

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TIFANI DIAMOND, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

SUREFIRE MANAGEMENT, LLC, et al.,

Defendants.

Civil Action No.: 2:25-cv-00190-PLD

**DECLARATION OF GERALD D. WELLS, III IN SUPPORT OF PLAINTIFF’S
MOTION FOR PRELIMINARY APPROVAL OF CLASS AND COLLECTIVE ACTION
SETTLEMENT, CERTIFICATION OF THE SETTLEMENT CLASS, APPOINTMENT
OF CLASS COUNSEL, APPROVAL OF PROPOSED CLASS NOTICE, AND
SCHEDULING OF A FINAL APPROVAL HEARING**

I, Gerald D. Wells, III, declare as follows:

1. I am a partner with the law firm of Lynch Carpenter, LLP (“Lynch Carpenter”). I am personally involved in the prosecution of this matter.
2. I have been involved in this Action from the initial investigation through its resolution.
3. I make this Declaration in support of Plaintiff’s Unopposed Motion for Preliminary Approval of Class and Collective Settlement, Certification of the Settlement Class, Appointment of Class Counsel, Approval of Proposed Class Notice, and Scheduling of a Final Approval Hearing (“Plaintiff’s Motion”), which seeks preliminary approval of the Settlement Agreement.¹ The matters set forth herein are stated within my personal knowledge.

¹ All capitalized words not otherwise defined in this declaration have the same meaning given them in the Settlement Agreement.

4. Plaintiff, on behalf of herself and the proposed PA Class and FLSA Collective, has agreed to settle all claims against Defendants for alleged violations of the Fair Labor Standards Act of 1938, as amended 29 U.S.C. §§ 201 *et seq.* (“FLSA”) and the Pennsylvania Minimum Wage Act (“PMWA”), 43 P.S. § 333.101, *et seq.*

5. I am submitting this declaration to put before the Court certain documents and facts supporting preliminary approval of the Settlement and reasons why I believe the proposed Settlement is fair, reasonable, and adequate.

6. Further, I believe that the proposed Class Notice should be disseminated to the putative Settlement Class Members as it contains all material terms necessary for them to make a determination as to how they wish to proceed, including whether to opt-out, object, or partake fully in this proposed Settlement.

7. Based on representations made by Defendants, there are likely over 600 individuals who are impacted by the proposed Settlement.

8. Attached hereto as **Exhibit 1** is a true and correct copy of the Settlement Agreement with all exhibits thereto.

9. Before agreeing to the proposed Settlement, I and my colleagues at Lynch Carpenter assessed its merits using various factors typically used by counsel in this type of case including the factors used by courts in the Third Circuit to assess the fairness and adequacy of proposed FLSA and Pennsylvania wage and hour law class action settlements. I believe that the proposed Settlement is fair, reasonable, and adequate when the applicable factors are considered.

10. This Settlement is a result of good faith bargaining at arm’s length and is the product of extensive negotiations between experienced counsel.

11. I have substantial experience in wage and hour class action matters, and have been appointed class counsel for the settlement classes in multiple class and collective action cases involving analogous claims, including *Graham v. Famous Dave's of America*, No. 19-cv-00486 (D. Md); *Koenig v. Primanti Corporation D/B/A Primanti Bros., et al.*, No. 16-cv-402 (W.D. Pa.); *Graham v. Famous Dave's of America*, No. 19-cv-00486 (D. Md); *Casco v. Ponzios*, No. 16-cv-2084 (D. N. J.); *Wright v. Ristorante La Buca, Inc., et al.*, No. 18-cv-2207 (E.D. Pa.); and *Koenig v. Granite City Food & Brewery, LTD, et al.*, No. 16-cv-1936 (W.D. Pa).

12. Additionally, I have been appointed class counsel in numerous contested Rule 23 motions. *See, e.g. Graham v. Famous Dave's of America*, No. 19-cv-00486 (D. Md.); *Casco v. Ponzios*, No. 16-cv-2084 (D. N. J.). I have also successfully argued at the appellate level. *See, e.g., Rafferty v. Denny's, Inc.*, 13 F.4th 1166 (11th Cir. 2021).

13. Additionally, serving as co-lead counsel, I obtained a jury verdict awarding more than \$4.5 million to plaintiff and class members in *Verma v. 3001 Castor, Inc.*, No. 13-cv-3034 (E.D. Pa.), which involved violations of the Pennsylvania wage and hour laws, and was upheld after being appealed to the Third Circuit.

14. Further, Lynch Carpenter has been appointed and served as lead or co-lead counsel on behalf of plaintiffs in numerous contested lawsuits alleging violations of federal and/or state wage and hour laws, including the following: *Wintjen v. Denny's Inc. et al*, 2:19-cv-00069 (W.D. Pa); *Williams v. Bob Evans Restaurants, LLC, et al.*, 2:18-cv-1353 (W.D. Pa), *Sudano v. Texas Roadhouse Investments of Beaver PA, LLC et al*, 2:19-cv-00064 (W.D. Pa), and *Vider v. LMT Real Estate, LLC et al*, 2:19-cv-02066 (E.D. Pa).

15. I and my colleagues at Lynch Carpenter have developed a comprehensive understanding of the merits of the case through our work on the Action. In my view, when we

agreed to the proposed Settlement, we had sufficient information in order to make a reasoned judgment about the desirability of settling the case the terms proposed rather than proceeding to trial.

16. In my opinion the Settlement is reasonable as it provides for each member of the Settlement Class to receive real monetary relief.

17. The Settlement Agreement contains no provisions that would be contrary to the purposes of the FLSA or frustrate the implementation of the FLSA in the workplace.

18. As noted above, the Settlement provides for recovery by each individual of the Settlement Class in the form of a Settlement Payment calculated by the Claims Administrator and based upon that individual's total hours worked for Defendant as a Tipped Employee during the Class Period. This ensures an equitable, accurate, and eminently appealing Settlement Payment to all Settlement Class members.

19. In short, Lynch Carpenter has extensive experience, has vigorously pursued the interests of the Settlement Class throughout the pendency of this matter, and recommends this Settlement be approved.

20. Based upon my experience, as detailed above, I believe this Action meets all the requirements for class certification under Rule 23 and collective certification under the FLSA.

21. Plaintiff and Lynch Carpenter respectfully submit that the Settlement is an excellent result for the Settlement Class. Lynch Carpenter recommends the Settlement as fair, reasonable, and adequate, and they request that this Court: (1) preliminarily approve the Settlement Agreement, (2) certify the proposed PA Class and appoint Lynch Carpenter as Class Counsel, (3) conditionally certify the proposed FLSA Collective, (4) approve the Class Notice and related

notice plan, and (5) set a date for a Final Approval Hearing at least 60 calendar days after the Court enters the preliminary approval order.

I declare under penalty of perjury and based upon my personal knowledge that the foregoing is true and correct. This Declaration was executed on September 16, 2025, in Philadelphia, Pennsylvania.

/s/ Gerald D. Wells III
Gerald D. Wells, III