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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

FRANKLIN AMOG, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

EL CAMINO HOSPITAL, a California
nonprofit public benefit corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No. 20CV363828

(Assigned to the Honorable Patricia M. Lucas, Dept.
3)

**DECLARATION OF WILLIAM L. MARDER IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION SETTLEMENT**

Date: October 13, 2021

Time: 1:30 p.m.

Dept.: 3

1 I, William L. Marder, declare as follows:

2 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
3 California, and am with the law firm Polaris Law Group, counsel of record for Plaintiff Franklin
4 Amog ("Plaintiff"). I have personal knowledge of the facts set forth below and if called to testify I
5 could and would do so competently.

6 2. I am one of the primary attorneys on this matter. Based on my independent
7 investigations and evaluations, I am of the opinion that the proposed settlement is fair, reasonable,
8 and adequate, and is in the best interests of the Class Members, in light of all known facts and
9 circumstances, and the expenses and risks inherent in litigation. The settlement was negotiated at
10 arm's length and was facilitated by an experienced and neutral mediator.

11 3. My qualifications are as follows: I graduated from UCLA Law School in 1993 and
12 was admitted to the California Bar in 1994. Since that time, I have acquired substantial experience in
13 employment litigation. I have represented both plaintiffs and defendants. I estimate that I have
14 handled more than 300 employment cases, litigating cases in state and federal courts.

15 4. I have defended large institutional employers in employment cases. From 1995-1997,
16 as an associate at Bolling, Walter & Gawthrop in Sacramento, I represented the City of Sacramento,
17 Yolo County, the City of Davis, Solano County and other employers in employment litigation in state
18 and federal courts.

19 5. From 1997-2000, I served as a Deputy County Counsel in San Benito, handling all of
20 its employment matters. These matters include advising the county on compliance with wage and
21 hour laws, arbitrations, and litigation.

22 6. From 2002-2006, I was a partner at Paxton O'Brien, LLP in Hollister, an AV rated
23 firm, where I represented numerous plaintiffs and defendants in employment lawsuits.

24 7. In 2006, I co-founded the Polaris Law Group where I spend most of my time
25 handling employment cases. I primarily represent employees.

26 8. I have been the sole trial attorney in two jury trials in which I represented a plaintiff
27 who prevailed on wrongful termination claims brought pursuant to the California Fair Employment
28 & Housing Act, California Government § 12900 *et seq.* These two cases are: *Gamayo v. Drobny Law*

1 *Offices*, Sacramento Superior Court Case No.: 34-2008-00005372CU; and *Cherub Berlanga v.*
2 *Willow Grove School District*, San Benito County Superior Case No.: CU-09-00100.

3 9. I have been the sole trial attorney in two court trials in which I represented plaintiffs
4 who prevailed on wage and hour claims. These cases are: *Smith v. Joyce*, Monterey County Superior
5 Court Case No.: M74334; and *Nava v. Rodriguez*, San Benito County Superior Court Case No.: CU-
6 08-00022.

7 10. I have also been approved as class counsel in numerous cases including *Sison v.*
8 *Headway Technologies*, Case No. 1-13-CV-254591 and *Barrera v. Home Depot*, Northern District of
9 California Case No. C 12 5199 LHK.

10 11. To date, I have incurred approximately 50.8 hours in connection with the litigation of
11 this lawsuit. I have attached a summary of the time I have spent on this matter, as **Exhibit A**, which
12 reflects a breakdown of the hours and activities spent by my firm on this matter.

13 12. My current billing rate is at \$750.00 per hour. I have been approved at an hourly rate
14 of \$700.00 since 2018, including in *Huertas v. Chevron Stations*, Santa Clara Sup. Ct. Case No.
15 17CV309996, and *Chavez v. Hugo Boss, Inc.*, Santa Clara Sup. Ct. Case No. 18CV322644. As of
16 2020, I increased my hourly rate to \$750.00 per hour. I have been approved at \$750.00 per hour by
17 the United States District Court for the Northern District of California in *Ramirez v. Walgreen*, N.D.
18 Cal. Case No. 18-cv-03921-EJD (Dkt. No. 34) and *Reilly v. Recreational Equipment, Inc.*, N.D. Cal.
19 Case No. 3:18-cv-07385-LB (Dkt. No. 61), the Santa Clara County Superior Court in *Hernandez v.*
20 *Wells Fargo Bank*, Santa Clara Sup. Ct. Case No. 16CV299319, and the Sonoma County Superior
21 Court in *Jose Vasquez Ruiz v. Perdue Foods, LLC*, Sonoma Supt. Ct. Case No. SCV 264649. As
22 such, the total of my firm's attorneys' fees through final approval is expected to be \$38,100.00.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing
24 is true and correct.

25 Executed on this 13 day of September 2021, at Hollister, California.

26 
27 William L. Marder
28

EXHIBIT A

Franklin Amog v. El Camino Hospital
Time and Task Chart for William L. Marder

<u>Hours</u>	<u>Description of Work</u>
1.4	Review documents provided by client. Do public records search for other lawsuits against employer. Telephone conferences with client re potential case.
3.2	Research and analysis re defendant's liability for Labor Code violations and likely penalties which could be obtained.
2.2	Analysis re suitability of case to be brought as a class action.
11.5	Legal research re defendant's contention that they are a public entity and therefore exempt from Labor Code section 226.
7.0	Analysis re discovery which must be done to counter defendant's argument re the applicability of Labor Code section 226(i).
8.5	Analyze and review data provided by defense counsel to determine settlement value. Review defendant's mediation statement.
2.0	Revise and edit mediation statement.
5.5	Review, analyze and edit multiple drafts of settlement agreement and class notice.
4.5	Review, analyze and edit motion for preliminary approval and supporting documents.
5.0	Review, analyze and edit motion for final approval and supporting documents.

TOTAL: 50.8