15. I understand that by settling this case, both Parties were able to avoid costly and time
10 consuming additional litigation and trial. I understand that there are approximately 8,607
11 Class Members who will receive benefits from this Settlement.

12 16. To my knowledge, I have no interest that is not in line with the class members. My goal in
13 bringing this case was to ensure that Defendant was made aware of the requirements under
14 the law, and that I could achieve a fair result for the Class Members who I believed were
15 affected by the policies and practices that affected me. I believe that both of these goals have
16 been achieved by this settlement, and I am proud to have been a part of it.

17 I respectfully request the Court approve the Motion for Final Approval and Motion for Attorneys'
18 Fees, Costs and Incentive Award

19 I declare under penalty of perjury under the laws of California and the United States that the
20 foregoing is true and correct, and that this declaration was executed on October ____, 2022.

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DocuSigned by:



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Dave Vaccaro

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