

Larry W. Lee (State Bar No. 228175)
Kwanporn "Mai" Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder (State Bar No. 170131)
Polaris Law Group LLP
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

Attorneys for Plaintiff, the Class, and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SONOMA**

FAHEEM KHAN, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

AMY'S KITCHEN, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: SCV-266127

(Assigned to the Hon. Arthur A. Wick,
Courtroom 17)

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

Date: TBD

Time: TBD

Dept.: 17

Complaint Filed: March 4, 2020

1 **DECLARATION OF WILLIAM L. MARDER**

2 I, William L. Marder, hereby declare and state as follows:

3 1. I am an attorney at law duly admitted to practice before all courts in the State of
4 California and am a partner of the law firm of the Polaris Law Group, LLP, one of the attorneys
5 of record for Plaintiff Faheem Khan ("Plaintiff"), in the above-entitled action. I have personal
6 knowledge of the matters set forth herein, and if called upon as a witness to testify thereto, I
7 could and would competently do so.

8 2. Based on my own independent investigation and evaluation, I am of the opinion
9 that settlement for the consideration and on the terms set forth in the Joint Stipulation of Class
10 Action Settlement ("Stipulation" or "Settlement Agreement") is fair, reasonable, and adequate
11 and is in the best interests of the class in light of all known facts and circumstances and the
12 expenses and risks inherent in litigation.

13 3. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the
14 fairness of the settlement, which is based on factoring in the uncertainty and risks to Plaintiff
15 involved in not prevailing on one or more of the theories alleged in the operative Complaint and
16 in the possibility of appeals.

17 4. After taking into account sharply disputed factual and legal issues involved in this
18 litigation, the risks attending further prosecution, and the substantial benefits to be received
19 pursuant to the compromise and settlement of the litigation, I have concluded that settlement on
20 the terms set forth in the Stipulation is appropriate and in the best interests of Plaintiff and the
21 Class.

22 5. I have no conflicts with the Class and will adequately represent the Class.

23 6. I was retained based upon a contingency fee arrangement wherein Plaintiff's
24 counsel agreed to advance all costs and receive no fee unless a recovery was accomplished.
25 Specifically, had Plaintiff failed to prevail in this case, counsel for Plaintiff would have spent a
26 significant amount of time, money and other resources without any benefit or return. In addition,
27 had Plaintiff also failed to prevail in the present case, Defendant would have been able to seek
28 costs in connection with their defense of the case.

1 7. Any remaining monies from uncashed settlement checks will be distributed to
2 Legal Aid At Work. Plaintiff does not have any relationship or connection with or to Legal Aid
3 At Work.

4 **ATTORNEY EXPERIENCE**

5 8. I graduated from UCLA Law School in 1993 and was admitted to the California
6 Bar in 1994. Since that time, I have acquired substantial experience in employment litigation. I
7 have represented both plaintiffs and defendants. I estimate that I have handled more than 300
8 employment cases, litigating cases in state and federal courts.

9 9. I have defended large institutional employers in employment cases. From 1995 to
10 1997, as an associate at Bolling, Walter & Gawthrop in Sacramento, I represented the City of
11 Sacramento, Yolo County, the City of Davis, Solano County and other employers in employment
12 litigation in state and federal courts.

13 10. From 1997 to 2000, I served as a Deputy County Counsel in San Benito, handling
14 all of its employment matters. These matters include advising the county on compliance with
15 wage and hour laws, arbitrations, and litigation.

16 11. From 2002 to 2006, I was a partner at Paxton O'Brien, LLP in Hollister, an AV
17 rated firm, where I represented numerous plaintiffs and defendants in employment lawsuits.

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

20 13. I have been the sole trial attorney in two jury trials in which I represented a
21 plaintiff who prevailed on wrongful termination claims brought pursuant to the California Fair
22 Employment & Housing Act, California Government § 12900 *et seq.* These cases are: *Gamayo*
23 *v. Drobny Law Offices*, Sacramento Superior Court Case No. 34-2008-00005372CU; and *Cherub*
24 *Berlanga v. Willow Grove School District*, San Benito County Superior Case No. CU-09-00100.

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

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

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

Executed on this 25 day of August, 2020, at Hollister, California.

William L. Marsh

William L. Marder

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PROOF OF SERVICE

(Code of Civil Procedure Sections 1013a, 2015.5)

STATE OF CALIFORNIA]
]ss.
COUNTY OF LOS ANGELES]

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite 1250, Los Angeles, California 90071.

On August 25, 2020, I served the following document(s) described as:
**DECLARATION OF WILLIAM L. MARDER IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on
the interested parties in this action as follows:

Mike Resch
Ashely Park
Amy's Kitchen, Inc.
1650 Corporate Circle, Ste. 200,
Petaluma, CA 94954
Attorneys for Defendant Amy's Kitchen, Inc.

 X BY ELECTRONIC SERVICE: Based on a court order I caused the above-entitled document(s) to be served through the Odyssey eFileCA E-Filing System at the website www.california.tylerhost.net, addressed to all parties appearing on the electronic service list for the above-entitled case. The service transmission was reported as complete and a copy of the filing receipt/confirmation will be filed, deposited, or maintained with the original document(s) in this office.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 25, 2020, at Los Angeles, California.



Erika Mejia