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Attorneys for Plaintiffs Amanda Gonzalez
and Audriana Gonzalez

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

AMANDA GONZALEZ and
AUDRIANA GONZALEZ on behalf
of themselves, all others similarly
situated and on behalf of the general
public,

Plaintiffs,

v.

BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION
and DOES 1-100,

Defendants.

CASE NO. 5:18-cv-00666-JGB-SP

Honorable Jesus G. Bernal

**DECLARATION OF DAVID MARA,
ESQ. IN SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES,
COSTS, AND CLASS
REPRESENTATIVE ENHANCEMENT
PAYMENT**

Date: March 1, 2021
Time: 9:00 a.m.
Courtroom: 1

Filed: February 27, 2018
FAC Filed: October 31, 2018
Trial Date: None

1 I, DAVID MARA, declare as follows:

- 2 1. I am President of Mara Law Firm, PC and counsel of record for Plaintiffs
3 Amanda Gonzalez and Audriana Gonzalez (“Plaintiffs”) and the putative class
4 in this matter. I am duly admitted to practice before all the courts of the state of
5 California. The following facts are within my personal knowledge and, if called
6 to testify, I could and would competently testify thereto.
- 7 2. I have been practicing law in California since 2004.
- 8 3. I extensively handle employment cases which involve violations of the
9 California Labor Code and Industrial Welfare Commission Wage Orders, such
10 as wage and hour class actions and cases alleging violations of the Private
11 Attorneys General Act of 2004 (“PAGA”).
- 12 4. I was co-class counsel in *Hohnbaum v. Brinker Restaurant Corp.*, San Diego
13 Superior Court, Case No. GIC834348, which was the underlying case in the
14 California Supreme Court’s landmark decision in *Brinker Restaurant Corp. v.*
15 *Superior Court* (2012) 53 Cal.4th 1004, in which the California Supreme Court
16 delineated the scope of employer obligations to provide, and employee rights to
17 receive, meal and rest periods under California law.
- 18 5. I wrote an Amicus brief on behalf of Consumer Attorneys Of California
19 (“CAOC”) in the recent decision by the California Supreme Court in *Augustus*
20 *v. ABM Security Services, Inc.* (2016) 2 Cal.5th 257 (rest breaks must be duty-
21 free and time spent being on call during rest breaks is not considered duty-free).
- 22 6. My firm also wrote an Amicus brief on behalf of CAOC in the recent decision
23 by the California Supreme Court in *Williams v. Superior Court* (2017) 3 Cal.
24 5th 531 (PAGA and wage and hour class action).
- 25 7. I have also lectured as a panelist for California Employment Lawyers
26 Association regarding a host of wage and hour issues.
- 27 8. My firm has been granted class certification in both state and federal courts.

1 9. I am also Plaintiff's counsel in a host of other class actions involving violations
2 of California's wage and hour laws. For example, I have been and am involved
3 as counsel for plaintiffs in the following sampling of class action cases involving
4 wage and hour violations under California law: *Davis v. Apria Healthcare*
5 *Group* (Case No. 37-2015-00007743); *Norona v. B&G Delivery System, Inc.*
6 (Case No. RG1577005); *Perez v. City of San Diego* (Case No. 37-2014-
7 00016621); *Cuellar-Ramirez v. US Foods, Inc.* (Case No. RG15770766); *Peron*
8 *v. The Vons Companies, Inc.* (Case No. 15-cv-01567-L-JMA); *Hilderbrand v.*
9 *LinkUs Enterprises, LLC* (Case No. DR150155); *Belton v. Pacific Pulmonary*
10 *Services* (Case No. CGC-15-547564); *Medina v. Central Cal Transportation,*
11 *Inc.* (Case No. RG15770011); *Eure v. Dotson v. Asbury Environmental Services*
12 (Case No. RG16842620); *Spikes v. Bear Trucking, Inc.* (Case No.
13 16CECG02389); *Reynoso v. Benjamin's Transfer, Inc.* (Case No. FCS048845);
14 *Montes v. Coram Specialty Infusion Services, Inc.* (Case No. 37-2016-
15 00028950-CU-OE-CTL); *Rodriguez v. Delta Sierra Beverage, LLC* (Case No.
16 34-2017-00206727); *Clavel v. La Jolla Beach & Tennis Club, Inc.* (Case No.
17 37-2017-00004802-CU-OE-CTL); *Martin v. Sysco Central California, Inc.*
18 (Case No. 9000052).

19 10. Mara Law Firm, PC (formerly The Turley & Mara Law Firm, APLC) devotes a
20 significant portion of its practice specifically to wage and hour class actions. A
21 majority of the cases I handle are wage and hour class actions and actions filed
22 pursuant to the Private Attorneys General Act of 2004 ("PAGA"). Ms. Vecchi
23 and Mr. Roberts solely handle wage and hour class actions and PAGA actions.
24 Mara Law Firm, PC, has been appointed class counsel in numerous federal and
25 state class actions. Mara Law Firm, PC, and its lawyers have handled over three
26 hundred and fifty (350) class action and PAGA lawsuits. Mara Law Firm, PC,
27 and its lawyers have successfully settled over one hundred (100) cases over a

1 period of approximately sixteen (16) years, resulting in the recovery of millions
2 of dollars for class members.

3 11. Mara Law Firm, PC, is well versed in wage and hour class action law.
4 Specifically, Mara Law Firm, PC, has obtained class certification and has been
5 certified as class counsel in the following cases: *Mario Norona v. B&G Delivery*
6 *System, Inc.* (Sacramento County Superior Court, Case No. 34-2015-00186826-
7 CU-OE-GDS); *Jerald Schroeder v. YRC, Inc.*; *YRC Worldwide, Inc.* (Central
8 District of California, Case No. 12-cv-01374-TJH); *John Martin v. Sysco*
9 *Corporation*; *Sysco Central California, Inc.* (Eastern District of California, Case
10 No. 1:16-cv-00990-DAD-SAB); *William Smith v. Werner Enterprises, Inc.*
11 *d/b/a C.L. Werner, Inc.* (District of Nebraska, Case No. 8:15-cv-287); and
12 *Thomas Perez v. City of San Diego* (San Diego County Superior Court, Case
13 No. 37-2014-00016621-CU-OE-CTL).

14 12. In addition, Mara Law Firm, PC, filed and fully briefed class certification
15 motions before the following cases were settled: *Alton Davis v. Apria*
16 *Healthcare Group, Inc.* (San Diego County Superior Court, Case No. 37-2014-
17 00004724); *Rick Frieri v. Sysco Corporation*; *Sysco San Diego, Inc.* (Southern
18 District of California, Case No. 16-cv-1432-JLS-NLS); *Alberto Solano and*
19 *Damon Randall v. Professional Auto Transport, Inc.* (San Bernardino County
20 Superior Court, Case No. CIVDS1619020); *Richard Terry v. Hoovestol, Inc.*
21 (Northern District of California, Case No. 3:16-cv-05183-JST); and *Kristina*
22 *McConville v. Renzenberger, Inc.* (Central District of California, Case No. 2:17-
23 cv-02972-FMO-JC).

24 13. I have litigated over three hundred and fifty (350) class action and PAGA
25 lawsuits. I have been litigating wage and hour class action lawsuits for
26 approximately sixteen (16) years. I graduated from California Western School
27 of Law and was admitted to practice law in California in May 2004. I primarily
28

1 handle wage and hour class actions and PAGA actions. I am the president of
2 Mara Law Firm, PC.

3 14.I was co-class counsel in *Hohnbaum v. Brinker Restaurant Corp.* (San Diego
4 County Superior Court, Case No. GIC834348) which was the underlying case
5 in the California Supreme Court's landmark decision in *Brinker Restaurant*
6 *Corp. v. Superior Court* (2012) 53 Cal.4th 1004, in which the California
7 Supreme Court delineated the scope of employer obligations to provide, and
8 employee rights to receive, meal and rest periods under California law. I also
9 wrote the Amicus Curiae brief on behalf of Consumer Attorneys of California
10 ("CAOC") in the decision by the California Supreme Court in *Augustus v. ABM*
11 *Security Services, Inc.* (2016) 2 Cal.5th 257 (rest breaks must be duty-free and
12 time spent being on call during rest breaks is not considered duty-free). I also
13 wrote the Amicus Curiae brief on behalf of CAOC in the matter currently
14 pending before the California Supreme Court, *Frlekin v. Apple, Inc.* (Cal. S. Ct.
15 No. S243805).

16 15.I oversee all aspects of the class action and PAGA action cases Mara Law Firm,
17 PC, handles. I also write a wide range of motions and argue at a wide range of
18 hearings. I review and edit motions written by the associates at Mara Law Firm,
19 PC; develop strategies with associates at Mara Law Firm, PC, in how to best
20 litigate each case; review and edit discovery that is sent out to employers; review
21 and edit clients' discovery responses; draft and revise complaints; draft and
22 revise retainers sent to clients; communicate with clients; communicate with
23 class members; communicate with defense counsel; communicate with co-
24 counsel; review documents produced by employers; conduct investigations into
25 potential cases; research and stay up to date in relevant law; attend mediations;
26 draft, review, and revise settlement agreements; and oversee all day to day
27 matters in cases.

1 16.I have been named as class counsel in the following certified cases as a result of
2 the court granting a motion for class certification: *Mario Norona v. B&G*
3 *Delivery System, Inc.* (Sacramento County Superior Court, Case No. 34-2015-
4 00186826-CU-OE-GDS); *Jerald Schroeder v. YRC, Inc.; YRC Worldwide, Inc.*
5 (Central District of California, Case No. 12-cv-01374-TJH); *John Martin v.*
6 *Sysco Corporation; Sysco Central California, Inc.* (Eastern District of
7 California, Case No. 1:16-cv-00990-DAD-SAB); *William Smith v. Werner*
8 *Enterprises, Inc. d/b/a C.L. Werner, Inc.* (District of Nebraska, Case No. 8:15-
9 cv-287); and *Thomas Perez v. City of San Diego* (San Diego County Superior
10 Court, Case No. 37-2014-00016621-CU-OE-CTL).

11 17.Jill Vecchi is an associate at the Mara Law Firm, PC. Ms. Vecchi has been a
12 member of the bar since 2014. Ms. Vecchi has handled over one hundred (100)
13 class action and PAGA lawsuits. Ms. Vecchi received her training in wage and
14 hour class action and PAGA lawsuits while at Mara Law Firm. Ms. Vecchi has
15 gained extensive experience handling wage and hour class actions and has been
16 substantially involved in all phases of this litigation and the following wage and
17 hour class actions: *Rodriguez et al. v. Cleansource, Inc., et al.* (Case No. 14-cv-
18 0789L DHB); *Norona v. B&G Delivery System, Inc.* (Case No. RG1577005);
19 *Thompson v. Costco Wholesale Corporation* (Case No. 14-cv-2778-CAB-
20 WVG); *Simon v. Sysco Corporation* (Case No. 37-2014-00012263); *Lopez v.*
21 *Sysco Corporation* (Case No. 4:15-cv004420-JSW); *Pyara v. Sysco*
22 *Corporation* (Case No. 2:15-cv-01208); *Cuellar-Ramirez v. US Foods, Inc.*
23 (Case No. RG15770766); *Peron v. The Vons Companies, Inc.* (Case No. 37-
24 2014-00006965-CU-OE-CTL); *Little v. Gate Gourmet, Inc.* (Case No. 37-2016-
25 00010636-CU-OE-CTL); *Limon v. National Retail Transportation, Inc.* (Case
26 No. 2:16-cv-02054); *Belton v. Pacific Pulmonary Services* (Case No. CGC-15-
27 547564); *Medina v. Central Cal Transportation, Inc.* (Case No. RG15770011);
28 *Schram v. Take Two Interactive Software, Inc.* (Case No. 37-2014-00042000-
CU-OE-CTL); *Spikes v. Bear Trucking, Inc.* (Case No. 16CECG02389);

1 *Houston v. Big 5 Sporting Goods Corporation* (Case No. RG16823835); *Solis*
2 *v. Bottomley Distribution Co., Inc.* (Case No. 115CV287797); *Prasad v. CFC*
3 *Network, Inc.* (Case No. 34-2016-00193907); *Montes v. CORAM Specialty*
4 *Infusion Services, Inc.* (Case No. 37-2016-00028950-CU-OE-CTL); *Paz v.*
5 *Estenson Logistics, LLC* (Case No. RIC1610271); *Rodriguez v. Freshpoint, Inc.*
6 (Case No. 4:16-cv-05271); *Valentich v. Hub Construction Specialties, Inc.*
7 (Case No. RIC 1610267); *Roby v. Pan Pacific Petroleum, Inc.* (Case No. BCV-
8 16-101856); *Smith v. Roadrunner Management Services, Inc.* (Case No.
9 BC630949); *Tolbert v. Secure Transportation Company, Inc.* (Case No.
10 16CV297844); *Zubia v. Shamrock Foods Company* (Case No. 16-cv-3128);
11 *Hunt v. VEP Healthcare, Inc.* (Case No. 3:16-cv-04790); *Terry v. Hoovestol,*
12 *Inc.* (Case No. RG16823879); *Lopez v. Starving Students, Inc.* (Case No. 37-
2014-00083995-CU-OE-CTL).

13 18. Ms. Vecchi is involved in all aspects of the cases assigned to her. Ms. Vecchi
14 routinely writes and opposes motions and argues at hearings. Ms. Vecchi drafts
15 and edits motions and drafts and revises discovery propounded on employers;
16 communicates with clients, class members, and defense counsel; drafts and
17 revises notices to the Labor and Workforce Development Agency pursuant to
18 the Private Attorneys General Act of 2004; creates exhibits for use in cases;
19 reviews and analyzes documents produced by employers; deposes employer
20 witnesses; defends client depositions; attends mediations; drafts, reviews, and
21 revises settlement agreements; drafts, reviews, and revises settlement approval
22 motions; argues at hearings on settlement motions; and oversees day to day work
in her cases.

23 19. Tony Roberts handles wage and hour class actions and PAGA lawsuits at Mara
24 Law Firm. Mr. Roberts graduated from the University of San Diego School of
25 Law where he merited honors in class action studies and performed independent
26 studies on class actions. Mr. Roberts externed at the United States District Court
27 for the Honorable Mitchell D. Dembin. Mr. Roberts was admitted to practice

1 law in California in June 2017. Shortly thereafter, Mr. Roberts joined Mara Law
2 Firm, PC, litigating wage and hour class and PAGA actions. Mr. Roberts
3 received his training in wage and hour class action and PAGA lawsuits while at
4 Mara Law Firm, PC. Mr. Roberts is also an adjunct professor of law at the
5 University of San Diego School of Law.

6 20. Mr. Roberts routinely writes and opposes motions, drafts complaints, appears
7 before the Court at law and motion and settlement hearings; engages in the
8 discovery process; deposes witnesses and defends depositions; creates exhibits
9 and analyzes documents and data; drafts, reviews, and revises settlement
10 agreements and oversees day to day work in his cases.

11 21. This was a highly contested matter which required a significant amount of time
12 and labor. The settlement was only possible after considerable investigation.
13 Throughout the course of litigation, the Parties engaged in concentrated
14 informal discovery. Although informal in the sense that documents, data, and
15 information were produced pursuant to informal requests instead of formal
16 discovery inquiries, the gathering of information was no less robust than
17 Plaintiffs would obtain through formal means. The discovery conducted and the
18 resultant meet and confer efforts led to exchanging hundreds of pages of
19 documents and hundreds of thousands of lines of data. The information and data
20 included, for example, policies and best practices, meal period and rest break
21 policies, contracts between Burlington and Lyneer Staffing Solutions, Lyneer
22 Staffing Solutions' time records, attendance records, and pay records, as well as
23 personnel files. Plaintiffs hired an expert, Mr. Jarrett Gorlick, who analyzed and
24 worked with counsel to analyze the timekeeping and payroll data.

25 22. The litigation required considerable analysis and time interviewing class
26 members about their experiences. This was a critical component to the case and
27 the liability points. These interviews provided support for Plaintiffs contention

1 that Burlington substantially controls the Class Members and would meet the
2 factors delineated in the *Borello* test in *S. G. Borello & Sons, Inc. v. Department*
3 *of Industrial Relations* (1989) 48 Cal.3d 341. Burlington disputes that it is the
4 employer under *Borello*. Burlington maintains that, on balance, the staffing
5 company – Lyneer Staffing Solutions – is the employer. Burlington relies on the
6 facts that Lyneer recruits and hires Class Members, pays Class Member wages,
7 maintains time, attendance, and wage records of Class Members, provides meal,
8 rest period and other applicable employment policies, sets Class Member wages,
9 discharges Class Members with or without cause, and even provides on-site
10 supervision. Because Burlington concludes that all control under *Borello* has
11 been exerted through Lyneer, whom Burlington claims is the appropriate
12 employer, class member interviews provided valuable support to refute
13 Burlington’s position.

14 23. My firm investigated and analyzed documents and data relating to Plaintiffs’
15 classwide claims. In addition, my firm had to marshal the evidence in a manner
16 in which it could be adjudicated on a classwide basis, an endeavor that cannot
17 be underscored. Throughout the matter, as evidence was being gathered through
18 documents and witness interviews, my firm was reducing the data to a “living
19 class certification motion” and “living summary judgment motion.” This
20 filtering of voluminous evidence into classwide proof while keeping an eye on
21 the merits of the litigation resulted in a considerable amount of attorney time
22 and skill.

23 24. All services were performed by my firm were on a contingent basis. Both
24 California and federal courts recognize that attorneys should be compensated
25 for taking on such contingent risks and provided with financial incentives to
26 enforce important rights and protections like those at issue in this case. Here,
27

1 my firm bore the risk that, in spite of all of their efforts and skill employed, there
2 may be no recovery.

3 25. My firm's many tasks, in summary form, included the following: pre-filing
4 investigation and legal research; communicating with Plaintiffs; interviewing
5 class members; conducting personnel file reviews as well as wage and time
6 record consultations and audits for class members; investigation into
7 Burlington's assets and revenue; drafting a PAGA letter and notifying the
8 LWDA of Plaintiffs' claims, settlement, and motions; investigation into
9 Burlington's pay-structures and policies; draft and file pleading; respond to class
10 member inquiries regarding case progression; analyze and respond to
11 Burlington's numerous defenses as well as research and investigate Burlington's
12 position on misclassification, third-party complaints, and impleader; numerous
13 conferences with Burlington's Counsel regarding a variety of issues throughout
14 the litigation, mediation, and settlement; draft discovery and meet and confer
15 with Burlington; analyze records produced by Burlington relating to its policies,
16 pay-structures, and time keeping; provide data to expert and consult with expert
17 regarding pay data and time data; filter evidence into classwide proof; draft and
18 reduce data to a "living class certification motion" and "living summary
19 judgment motion"; prepare for and attend two mediations; draft mediation brief
20 and mediation damage and exposure models; draft and file stipulations and
21 amended complaints; draft, review, negotiate, and revise the settlement
22 agreement; discussions with settlement administrator regarding administration
23 duties; respond to class member inquiries regarding the Class Notice and the
24 Settlement; draft settlement approval motion and supporting papers; review
25 settlement administrator's declaration; and appearing at the final approval
26 hearing.

27 26. I devoted 383 hours to this case. The following is a summary of my tasks and
28

1 the activities I performed in this litigation: pre-filing investigation and legal
2 research; communicate and meet with the Class representatives, Amanda
3 Gonzalez and Audriana Gonzalez; interview numerous employees and provide
4 consultations as well as gather evidence after analyzing time records, wage
5 records, and personnel files; research and investigate California's ever-evolving
6 wage and hour laws regarding employee classification, compensation, overtime,
7 meal and rest periods, itemized wage statements, waiting time penalties, and
8 California's Unfair Competition Law in addition to the authority provided by
9 Burlington; research and respond to Burlington's position on employee
10 classification, employer control, and third party complaints; investigate
11 Burlington's revenue, assets, corporate structure, pay-structure, policies, and
12 record keeping procedures; edit PAGA notices to the LWDA and Burlington;
13 draft complaint; review and edit amended complaints; numerous inner-office
14 meetings regarding a variety of issues throughout the litigation, mediation, and
15 settlement; analyze records produced by Burlington relating to its policies, pay-
16 structures, and time keeping; consult with expert regarding pay data and time
17 data; review and/or edit oppositions; filter evidence into classwide proof; draft
18 and reduce data to a "living class certification motion" and "living summary
19 judgment motion"; edit and revise mediation briefs and exposure model; discuss
20 litigation strategy with associates; prepare for and attend mediations; review and
21 edit settlement agreement, motion for preliminary approval, motion for final
22 approval motion, and motion for attorneys' fees, costs, and class representative
23 service enhancement; communicate, discuss, and review the settlement with
24 Plaintiffs; draft declaration in support of approval motion; review class notice;
25 respond to class member inquiries regarding the case progression; respond to
26 class member inquiries regarding the Class Notice and the Settlement review;
27 edit settlement administrator's declaration; and it is anticipated that I will
28

1 prepare for and virtually attend the settlement approval hearing.

2 27. My hourly rate is \$800. Based on my hourly rate and the hours expended (383),
3 my lodestar fee is \$306,400, which was reasonable and necessary to the
4 successful litigation of this matter.

5 28. Ms. Vecchi devoted 222 hours to this case. The following is a summary of her
6 tasks and activities performed in the litigation of this matter: discussions with
7 Plaintiffs Amanda Gonzalez and Audriana Gonzalez throughout the entirety of
8 the litigation; review initial complaint; update class members on case status and
9 progression; analyzing documents and information produced by Burlington,
10 including records produced by Burlington relating to its policies, pay-structures,
11 and time keeping as well as its contracts and documents associated with Lyneer;
12 prepare summary for case file of documents produced; reduce data and
13 discovery to a “living class certification motion” and “living summary judgment
14 motion”; drafting and/or reviewing and editing stipulations; draft mediation
15 brief and mediation damage and exposure models; attend first mediation;
16 drafting and revising settlement agreement; reviewing weekly status reports
17 from the Settlement Administrator regarding Class participation; draft motion
18 for attorneys’ fees, costs, and class representative service enhancement; and
19 revise motion for final approval of the settlement.

20 29. Ms. Vecchi’s hourly rate is \$600. Based on her hourly rate and the hours
21 expended (222), her lodestar fee is \$133,200, which was reasonable and
22 necessary to the successful litigation of this matter.

23 30. Mr. Roberts devoted 206 hours to this case. The following is a summary of his
24 tasks and activities performed in the litigation of this matter: communicate and
25 meet with Plaintiffs Amanda Gonzalez and Audriana Gonzalez; analyze and
26 research Burlington’s responsive pleading and defenses; draft PAGA notice to
27 LWDA and Burlington; upload settlement and motions to the LWDA; draft
28 opposition motion to file third-party complaint and impleader; provide data to
expert and consult with expert; conduct 26(f) conference and draft report; attend

1 case management and scheduling conference; inter-office discussions re:
2 strategy, Burlington's defenses, litigation, mediation, and settlement; assist
3 Plaintiffs in providing information and documents; interview employees and
4 conduct personnel file reviews as well as wage and time record audits and
5 consultations; update class members on case status and progression; analyze
6 records, documents, and data produced by Burlington relating to its policies,
7 pay-structures, and time keeping; draft and file amended complaints;
8 communications with Burlington's counsel; review discovery responses and
9 gather evidence, documents, and data necessary for classwide adjudication;
10 review and edit mediation brief and exposure model; prepare for and attend
11 mediations; review and edit settlement agreement; draft motion for preliminary
12 approval; respond to class member inquiries regarding the Class Notice and the
13 Settlement; review and edit settlement administrator's declaration; edit motion
14 for attorneys' fees, costs, and class representative service enhancement; and,
15 draft motion for final approval.

16 31.Mr. Roberts' hourly rate is \$500. Based on his hourly rate and the hours
17 expended (206), his lodestar fee is \$103,000, which was reasonable and
18 necessary to the successful litigation of this matter.

19 32.My firm respectfully requests a fee of \$750,000. Based on the total attorney
20 hours expended and rates, my firm's lodestar would require a modest 1.38
21 multiplier to raise the generated fees to the requested amount. Far greater
22 multipliers have been awarded in similar cases, and the total amount of fees is
23 also reasonable compared to fees awarded in like cases. Courts routinely
24 enhance lodestar amounts based on multipliers that range from 2 to 4 or even
25 higher.

26 33.My firm also seeks reimbursement of \$25,826.97 in litigation costs and
27 expenses (originally estimated not to exceed \$50,000).

1 34. Subject to the Court's approval, Plaintiffs respectfully request a payment not to
2 exceed \$7,500 each. The payment shall be made from the MSA. If the amount
3 awarded is less than the amount requested, the difference shall become part of
4 the Net Settlement Amount ("NSA").

5 35. A true and correct copy of the Summary of Time and Costs for my firm is
6 attached as **Exhibit 1**.

7 36. A true and correct copy of the Westlaw Court's Express's Legal Billing Report,
8 Volume 14, Number 3, California Region for December 2012 is attached as
9 **Exhibit 2**.

10 37. A true and correct copy of the Declaration of Richard M. Pearl in *Hohnbaum v.*
11 *Brinker Restaurant Corp.* SDSC GIC834348 is attached as **Exhibit 3**.

12 38. A true and correct copy of the 2012 National Law Journal Survey of Hourly
13 Billing Rates for Partners and Associates is attached as **Exhibit 4**.

14 I declare under penalty of perjury under the laws of the United States of America
15 that the foregoing is true and correct.

16
17 Dated: February 1, 2021

/s/David Mara, Esq.
David Mara, Esq.