

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CLARKSON LAW FIRM, P.C.**  
Ryan J. Clarkson (SBN 257074)  
rclarkson@clarksonlawfirm.com  
Shireen M. Clarkson (SBN 237882)  
sclarkson@clarksonlawfirm.com  
Bahar Sodaify (SBN 289730)  
bsodaify@clarksonlawfirm.com  
9255 Sunset Blvd., Ste. 804  
Los Angeles, CA 90069  
Tel: (213) 788-4050  
Fax: (213) 788-4070

*Attorneys for Plaintiff Thomas Iglesias*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THOMAS IGLESIAS, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

FERRARA CANDY CO., and DOES 1  
through 10, inclusive,

Defendants.

) Case No. 3:17-cv-00849-VC

) [CLASS ACTION]

) **DECLARATION OF THOMAS**  
) **IGLESIAS**

) Hon. Vince Chhabria

) Action Filed: February 21, 2017

) Hearing Date: October 25, 2018

) Hearing Time: 10:00 AM

) Hearing Location: Courtroom 4

**DECLARATION OF THOMAS IGLESIAS**

I, Thomas Iglesias, declare as follows:

1. I am a resident of San Francisco, California where I live with my wife and two of my children (my 21-year-old son) no longer lives in the family home. I am employed by the San Francisco Parks & Rec Department where I've worked for the past 20 years. Prior to that, I served for four years in the United States Marine Corps. I graduated from Riordan High School in San Francisco, California, and then attended San Francisco State for two years before entering the military.

2. I am the named plaintiff in the lawsuit entitled *Iglesias v. Ferrara Candy Co., et al*, Case No. 3:17-cv-00849-VC, currently pending in the United States District Court for the Northern District of California. I make this declaration in support of Plaintiff's motion for attorneys' fees, expenses, and service award. The statements made in this declaration are based on my personal knowledge and, where specifically indicated, the investigation of my attorneys, and, if called as a witness, I could and would testify thereto.

3. In 2016, I purchased an opaque, theater box of Jujufruits at a movie theater on Van Ness Street in San Francisco, California. In making the purchase, I relied upon among other things the size of the box. When I opened the box, it was only about half full. I felt deceived.

4. Shortly thereafter, I contacted Clarkson Law Firm about a possible false advertising case against Ferrara Candy Co. ("Ferrara"). I assisted with my lawyers' investigation by describing the events surrounding my purchase of the product.

5. In February 2017, my attorneys filed this lawsuit on my behalf. I sought to represent all purchasers of theater box candy products manufactured by Ferrara for violations of California's consumer protections laws and packaging laws. I reviewed the draft lawsuit with my lawyers and provided feedback before it was finalized and I approved it for filing.

6. In May 2017, my attorneys amended the lawsuit to address what Ferrara's attorneys characterized as pleading defects. I reviewed the draft amended lawsuit with my lawyers and provided feedback regarding the proposed changes before it was filed.

///

1           7.       In June 2017, my attorneys informed me that Ferrara filed a motion to dismiss the  
2 amended lawsuit based on alleged pleading defects and that my attorneys would be opposing the  
3 motion.

4           8.       In July 2017, my attorneys informed me that the court had denied Ferrara's  
5 motion to dismiss the first amended complaint.

6           9.       In August 2017, I spoke with my attorneys regarding possibly resolving the  
7 lawsuit and was thereafter advised that the court had set mediation for October 10, 2017.

8           10.      In September 2017, my attorneys updated me regarding the status of the case,  
9 including, issues with Ferrara's discovery production and my attorneys' meet and confer efforts.  
10 My attorneys also provided me with a draft of the mediation brief. I reviewed the brief with my  
11 attorneys and provided feedback before it was submitted.

12          11.      In October 2017, my attorneys contacted me regarding requests for documents and  
13 a deposition notice for my deposition served by Ferrara. I reviewed the document requests with  
14 my lawyers and searched for the requested documents. I did not locate any of the requested  
15 documents and advised my attorneys accordingly. I also informed my attorneys that I was  
16 unavailable on the noticed deposition date and requested it to be rescheduled, which they were  
17 able to do.

18          12.      Also, in October 2017, my attorneys contacted me regarding the upcoming  
19 mediation and I advised them of my goals and ideas for potential resolution. My attorneys  
20 updated me during the mediation regarding Ferrara's position.

21          13.      My attorneys and Ferrara amended the briefing schedule for class certification to  
22 ensure that my attorneys had sufficient time to prepare a robust class certification motion. My  
23 attorneys informed me about retaining experts in packaging engineering, survey design and  
24 damages, and marketing to prepare reports in support of the class certification motion.

25          14.      In early November 2017, I reviewed the finalized response to Ferrara's request for  
26 production of documents which I had previously discussed with my attorneys and verified for  
27 filing.

28       ///

1           15.    In November 2017, my attorneys updated me regarding the status of ongoing  
2 discovery issues with Ferrara. My attorneys provided me with a draft version of Plaintiff's joint  
3 letter regarding discovery disputes which I reviewed before it was filed.

4           16.    On November 12, 2017, my attorneys met with me for approximately three hours  
5 to prepare me for my deposition and discuss potential resolution of the case.

6           17.    On November 13, 2017, I attended my deposition with my attorneys.

7           18.    In late November 2017, my attorneys updated me regarding the status of the case,  
8 including noticing the depositions of Ferrara's employees, and informing me that the court  
9 granted the motion to compel Ferrara's documents.

10          19.    In December 2017, my attorneys sent me a copy of my deposition transcript which  
11 I reviewed and discussed with my attorneys.

12          20.    Also, in December 2017, my attorneys and I determined that postponing the class  
13 certification briefing schedule was necessary to allow for the Ferrara depositions to occur before  
14 Plaintiff's class certification motion was filed and to allow for continued settlement discussions.

15          21.    In January 2018, my attorneys provided me with a status update regarding  
16 information obtained during the depositions of Ferrara's persons most knowledgeable, the  
17 preparation of the class certification motion, and ongoing efforts to resolve the case by  
18 scheduling a mediation for February 2018.

19          22.    In late January 2018, my attorneys provided me a draft of the meditation brief  
20 which I discussed with my attorneys and provided input before submission.

21          23.    In February 2018, my attorneys attended mediation and informed me of Ferrara's  
22 terms to resolve the case which my attorneys and I believed was not in the best interest of the  
23 class. My attorneys continued mediation privileged communications with Ferrara throughout the  
24 month with the assistance of mediator Judge Cahill which my attorneys frequently kept me  
25 apprised of.

26          24.    In late February 2018, my attorneys provided a status update regarding noticing  
27 depositions of Ferrara's employees and the status of the motion for class certification.

28    ///

1           25.    In March 2018, my attorneys provided me with a draft of the class certification  
2 motion which I reviewed and discussed with my attorneys. My attorneys also helped prepare my  
3 declaration in support of class certification which I reviewed and discussed with my attorneys  
4 before signing.

5           26.    During the month of March, my attorneys kept me updated regularly regarding the  
6 status of settlement and the potential terms of settlement. I eventually agreed to final terms of the  
7 settlement with Ferrara based on input from my attorneys. I reviewed the proposed term sheet  
8 which included refunds for all purchasers of the products and changes to Ferrara's manufacturing  
9 process for the benefit of the class.

10          27.    In April 2018, my attorneys informed me of a motion to intervene by some  
11 attorneys based out of Missouri. My attorneys provided me a draft of the opposition which I  
12 reviewed before it was filed.

13          28.    In May 2018, I reviewed and signed the final settlement agreement. My attorneys  
14 also provided me with a draft of the motion for preliminary approval of the class action  
15 settlement which I reviewed before it was filed.

16          29.    In June 2018, my attorneys informed me that the court had preliminarily approved  
17 the class action settlement and they advised me about next steps.

18          30.    In July-August 2018, my attorneys kept me updated regarding the number of  
19 claims submitted based on their communications with the notice and plan administrator.

20          31.    In late August 2018, my attorneys provided me with a draft of the motion for  
21 attorneys' fees, expenses, and service award and helped prepare my declaration in support of the  
22 motion. I reviewed the motion and the declaration and discussed with my attorneys before  
23 signing it.

24          32.    During the course of this case, I kept in regular contact with my lawyers. I  
25 conferred with them regularly in person, by phone, and via e-mail to discuss the status of the  
26 case. We also discussed case strategy, discovery, motions, and settlement. I would also share  
27 ideas and additional facts with my attorneys for their consideration.

28    ///

