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Attorneys for Plaintiff Erik Rudolph
and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

HECTOR MARTIN, Individually and on behalf
of all similarly-situated employees of Defendants
in the State of California,

Plaintiffs,

v.

HERC RENTALS, INC and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 37-2020-00016112-CU-OE-CTL

CLASS ACTION

**DECLARATION OF ZACHARY M.
CROSNER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed concurrently with: Plaintiff's Notice of
Motion and Motion for Preliminary Approval
of Class Action Settlement, Memorandum of
Points and Authorities; and [Proposed] Order]*

Date: May 12, 2023
Time: 8:30 a.m.
Judge: Hon. Ronald F.
Frazier
Department: C-65

Date Complaint Filed: March 16, 2020

1 **DECLARATION OF ZACHARY M. CROSNER**

2 I, ZACHARY M. CROSNER, Declare:

3 1. I am an attorney duly licensed to practice in California and before this Court, and
4 I am the principal of Crosner Legal PC, counsel of record for plaintiff Erik Rudolph. I make
5 this declaration in support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class
6 Action Settlement. If called to testify as to the within facts, I would and could competently do
7 so.

8 **PROCEDURAL HISTORY**

9 2. On November 21, 2019, Plaintiff Rudolph sent a notice to Defendants and the
10 California Labor & Workforce Development Agency ("LWDA") alleging various wage and
11 hour violations pursuant to the PAGA, including Labor Code violations based on the claims set
12 forth below.

13 3. On April 15, 2020, Plaintiff Rudolph filed a putative wage and hour class action
14 and PAGA representative Complaint against Defendants for: (1) Recovery of Unpaid Minimum
15 Wages and Liquidated Damages; (2) Recovery of Unpaid Overtime Wages; (3) Failure to
16 Provide Meal Periods or Compensation in Lieu Thereof; (4) Failure to Provide Rest Periods or
17 Compensation in Lieu Thereof; (5) Failure to Furnish Accurate Itemized Wage Statements; (6)
18 Failure to Timely Pay All Wages Due Upon Separation of Employment; (7) violations of the
19 UCL, Bus. & Prof. Code §§ 17200, et seq.; (8) and, violation of the Private Attorneys General
20 Act. The lawsuit was filed in Los Angeles County Superior Court and assigned Case No.
21 20STCV14715.

22 4. On June 18, 2020, Defendants removed the action to the United States District
23 Court for the Central District of California where it was assigned Case No. 2:20-cv-05412 ODW
24 (Ex).

25 5. On March 3, 2021, Plaintiff Rudolph filed a First Amended Complaint alleging
26 the same claims as set forth in the original Complaint and an additional claim for failure to
27 provide sick time.

28 6. On July 23, 2021, the Parties participated in a full day mediation with mediator

1 Louis Marlin, which did not result in a settlement but served to close the gap on the Parties’
2 respective settlement positions.

3 7. On September 21, 2021, Plaintiff Rudolph filed a Second Amended Complaint
4 alleging the same claims as set forth in the original Complaint and removing the additional
5 claim for failure to provide sick time that was added to the First Amended Complaint.

6 8. In March of 2022, after several months of back-and-forth negotiations, the Parties
7 were eventually able to reach a global class action settlement that resolved Plaintiff Rudolph’s
8 class action claims pending in the Central District of California and Plaintiff Martin’s
9 overlapping class action claims pending in this Court.

10 **PLAINTIFF’S ENHANCEMENT AWARD**

11 9. The Settlement Agreement provides for an enhancement of up to \$7,500.00 for
12 each Plaintiff. This request is reasonable given the risks Plaintiff Rudolph undertook on behalf
13 of the Class Members. By contacting and retaining counsel to pursue these claims, Plaintiff
14 helped make this settlement possible for the absent Class Members, while shouldering the risk
15 of being liable for Defendants’ litigation costs. Plaintiff also exposed himself to unwanted
16 notoriety related to filing public lawsuits (discoverable even through a simple Google search)
17 for the benefit of other employees, placing himself at risk of discrimination by future
18 prospective employers. Among taking many other actions assisting in the successful litigation
19 of this case, Plaintiff provided substantial factual information and documents to counsel,
20 attended numerous meetings/phone conferences with counsel to discuss the case, and kept
21 informed of all significant developments. He will provide the Court with a detailed declaration
22 in advance of the Final Approval Hearing in support of his request for an enhancement award.

23 **EXPERIENCE AND QUALIFICATIONS**

24 10. I am a 2010 graduate of University San Diego School of Law. I have twelve years
25 of experience as a practicing attorney, all of which have focused on litigation of employment, labor
26 law, consumer, and class action claims. Following my graduation, I immediately began working
27 for a nationally recognized plaintiff’s complex litigation firm, CaseyGerry, where I had the fortune
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1 of working directly with past presidents of the consumer attorneys and recipients of trial attorneys
2 of the year awards. I also worked for former CAALA and CLAY trial attorney of the year recipient,
3 attorney Conal Doyle, as his sole associate attorney. During my tenure at these firms, I focused on
4 advocating for the rights of consumers and employees in class action litigation, civil rights and
5 employment litigation, catastrophic injuries, insurance bad faith and appellate litigation.

6 11. In 2013, I founded the law firm of Crosner Legal, P.C. which since its inception has
7 focused almost exclusively on wage and hour class actions and other labor and employment law
8 cases representing plaintiffs. Currently, over ninety percent (90%) of my practice is dedicated
9 exclusively to the prosecution of wage and hour class actions, and my law firm is currently
10 responsible as lead counsel or co-lead counsel for prosecuting well over fifty (50) wage and hour
11 class actions and/or PAGA representative actions in both federal and state courts throughout
12 California.

13 12. I am currently an executive board member of the Wage and Hour Committee and
14 the Legislative Committee for the California Employment Lawyers Association; a member of the
15 Grassroots Advocacy Team for the National Employment Lawyers Association; Wage and Hour
16 Committee member and Class Action Committee member for the National Trial Lawyers; a
17 member of the American Association for Justice; and member of the Pound Civil Justice Institute.
18 I have also been selected by Super Lawyers as a “Southern California Rising Star” for employment
19 and labor law every year since 2018.

20 13. Jamie Serb is the managing attorney at my firm. She oversees the litigation of
21 hundreds of wage and hour class and PAGA lawsuits and arbitrations. She supervises the wage and
22 hour attorneys at Crosner Legal and is involved at every step of the litigation of these cases. She
23 received a Bachelor’s Degree from the University of California, San Diego in 2004 and graduated
24 from California Western School of Law in 2013. Ms. Serb has been a member of the California Bar
25 since 2013. She gained extensive experience in wage and hour litigation, beginning work as a class
26 action attorney in 2015 at the Mara Law Firm, PC (previously Turley & Mara Law Firm, APLC;
27 Turley Law Firm, APLC). She joined Crosner Legal on January 4, 2021 as an associate attorney. She
28

has handled wage and hour class actions and PAGA lawsuits for over eight (8) years and has assisted in obtaining millions of dollars for employees during her years of practice.

14. Crosner Legal, P.C. has obtained several multi-million dollar wage and hour class action settlements while serving as lead class counsel in recent years, including but not limited to a \$1.9 million wage and hour class action settlement in 2015 (*Smith v. Lux Retail North America, Inc.*, Case No. 3:13-cv-01579-WHA (N.D. Cal.)); a \$4.1 million wage and hour class action settlement in 2016 (*Aguirre v. Mariani Nut Company, Inc. et al.*, Case No. 34- 2016-00190252 (Sacramento Cty. Super Ct.)); a \$1.35 million wage and hour class action settlement in 2017 (*Montelone v. Ocean Cities Pizza, Inc.*, Case No. 56-2014-00458249 (Ventura Cty. Super. Ct.)), a \$1.8 million wage and hour class action settlement in 2018 (*Latham v. K.W.P.H. Enterprises, Inc. dba American Ambulance*, Case No. 17C-0162 (Kings Cty. Super Ct.)), a \$1.3 million wage and hour class action settlement in 2019 (*Means, et al. v. AirGas USA, LLC*, Case No. 17-CV-2160 JGB (C.D. Cal.)), a \$1.5 million wage and hour settlement in 2020 (*Babouchian, et al. v. Wyndham Vacation Ownership, et al.*, Case No. CV18-14601 (San Diego Cty. Super. Ct.)), a \$1.15 million wage and hour class action settlement in 2020 (*Buford v. Medical Solutions LLC*, Case No. 4:18-CV-04864-YGR (N.D.Cal.)); a \$2.2 million wage and hour class action settlement in 2021 (*Ghorchian, et al. v. West Hills Hospital, et al.*, Case No. LS029737 (Los Angeles Super. Ct.)); and a \$2.85 million dollar wage and hour settlement in 2021 (*Valencia v. The Original Mowbray's Tree Service, Inc.*, Case No. CIVDS1825518 (San Bernardino Super. Ct.)).

THE SETTLEMENT IS FAIR, REASONABLE,
AND IN THE BEST INTEREST OF THE CLASS

15. To date, no class member has expressed any opposition to the settlement to my office. In any event, class members will have the opportunity to express any opposition during the notice period.

16. After reviewing Defendants' wage and hour policies, time and payroll records, and analyzing Defendants' exposure for these claims, as well as the risks of further litigation and defenses presented for each of the claims, I believe the settlement is fair, reasonable, and in the best interests of the class.

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

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5 Dated: April 20, 2023

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7 ZACHARY M. CROSNER
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