

1 Steven M. Tindall, CSB #187862  
2 Email: [smt@classlawgroup.com](mailto:smt@classlawgroup.com)  
3 GIBBS LAW GROUP LLP  
4 505 14th Street, Suite 1110  
5 Oakland, California 94612-1406  
6 Telephone: (510) 350-9700  
7 Facsimile: (510) 350-9701

8 [Additional Counsel Appear on \_\_\_\_\_ Page \_\_\_\_\_]

9 *Attorneys for Plaintiffs and the Proposed Class*

10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

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14  
15 ALAN BRINKER, AUSTIN RUGG, and  
16 ANA SANDERS, individually and on  
17 behalf of all others similarly situated,

18 Plaintiffs,

19 v.

20 NORMANDIN'S, a California corporation,  
21 d/b/a NORMANDIN CHRYSLER JEEP  
22 DODGE RAM, and ONECOMMAND,  
23 INC.,

24 Defendants.

NO. 5:14-cv-03007-EJD-HRL

DECLARATION OF ALAN L. BRINKER

JURY TRIAL DEMAND

HON. EDWARD J. DAVILA

Complaint Filed: July 1, 2014

DATE: March 29, 2018

TIME: 10:00 a.m.

LOCATION: Courtroom 4 – 5th Floor

1 I, Alan L. Brinker, declare as follows:

2 1. I am the original named Plaintiff in this matter. I respectfully submit this  
3 declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs, and Service  
4 Awards in the above-captioned class action. I have personal knowledge of the facts set  
5 forth in this declaration, and can testify competently to them if called upon to do so.

6 2. For four years, I worked diligently with class counsel to help them litigate  
7 this case and secure the Settlement. During this period, I devoted hundreds of hours of  
8 my time, which diverted me from pursuit of my private business, causing me to lose  
9 income. I responded to Defendant Normandin's Interrogatories, Requests for  
10 Production, and Requests for Admission. I also responded to Defendant  
11 OneCommand's Interrogatories, Requests for Production, and Requests for Admission.  
12 In responding to these written discovery requests, I exchanged multiple drafts with class  
13 counsel and participated in many telephone calls, all in an effort to ensure that I  
14 provided thorough and accurate responses.

15 3. I also actively assisted in class counsel's pre-filing investigation of the  
16 claims and potential defendants. I was actively and extensively involved in analyzing the  
17 financial status of Normandin's and providing information that class counsel was unable  
18 to find, and that analysis assisted Plaintiffs' counsel in deciding to take the case. I  
19 routinely contacted class counsel, and vice-versa, to check on the status of the litigation  
20 and stay up to date throughout the case and to provide information that I believed would  
21 further the litigation.

22 4. Additionally, having worked for Dana Corp. (Spicer), a Fortune 50  
23 company and the world's largest independent supplier of automotive and truck parts, as  
24 the corporate contact for all Chrysler service parts from Dana Corp., I was able to  
25 provide insight into the dealership – manufacturer relationship that was important to the  
26 case and not otherwise available to counsel.


1           5.      I also sat for a deposition, attended mediation, actively participated in the  
2 mediation and settlement discussions, and thoroughly reviewed the Settlement  
3 Agreement. Had the case not settled, I was ready and wil ing to testify at trial.

4           6.      Finally, I had an individual claim against Normandin’s that I did not pursue  
5 in order to put the Class’ interests first, and work for the greater good. I believe that  
6 claim was worth thousands of dollars and I lost business revenue due to being diverted  
7 by the need to address Normandin’s conduct short of litigation.

8           7.      I feel that my efforts, previous legal experience and specific knowledge  
9 went above and beyond what is typically expected of a class representative.

10           I declare under penalty of perjury under the laws of the United States of  
11 America that the foregoing is true and correct.

12           EXECUTED this 11th day of January, 2018 at Santa Clara, California.

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15           Alan L. Brinker  
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CERTIFICATE OF SERVICE

1  
2 I, Beth E. Terrell, hereby certify that on January 12, 2018, I electronically filed the  
3 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of  
4 such filing to the following:

5 Andrew V. Stearns, SBN #164849  
6 Email: [astearns@boglawyers.com](mailto:astearns@boglawyers.com)  
7 Robert B. Robards, SBN #166855  
8 Email: [rrobards@boglawyers.com](mailto:rrobards@boglawyers.com)  
9 ROBARDS & STEARNS  
10 718 University Avenue, Suite 216  
11 Los Gatos, California 95032  
12 Telephone: (408) 214-6432  
13 Facsimile: (408) 560-9592

*Attorneys for Defendant Normandin's*

14 Sean P. Flynn, SBN #220184  
15 Email: [sflynn@gordonrees.com](mailto:sflynn@gordonrees.com)  
16 GORDON & REES LLP  
17 2211 Michelson Drive, Suite 400  
18 Irvine, California 92612  
19 Telephone: (949) 255-6950  
20 Facsimile: (949) 255-2060

21 Daniel S. Kubasak, SBN #222336  
22 Email: [dkubasak@gordonrees.com](mailto:dkubasak@gordonrees.com)  
23 GORDON & REES LLP  
24 275 Battery Street, Suite 2000  
25 San Francisco, California 94111  
26 Telephone: (415) 986-5900  
27 Facsimile: (415) 986-8054

1 Steven C. Coffaro, *Admitted Pro Hac Vice*  
Email: scoffaro@kmklaw.com  
2 Drew Hicks, *Admitted Pro Hac Vice*  
Email: dhicks@kmklaw.com  
3 KMK LAW  
4 One East Fourth Street, Suite 1400  
Cincinnati Ohio 45202  
5 Telephone: (513) 579-6400  
6 Facsimile: (513) 579-6457

7 *Attorneys for Cross Defendant OneCommand, Inc.*

8 DATED this 12th day of January, 2018.

9 TERRELL MARSHALL LAW GROUP PLLC

10 By: /s/ Beth E. Terrell, CSB #178181  
11 Beth E. Terrell, CSB #178181  
12 Email: bterrell@terrellmarshall.com  
13 936 North 34th Street, Suite 300  
Seattle, Washington 98103  
14 Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

15 *Attorneys for Plaintiffs and the Proposed Class*