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Attorneys for Plaintiffs and the Settlement Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DANIEL MARKO, JESUS CORONA, *on*
behalf of themselves and others similarly
situated and in their capacity as Private
Attorneys General Representatives,

Plaintiffs,

v.

DOORDASH, INC.,

Defendant.

Case No. BC659841

DECLARATION OF CYNTHIA
MARCIANO

Dept.: 7
Trial Date: None Set
Hon. Amy D. Hogue

Hearing Date: July 12, 2021
Hearing Time: 11:00 am

1 I, Cynthia Marciano, declare:

2 1. I have personal knowledge of the facts set forth in this declaration.

3 2. I have worked as a DoorDash delivery driver in the Santa Clara County, California area
4 since on or about September 2014 until on or about May 2019.

5 3. In July 2015, I filed a complaint against DoorDash with the DLSE, seeking unpaid wages,
6 expenses, and liquidated damages arising from my classification as an independent contractor. I
7 prepared my complaint myself but eventually hired Lichten & Liss-Riordan to represent me. I
8 subsequently filed a case in San Francisco Superior Court as a PAGA action, which was
9 consolidated with a separate class action case against DoorDash arising from the same practices.
10 That case, *Marciano v. DoorDash Inc.*, CGC-15-528101 (San Fran Sup. Ct.), resulted in a
11 classwide settlement on behalf of DoorDash drivers across the state of California. I traveled
12 several hours to attend court proceedings on several occasions and spent many hours reviewing
13 pleadings and working with my lawyers to supply documents in support of the case. I was very
14 proud of the result we reached in that case, but I was also determined to continue to hold
15 DoorDash to account, particularly after the California Supreme Court's decision in *Dynamex*. I
16 sent a new PAGA letter to the DLSE as soon as the *Dynamex* case was decided, and I filed a new
17 PAGA case against DoorDash in July 2018, to cover the time period that was not released by my
18 first case.

19 4. Throughout this case (and before it was filed), I have provided my attorneys with
20 numerous documents relating to my work for DoorDash. I have many documents from
21 DoorDash because I have worked as a DoorDash delivery driver for many years. Because I
22 work full time in the gig economy, I regularly research court filings and news regarding the
23 progress of all cases against gig economy companies (like DoorDash and Uber) and
24 developments in the law. I have also researched the gig economy, my attorneys and all the work
25 they have done. Over years I have been in close contact with my attorneys regarding this case
26 and the impact of the *Dynamex* decision, AB5, and Proposition 22 on the strength of my case. I
27 estimate I spent 45 minutes every other day researching these matters and keeping up to date on
28 the latest news and legal developments in this area.

1 5. I understood that as the lead plaintiff in this case, I would be representing both the
2 interests of the state of California as well as the many other California DoorDash delivery drivers
3 who have been misclassified like myself. I estimate I spent approximately 10 hours reviewing
4 the PAGA letter and Complaint and other court filings, such as DoorDash's motion to compel
5 arbitration and our Motion for Summary Adjudication on employee status.
6

7 6. I have taken my role as a lead plaintiff and PAGA representative in this case very
8 seriously. Since filing my case in July 2018, and long before that, I have worked closely with
9 my attorneys, and they have kept me apprised of our progress. With respect to the settlement
10 that was reached, I have reviewed several iterations of the settlement agreement in this case very
11 carefully. In total, I estimate that I have spent approximately 15 hours reviewing settlement
12 documents and discussing them with counsel.

13 7. In addition to providing my attorneys with documents and information regarding my
14 work for DoorDash, I also spoke and corresponded regularly with my attorneys and their staff
15 about conditions on the ground for DoorDash delivery drivers. I estimate that I spent about 25
16 hours in total talking or corresponding with my attorneys and their staff about case updates and
17 developments in the litigation, including other cases and events that impacted our case (like the
18 passage of AB5 and Proposition 22.

19 8. I have been actively involved in recruiting others to this case and cause. In fact, I brought
20 one of the other named plaintiffs (Manuel Magana) to become part of this class action. I have
21 been doing so through social media posts and networking.

22 9. In total, I estimate that I spent over 80 hours working on this case, including reviewing
23 case materials, sending documents to my attorneys, discussing and corresponding with my
24 attorneys about the case, communicating with other delivery drivers online, and researching
25 labor violations in the gig economy.

26 10. Throughout this litigation, I have feared my retaliation for my participation in the case.
27 Initially, I was still working for DoorDash and relying on that income while my case was
28 ongoing. I was also worried about having my name on this case a second time and how that
might affect future employment with other companies if I became known as a serial litigant. I've

1 had these concerns since the case was filed, but I was willing to do it because I feel passionately
2 that it is the right thing to do for people who have worked for DoorDash as delivery drivers.

3 11. I have reviewed the settlement agreement in this case. I understand my role as a class
4 representative of the proposed settlement class is to look out for the interests of other DoorDash
5 delivery drivers as I would my own and to make sure the settlement is fair, reasonable, and
6 adequate. I have taken that duty seriously. I have carefully reviewed the settlement materials,
7 and I believe this settlement is fair and reasonable to the settlement class considering the risks.
8

9
10 I declare under the penalty of perjury under the laws of the State of California that the foregoing
11 is true and correct to the best of my knowledge.

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13 Executed on September ¹⁷ ___, 2021, in Santa Clara, California.

14 *Cynthia Marciano*
15 By: _____
16 CYNTHIA MARCIANO
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