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Attorneys for Plaintiff Demetreia Gray,
individually and on behalf of all others
similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

COREY JONES, EDDIE FAIRLEY,
DEMETREIA GRAY, individually, and on
behalf of other members of the general public
similarly situated and all “aggrieved
employees” pursuant to Labor Code § 2698 et
seq.,

Plaintiffs,

v.

DAA DRAEXLMAIER AUTOMOTIVE OF
AMERICA LLC, a South Carolina limited
liability corporation; DAN DRAEXLMAIER
AUTOMOTIVE OF NORTH AMERICA
LLC, a South Carolina limited liability
corporation; and DOES 1 through 10,
inclusive,

Defendants.

CASE NO. HG20062125

[Assigned for all purposes to Hon. Evelio
Grillo, Dept. 21]

**DECLARATION OF KAYVON
SABOURIAN IN SUPPORT OF
PLAINTIFFS’ MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

[Filed concurrently with Plaintiffs’ Notice of
Motion and Unopposed Motion for
Preliminary Approval of Class Action
Settlement; and [Proposed] Order]

Date: October 5, 2022
Time: 10:00 a.m.
Dept.: 21

Complaint Filed: August 24, 2020
Trial Date: None

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1. I am an attorney at law, licensed to practice in the State of California. I am a senior associate at Matern Law Group, PC (“MLG” or “Plaintiffs’ counsel”), counsel of record for plaintiff Demetetrei (“Whitfield”) in the above-entitled action.
2. I make this declaration on the basis of personal firsthand knowledge unless another source of information or belief clearly appears from the context, and as to all such matters, I believe them to be true. If called as a witness, I could and would readily and competently testify to all matters stated within.
3. I submit this declaration in support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement.

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1 8. On August 4, 2022, Gray, Plaintiff Corey Jones, and Plaintiff Eddie Fairley
2 (collectively, “Plaintiffs”) filed a consolidated complaint.

3 **DISCOVERY AND INVESTIGATION**

4 9. Prior to reaching the Settlement, Gray and her counsel conducted an investigation
5 into the claims alleged, performed legal research, and interviewed Class Members.

6 10. For purposes of mediation, Defendants produced sample time and payroll data for
7 the Class Members, relevant policy documents, and information regarding the class size. Plaintiffs’
8 expert analyzed the sample time and payroll data, which assisted Plaintiffs’ counsel in preparing a
9 damages model prior to mediation.

10 11. Based on Plaintiffs’ discovery and investigation, Plaintiffs were able to act
11 intelligently and effectively in negotiating the proposed Settlement.

12 **SETTLEMENT NEGOTIATIONS**

13 12. On April 20, 2021, the Parties participated in a private mediation session with the
14 Hon. Louis M. Meisinger (ret.). At the conclusion of the mediation, Judge Meisinger made a
15 mediator’s proposal, which the Parties accepted on April 27, 2021.

16 13. The settlement negotiations were at arm’s length and, although conducted in a
17 professional manner, were adversarial. The Parties went into the mediations willing to explore the
18 potential for a settlement of the dispute, but each side was also prepared to litigate its position
19 through trial and appeal if a settlement had not been reached.

20 14. On June 10, 2022, the Parties fully executed the Settlement Agreement of Class
21 Action and Private Attorneys General Act Claims (“Stipulation”).

22 **ADEQUACY OF REPRESENTATION AND QUALIFICATIONS OF CLASS COUNSEL**

23 15. MLG is a 26-attorney law firm that is actively and continuously practicing in
24 employment litigation, almost exclusively representing employees in both individual and class
25 actions in both state and federal courts throughout California.

26 16. MLG is qualified to handle this litigation because the firm is experienced in
27 litigating Labor Code violations in both individual and class action cases. MLG has handled, and
28 is currently handling, numerous wage and hour class action lawsuits.

1 17. Matthew J. Matern received a B.A. with honors in 1986 from Tulane University.
2 He received his J.D. from Southwestern University School of Law in 1991. Mr. Matern became an
3 active member of the State Bar of California in September 1992, and has been an active member in
4 good standing continuously since then. He has been practicing as a litigation attorney in Los
5 Angeles since 1992, and has concentrated on employment litigation since approximately 1997.

6 18. In 1992, Mr. Matern founded the general partnership which later became known as
7 Rastegar & Matern, Attorneys at Law, A Professional Corporation. In 2012, he founded the Law
8 Offices of Matthew J. Matern, which changed its name to Matern Law Group in January 2014, and
9 then to Matern Law Group, PC in May 2016. Since 1992, Mr. Matern has been heavily,
10 successfully, and continuously involved in active litigation and trial work, including extensive work
11 in employment litigation and wage and hour class actions.

12 19. Over the course of his career, Mr. Matern has been involved in over 100 class action
13 settlements, with many of them settling in the seven figure range, including settlements in the
14 amount of \$26 million, \$18 million, \$8.5 million, \$7.0 million, \$6.5 million, \$6.0 million, \$6.0
15 million, \$5.5 million, \$5.0 million, \$5.0 million, \$4.85 million, \$4.5 million, \$4.5 million, \$4.2
16 million, \$4.2 million, \$3.75 million, \$3.75 million, \$3.6 million, \$3.3 million, \$3.1 million, and
17 \$3.0 million. He has represented clients in numerous wage and hour class action lawsuits that
18 settled with per-class-member recoveries in a range similar to the anticipated per-class-member
19 recovery in the instant case. He also been appointed class counsel in 25 certified wage and hour
20 class action cases which involved contested certification proceedings.

21 20. Mr. Matern been counsel in a number of cases which resulted in published appellate
22 victories including *Zuniga v. Alexandria Care Center, LLC*, 2021 WL 3560665 (Aug. 12, 2021);
23 *Meeks v. AutoZone, Inc.*, 24 Cal.App.5th 855 (2018); *ABM Industries Overtime Cases*, 19 Cal. App.
24 5th 277 (2017); *Julian v. Glenair, Inc.*, 19 Cal. App. 5th 277 (2017); *Franco v. Athens Disposal*
25 *Company, Inc.*, 171 Cal. App. 4th 1277 (2009); *Gutierrez v. California Commerce Club*, 187 Cal.
26 App. 4th 969 (2010); *Pantoja v. Anton*, 198 Cal. App. 4th 87 (2011); *Fuentes v. AutoZone, Inc.*,
27 200 Cal. App. 4th 1221 (2011); *Ventura v. ABM Industries, Inc.*, 212 Cal. App. 4th 258 (2012); and
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1 *Franco v. Arakelian Enterprises, Inc.*, 211 Cal. App. 4th 314 (2012); and other non-published
2 appellate victories.

3 21. Of the 26 attorneys at MLG, Mr. Matern is the attorney with the most active trial
4 and pretrial calendar. He has personally tried approximately 25 cases, including approximately 20
5 jury trials.

6 22. Mr. Matern's work has led him to be recognized as a Southern California Super
7 Lawyer every year since 2009.

8 23. Launa Adolph is a senior associate at MLG. She graduated from the University of
9 California, Los Angeles in 2000 and received her J.D. from Loyola Law School in 2003. She has
10 been an active member of the California State Bar in good standing since December 2003. She is
11 also admitted to practice in Illinois. She has over 18 years of experience handling wage-and-hour
12 and consumer class actions and has been appointed class counsel in approximately 40 cases in state
13 and federal courts in both California and New York, including seven certified wage and hour class
14 action cases which involved contested certification proceedings. She was also part of the trial team
15 in a certified wage and hour class action trial alleging claims for failure to pay overtime wages,
16 which settled post-trial for \$26 million. She has been recognized as a Southern California Super
17 Lawyer every year since 2014 and as a Southern California Rising Star in 2013.

18 24. I am an associate at MLG. I graduated from Cornell University in 2006 and received
19 his J.D. from University of Texas, School of Law in 2010. I have been an active member of the
20 Texas State Bar since May 2011 and the California State Bar since October 2016. I have experience
21 with single-plaintiff and class action lawsuits in state and federal courts throughout California and
22 Texas. I have handled wage and hour class actions and Fair Labor Standards Act collective actions
23 involving claims relating to overtime, meal and rest breaks, misclassification, and improper wage
24 statements. I was recognized as a Texas Rising Star in 2017 and a Southern California Rising Star
25 in 2019, 2020, and 2021.

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1 25. I am not aware of any conflicts of interest between MLG and the Class Members.
2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct.

4 Executed on September 8, 2022, at Santa Monica, California.

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