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ELECTRONICALLY FILED

Superior Court of California,
County of San Diego

10/21/2020 at 11:47:00 PM

Clerk of the Superior Court
By Gen Dieu, Deputy Clerk

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF SAN DIEGO**

13 JEFFREY GARVIN, an individual, on behalf of
14 himself and all others similarly situated,

15 Plaintiff,

16 vs.

17 SAN DIEGO UNIFIED PORT DISTRICT; and
18 DOES 1-100 inclusive,

19 Defendants.

Case No. 37-2020-00015054-CU-MC-CTL

CLASS ACTION

**DECLARATION OF JEFFREY GARVIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, AWARD OF
ATTORNEYS FEES AND COSTS, AND
APPROVAL OF CLASS
REPRESENTATIVE SERVICE AWARD**

Date: November 13, 2020

Time: 1:30 PM

Department: C-69

Judge: Katherine A. Bacal

Complaint Filed: May 26, 2020

DECLARATION OF JEFFREY GARVIN

I, JEFFREY GARVIN, declare:

1. I am over the age of 18 years and I am competent to make this Declaration. I have personal knowledge of the facts as stated in this Declaration, and if called as a witness, I could and would competently testify thereto, except as to those matters stated upon information and belief, and as to those matters, I believe them to be true.

2. I am the named Plaintiff in this action. I submit this declaration in support of Plaintiff's Motion for Final Approval of Class Action Settlement, Award of Attorneys' Fees and Costs and Approval of Class Representative Service Award.

3. I am a resident of Albuquerque, New Mexico. I travel to San Diego several times a year by plane. On the occasions that I visit San Diego, I rent a vehicle from one of the several rental car companies at the San Diego Airport and its adjacent Rental Car Center.

4. In reviewing my receipts, I noticed that I was charged and paid an extra \$3.50 fee for each rental. I did not understand what that fee was for.

5. After hearing about the *Enterprise Rent-A-Car Co. of Los Angeles, LLC et al. v. San Diego Unified Port District* case, I did considerable research to determine if and how a decision in that case might affect me as a frequent renter. I read and analyzed the complaint and answer in that case. When the case was decided, I read the tentative decision thoroughly, and contemplated the ramifications of the decision for myself and others similarly situated.

6. I sought out an attorney to determine whether a class action would be viable. I was referred to Helen Zeldes at Schonbrun Seplow Harris Hoffman & Zeldes, LLP.

7. I reached out to Ms. Zeldes about the possibility of bringing a class action on behalf of all renters who were charged the fee. We discussed what bringing a class action entailed and what my duties and responsibilities as a class representative would be.

8. After my discussions with Ms. Zeldes relative to the potential responsibilities and potential burdens of bringing a class action and being the lead plaintiff, before agreeing to do so, I did extensive research, since I am not an attorney, about what class actions entail, their characteristics, and the length of time that I would need to commit in order to properly assert my position. I thoroughly

1 considered what might be involved in representing the class, the responsibilities involved, and the time
2 commitment necessary to represent the class. I decided I want to step forward and represent the class.

3 9. I agreed to be a class representative, understanding that I am putting my name out there
4 in public as the named plaintiff in the case. I accepted the potential risk explained to me by Ms. Zeldes
5 of having a judgment entered against me for Defendant's costs and perhaps even attorneys' fees if we
6 were not successful in the lawsuit.

7 10. As Class Representative, I understood that I represented the interests of all members of
8 the Class in this litigation. I considered the interests of the Class just as I would consider my own, and
9 I recognize and accept that resolution of this lawsuit by the settlement is subject to approval of this
10 Court and believe such settlement will be in the best interests of the Class as a whole.

11 11. During this entire process, I have always had the best interests of the class in mind and
12 worked hard on their behalf.

13 12. I reached out and consulted with Ms. Zeldes on numerous occasions and gathered all
14 the facts and documents that she asked from me.

15 13. I reviewed the Complaint before it was filed and provided my approval to its filing.

16 14. Throughout the settlement negotiations, I made myself available and Ms. Zeldes
17 consulted me about the terms of the settlement. I agreed to the settlement currently pending before the
18 Court as I believe it is in the best interests of the Class. I was available by phone and answered any
19 questions my attorneys had for me. Having been fully informed by my counsel of the strengths and risk
20 associated with further litigation as well as Defendant's potential exposure, I gave my consent to settle
21 with Defendant, which settlement I find to be fair and reasonable given the circumstances.

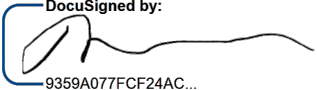
22 15. After the case settled, my attorneys provided me with a copy of the settlement
23 agreement, which I completely and carefully reviewed. Prior to signing the settlement agreement, I
24 asked some questions and then signed the settlement agreement and gave it to my attorneys.

25 16. From the beginning of the case, I understood I was participating in this case not just for
26 my own benefit, but for the benefit of the class. I understood that the lawsuit could continue for several
27 years and require my services and attention the entire length of the lawsuit. In light of these risks and
28 duties associated with being a class representative, I believe that the \$5,000 service award is reasonable.

1 17. I understand that the service award is not guaranteed and is subject to Court approval.
2 My opinion about the fairness and adequacy of the settlement is not based on this potential payment.

3
4 I declare under penalty of perjury that the foregoing is true and correct.

5
6 Executed this 20th day of October 2020, at Albuquerque, New Mexico.

7
8 DocuSigned by:
9359A077FCF24AC...

9
10 _____
11 JEFFREY GARVIN