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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

FRANK CHINDAMO, individually and on
behalf of all others similarly situated,

Plaintiff,
vs.

CHAPMAN UNIVERSITY, a California
Non-Profit Corporation,

Defendants.

Case No. 30-2020-01147814-CU-OE-CXC

**DECLARATION OF JONATHAN
MELMED IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: September 2, 2021
Time: 2:00 p.m.
Judge: Hon. Peter Wilson
Dept.: CX102

1 I, Jonathan Melmed declare as follows:

2 1. I am an attorney licensed to practice law before this Court and the federal and state
3 courts of California. I am over 18 years of age. I have personal knowledge of the facts set forth in
4 this declaration and if called upon to testify, could and would testify competently thereto.

5 2. I am a founding shareholder in the law firm of Melmed Law Group P.C. My office,
6 along with co-counsel Craig J. Ackermann of Ackermann & Tilajef, P.C. and Julian Hammond and
7 Ari Cherniak of HammondLaw, P.C. (collectively, "Class Counsel"), is attorney of record for
8 Plaintiff Frank Chindamo ("Plaintiff" or "Class Representative") and the proposed settlement class
9 (the "Class") in the above-captioned matter.

10 3. After engaging in productive settlement discussions, including a full-day mediation,
11 Plaintiff and Defendant Chapman University ("Defendant") entered into a Class Action Settlement
12 Agreement (the "Settlement Agreement") resolving the claims of the proposed Settlement Classes.
13 The Settlement, conditioned on preliminary approval by this Court, seeks to fully release and
14 discharge Defendant from claims brought against it in this matter. In exchange, Defendant will pay
15 the non-reversionary Gross Settlement Amount ("GSA") of \$1,150,000 to settle the wage-and-hour
16 claims of Defendant's adjunct instructors and other settlement class members. The Net Settlement
17 Amount (i.e. the GSA less deductions for attorneys' fees (\$383,333.33), litigation costs (\$20,000),
18 settlement administration costs (\$35,000), PAGA penalties (\$37,500), and Plaintiff's Service Award
19 (\$5,000)) will be distributed as follows: 75% to the Adjunct Class on a pro rata basis based on the
20 number of weeks worked during the Adjunct Class Period, 22% to the Work From Home Class on a
21 pro rata basis based on the number of weeks worked during the Work From Home Class Period; and
22 3% to the Parking Reimbursement Class on a per capita basis. The settlement will be distributed on
23 a checks-cashed basis, such that all Class Members who do not affirmatively opt-out will
24 automatically receive their settlement shares, without the need to submit a Claim Form. The
25 settlement obtained here was negotiated at arms' length, and is fair and reasonable to the Class.

26 4. I believe that the causes of action, allegations, and contentions asserted in the Action
27 have merit, and that there was significant possibility of certifying the claims as a class action.
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1 However, I also recognize and acknowledge the expense and delay of continued lengthy proceedings
2 necessary to prosecute the Action against Defendant through class certification, summary judgment
3 trial, and through appeals. Moreover, I have taken into account the uncertain outcome and the risk
4 of any litigation, the risk of continued litigation in complex actions such as this, as well as the
5 difficulties and delays inherent in such litigation, the potential risks of not obtaining certification of
6 the Action as a Class Action, and the risk of no recovery as well as ongoing, substantial additional
7 expenditures of time and resources. If settlement were not achieved, continued litigation of the claims
8 would take substantial time and possibly confer no benefit on Class Members. By contrast, the
9 settlement will yield a prompt, certain, and substantial recovery for Class Members, which also
10 benefits the parties and the Court.

11 5. In coming to an evaluation of a reasonable settlement, I needed to take into account
12 the possibility of unfavorable decisions on class certification, summary judgment, at trial and/or on
13 the damages awarded, and/or on an appeal that would all take several more years to litigate, the risk
14 of Plaintiff not prevailing on one or more of the underlying claims due to factors such as Defendant's
15 ability to distinguish this case from existing cases, the risk that a court may not award waiting time
16 penalties based on difficulties in establishing bad faith, and the transaction costs and time of litigation.

17 6. Class Counsel believes that the Settlement confers substantial benefits upon the Class
18 Participants and each of the members of the Class, and that an independent review of the Settlement
19 Agreement by the Court in the approval process will confirm this conclusion. Based on their own
20 independent investigation and evaluation, Class Counsel has determined that the Settlement set forth
21 in the Stipulation is fair and reasonable and is in the best interests of the members of the Class.

22 7. The settlement was the product of extensive arm's length negotiations, which took
23 place prior to, and during, an all-day mediation. Though cordial and professional, the settlement
24 negotiation was adversarial and non-collusive in nature. The settlement reached is the product of
25 substantial effort by the parties and their counsel. Although Plaintiff and his counsel believed that
26 there was a possibility of certifying the claims, they recognized the potential risk, expense, and
27 complexity posed by litigation, such as unfavorable decisions on class certification, summary
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1 judgment, at trial and/or on the damages awarded, and/or on an appeal that can take several more
2 years to litigate.

3 **Plaintiff's Counsel Is Experienced in Wage-And-Hour Litigation, Including Numerous Class**
4 **Actions**

5 8. Throughout my career, I have gained significant experience regarding the obligations
6 and burdens of representing a class. This knowledge has allowed me and my firm, Melmed Law
7 Group P.C., to successfully represent plaintiffs in many class actions in the past years. As noted,
8 numerous state and federal courts in California have found that my firm is competent and capable of
9 representing as Class Counsel large classes similar to the one here at issue.

10 9. In 2007, I received a B.A. from New York University, in New York, New York. In
11 2012, I received a J.D. from Loyola Law School, Los Angeles. I became a member of the Bar of
12 the State of California in June 2013.

13 10. From 2012 through 2014, I was an associate attorney at Von Behren & Hunter, LLP
14 ("VBH") in Manhattan Beach, California. At VBH, I litigated complex commercial litigation
15 matters where I represented life and health insurers in in bad faith, ERISA, breach of contract and
16 related disputes. At VBH, I also represented and assisted in the representation of hotels, restaurants
17 and real estate development groups in state and federal commercial litigation, including class action
18 cases (*see, i.e. Daniel Flannery v. McCormick & Schmicks Seafood Restaurants*, Los Angeles
19 County Superior Court, Case No. BC487942).

20 11. From February 2015 through the present, I have been a founding and managing
21 shareholder in the firm of Melmed Law Group P.C. where I represented and continue to represent
22 thousands of employees in wage and hour class actions, and other employment-related matters.
23 Melmed Law Group P.C. has extensive experience in the litigation of complex cases, including
24 California-wide class actions. I am also an active member of the plaintiff's employment bar
25 association called the California Employment Lawyers Association ("CELA").

26 12. In addition to the instant case, I have served as class counsel in a variety of wage and
27 hour class actions. I, along with my co-counsel, have developed extensive litigation experience in
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1 complex employment litigation matters, particularly in California class actions representing
2 employees, such as:

- 3 • Blan v. Best Overnight Express, Inc., Case No. CIVDS1517585, San Bernardino Superior
4 Court (final approval granted on July 27, 2016) (Hon. Gilbert Ochoa);
- 5 • Reyes et al. v. Mike Lowrie Trucking, Inc., Case No. FCS045537, Solano County Superior
6 Court (final approval granted on February 2, 2017) (Hon. Harry S. Kinnicutt);
- 7 • Blan v. Button Transportation, Inc., Case No. FCS045949, Solano County Superior Court
8 (final approval granted on December 8, 2016) (Hon. Michael Mattice);
- 9 • Plimpton et al. v. Gordon Trucking, Inc., Case No. CIVDS1511918, San Bernardino County
10 Superior Court (final approval granted on February 16, 2017) (Hon. Donald Alvarez);
- 11 • Cleary v. Penske Truck Leasing Co., L.P., Case No. CIVDS1600144, San Bernardino County
12 Superior Court (final approval granted on February 8, 2017) (Hon. Janet M. Frangie);
- 13 • Upton v. Coremark International, Inc., Case No. CGC 15-549348, San Francisco County
14 Superior Court (final approval granted on May 10, 2017) (Hon. Curtis E.A. Karnow);
- 15 • Mark Broner v. Michael Dusi Trucking, Inc., Case No. 16CVP-0044, San Luis Obispo
16 County Superior Court (final approval granted on March 15, 2017) (Hon. Donald G. Umhofer);
- 17 • Anthony Riley v. Pacific Tank Lines, Inc., Case No. CIVDS1603263, San Bernardino County
18 Superior Court (final approval granted on March 28, 2017) (Hon. John M. Pacheco);
- 19 • Alex Pena v. Inner Valley Transport, Inc., Case No. BCV-100625-LHB, Kern County
20 Superior Court (final approval granted on May 5, 2017) (Hon. Thomas S. Clark);
- 21 • William Haynes v. Reliable Trucking, Inc., Case No. C16-01237, Contra Costa County
22 Superior Court (final approval granted on May 26, 2017) (Hon. Barry P. Goode);
- 23 • Ramirez v. Castlewood West, LLC, Case No. 16CV01137, Monterey County Superior Court
24 (final approval granted on May 18, 2017) (Hon. Lydia Villarreal);
- 25 • Tami Long v. Covenant Transport, Inc., Case No. 1:15-cv-278, Eastern District of Tennessee,
26 Chattanooga Division (final approval granted on April 28, 2017) (Hon. Travis R. McDonough);

- 1 • Bruce Waddell v. Dalton Trucking, Inc., Case No. CIVDS1603262, San Bernardino County
2 Superior Court (final approval granted on August 7, 2017) (Hon. John M. Pacheco);
- 3 • Nigel Davis v. Western Merchandise Express, Inc., Case No. BCV-16-101216, Kern County
4 Superior Court (final approval granted on April 26, 2017) (Hon. Sidney P. Chapin);
- 5 • Nigel Davis v. Transforce, Inc., Case No. BCV-16-101393, Kern County Superior Court
6 (final approval granted on June 5, 2017) (Hon. Thomas S. Clark);
- 7 • Elson et al v. Covey Auto Express, Inc., Case No. STK-CV-UOE-2016-0009114, San Joaquin
8 County Superior Court, (final approval granted on September 18, 2017) (Hon. Linda L. Lofthus);
- 9 • Jarrod P. Asplund v. White Timber Industries, Inc., Case No. 16-2-00870-5, Cowlitz County
10 Superior Court (Washington State) (final approval granted on September 13, 2017) (Hon. Michael
11 Evans);
- 12 • Ruben Campos v. Black Eagle Trucking, Inc., Case No. 37-2016-00023781-CU-OE-CTL,
13 San Diego County Superior Court (final approval granted on August 25, 2017) (Hon. Timothy
14 Taylor);
- 15 • John Powers v. Estenson Logistics, LLC, Case No. CIVDS1602295, San Bernardino County
16 Superior Court (final approval granted on July 12, 2017) (Hon. David Cohn);
- 17 • Gerald W. Harris et al v. Jerry DeBriac Logging Co., Inc., Case No. 16-2-00402-5, Cowlitz
18 County Superior Court (final approval granted on June 7, 2017) (Hon. Stephen M. Warning);
- 19 • Christopher P. Young v. First Class Service Trucking Company, Inc., Case No. STK-CV-
20 2016-10381, San Joaquin County Superior Court (final approval granted on December 8, 2017)
21 (Hon. Elizabeth Humphreys);
- 22 • Hugues v. The Morning Star Trucking Company, LLC, et al. Case No. CV16-1215, Yolo
23 County Superior Court, (final approval granted on August 3, 2017);
- 24 • Oscar Torres et al v. Salinas Farm Labor Contractor, Inc., Case No. 2018173, Stanislaus
25 County Superior Court (final approval granted on December 19, 2017) (Hon. Roger M. Beauchesne);
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- 1 • Christopher P. Young v. First Class Service Trucking, Inc., Case No. STK-CV-UOE-2016-
2 10381, San Joaquin County Superior Court (final approval granted January 2, 2018) (Hon. Elizabeth
3 Humphreys);
- 4 • Rocco Isabella v. Equinox Holdings, Inc., Case No. BC578960, Los Angeles Superior Court
5 (final approval granted on January 4, 2018) (Hon. Ann I. Jones);
- 6 • Erick Grumm v. T.J.S. Leasing & Holding, Co., Inc., Case No. DR160492, Humboldt County
7 Superior Court (final approval granted on February 6, 2018) (Hon. Kelly L. Neel);
- 8 • Robins, Jr., et al. v. Versa Logistics, LLC, Case No. BC644321, Los Angeles Superior Court,
9 (final approval granted on March 26, 2018) (Hon. Carolyn B. Kuhl);
- 10 • Chavez v. Shamrock Foods Company, Case No. 5:17-cv-00731-SVW-AFM, US District
11 Court, Central District of California, (final approval granted on April 11, 2018) (Hon. Stephen V.
12 Wilson);
- 13 • Diaz, et al. v. Absolute West, LLC, Case No. BC647126, Los Angeles Superior Court (final
14 approval granted on April 19, 2018) (Hon. Maren E. Nelson);
- 15 • Herman v. Andrus Transportation Services, Inc., Case No. EDCV 16-02365 AG (DTBx),
16 US District Court, Central District of California, (final approval granted on May 14, 2018) (Hon.
17 Andrew J. Guilford);
- 18 • Hernandez v. J.V.C. Truck Lines, Inc., Case No. CIVDS1714857, San Bernardino Superior
19 Court, (final approval granted on May 22, 2018) (Hon. Brian S. McCarville);
- 20 • Happell v. Hercules Forwarding, Inc., Case No. BC639636, Los Angeles Superior Court
21 (final approval granted on June 14, 2018) (Hon. Carolyn B. Kuhl);
- 22 • Medina v. Timmerman Starlite Trucking, Inc., Case No. 2023292, Stanislaus County
23 Superior Court, (final approval granted on June 15, 2018) (Hon. Roger M. Beauchesne);
- 24 • Jarel Brown v. Saks & Company, LLC, Case No. 2:17-cv-04210 (SJO), US District Court,
25 Central District of California, (final approval granted on July 16, 2018) (Hon. S. James Otero);
- 26 • Flores v. Aqua Terra Culinary, Inc., Case No. 17CV002672, Monterey County Superior
27 Court, (final approval granted on July 18, 2018) (Hon. Lydia Villarreal);

- 1 • Myers v. LBC Limited Partnership, Case No. CIVDS1715068, San Bernardino Superior
2 Court, (final approval granted on July 25, 2018) (Hon. Janet M. Frangie);
- 3 • Westphal v. New York Life Insurance Company, Case No. SCV0040562, Placer County
4 Superior Court, (final approval granted on August 30, 2018) (Hon. Michael W. Jones);
- 5 • Hollis v. Union Pacific Railroad Company, Case No. 5:17-cv-02449-JGB, US District Court,
6 Central District of California (final approval granted on September 17, 2018) (Hon. Jesus G. Bernal);
- 7 • Cheifer v. WHGM, Inc., Case No. LC104900, Los Angeles Superior Court (final approval
8 granted on September 21, 2018) (Hon. Rupert A. Byrdsong);
- 9 • Hernandez-Chulo v. E&R Trucking, Inc., et al., Case No. 18CV-00882, Merced County
10 Superior Court, (final approval granted on October 29, 2018) (Hon. Brian McCabe);
- 11 • Westbrook v. Winco Holdings, Inc., Case No. RIC1710168, Riverside County Superior
12 Court, (final approval granted on November 5, 2018) (Hon. Raquel A. Marquez);
- 13 • Freeman v. Redwood Wise Riders, Inc., et al., Case No. FCS050140, Solano County Superior
14 Court, (approval granted on December 4, 2018) (Hon. Wendy G. Getty);
- 15 • Ricci v. HSS, Inc., Case No. CVCV17-00967, Yuba County Superior Court, (final approval
16 granted on December 4, 2018) (Hon. Stephen W. Berrier);
- 17 • Antonov, et al. v. GL HHR, Inc., et al., Case No. CIVDS1724725, San Bernardino Superior
18 Court, (final approval granted on December 11, 2018) (Hon. David Cohn);
- 19 • Pena v. Keystone Freight Corp., Case No. VCU269897, Tulare County Superior Court, (final
20 approval granted on January 14, 2019) (Hon. Melinda M. Reed);
- 21 • Westbrook v. Winco Holdings, Inc., Case No. RIC171068, Riverside County Superior Court,
22 (final approval granted on January 17, 2019) (Hon. Raquel A. Marquez);
- 23 • Jackie Thompson v. Cheema Freightlines, LLC, Case No. STK-CV-UOE-2017-01011658,
24 San Joaquin Superior Court, (final approval granted on February 6, 2019) (Hon. Roger Ross);
- 25 • Pazo v. Incredible Adventures, Case No. CGC-16-555971, San Francisco Superior Court,
26 (final approval granted on February 25, 2019) (Hon. Anne-Christine Massullo);

- 1 • Reboucas v. Trans International Trucking, Inc., Case No. BC644182, Los Angeles Superior
2 Court, (final approval granted on May 9, 2019) (Hon. Maren E. Nelson);
- 3 • Myers v. Jerome's Furniture Warehouse, Case No. CIVDS1710569, San Bernardino
4 Superior Court (final approval granted on June 11, 2019) (Hon. Janet M. Frangie);
- 5 • Juarez v. Magic Laundry Services, Inc., et al., Case No. BC713767, Los Angeles Superior
6 Court (approval granted on June 14, 2019) (Hon. William F. Highberger);
- 7 • Rangel v. Guard-Systems, Inc., Case No. 19STCV19613, Los Angeles Superior Court,
8 (approval granted on June 18, 2019) (Hon. Yolanda Orozco);
- 9 • Castaing, et al. v. East Bay Automotive Company, et al., Case No. RG17879115, Alameda
10 County Superior Court, (final approval granted on June 24, 2019) (Hon. Brad Seligman);
- 11 • Lopez Juarez v. Mike Lowrie Trucking, Inc., Case No. BCV-18-100177TSC, Kern County
12 Superior Court (final approval granted on August 8, 2019) (Hon. Thomas S. Clark);
- 13 • Pia v. 5G's Automotive, Inc., Case No. VCU274628, Tulare County Superior Court, (final
14 approval granted on September 6, 2019) (Hon. Brett D. Hillman);
- 15 • Burnham v. DGDGI, et al., Case No. 2018-1-CV-331434, Santa Clara Superior Court,
16 (preliminary approval granted on September 9, 2019) (final approval set to be heard on January 17,
17 2020) (Hon. Thomas E. Kuhnle);
- 18 • Thomas v. Commercial Protective Services, Inc., Case No. CIVDS1821925, San Bernardino
19 Superior Court, (final approval granted on September 16, 2019) (Hon. David Cohn);
- 20 • Berbano, et al. v. Ingram Micro, Inc., Case No. CIVDS1826085, San Bernardino Superior
21 Court, (final approval granted on September 17, 2019) (Hon. David Cohn);
- 22 • Guerra v. U.S. Polymers, Inc., Case No. CIVDS1829174, San Bernardino Superior Court,
23 (approval granted on September 20, 2019) (Hon. David Cohn);
- 24 • Lopez-Urrutia v. Southwest V-Ditch Inc., Case No. CIVDS1833332, San Bernardino
25 Superior Court, (final approval granted on October 16, 2019) (Hon. David Cohn);
- 26 • Guy v. California Lutheran University, Case No. 56-219-00524415-CU-OE-VTA, Ventura
27 County Superior Court, (final approval granted on November 6, 2019) (Hon. Mark C. Borrell);

- Moseby v. Renzenberger, Inc., Case No. CIVDS1725125, San Bernardino Superior Court, (final approval granted on November 7, 2019) (Hon. Janet M. Frangie);
- Woodard v. AH 2005 Management, L.P., Case No. 18CV001986, Monterey County Superior Court, (approval granted on November 21, 2019) (Hon Lydia M. Villarreal);
- Ramirez v. William J. Wickwire M.D., Case No. CIVDS1913102, San Bernardino Superior Court, (final approval granted on November 25, 2019) (Hon. David Cohn);
- Lyons v. SAIA Motor Freight Line, LLC, Case No. CIVDS1828225, San Bernardino Superior Court, (final approval granted on December 9, 2019) (Hon. David Cohn);
- Baker v. Vallejo CJD, LLC, Case No. VCU273830, Tulare County Superior Court, (final approval granted on December 16, 2019) (Hon. David C. Mathias);
- Tsao v. Giorgio Armani Corporation, Case No. 30-218-01000817-CU-OE-CXC, Orange County Superior Court, (final approval granted on December 20, 2019) (Hon. Peter J. Wilson);
- Martinez v. E&A Protective Services-Bravo, LLC, Case No. 1:18-cv-00658-BAM, US District Court, Eastern District of California (final approval granted on January 17, 2020) (Hon. Barbara A. McAuliffe);
- Cardoso v. Rogers & Rogers, Inc., et al., Case No. ECU000637, Imperial County Superior Court, (final approval granted on January 27, 2020) (Hon. Brooks Anderholt);
- Cesario Mora v. The Complete Logistics Company, Case No. CIVDS1833922, San Bernardino Superior Court, (final approval granted on February 10, 2020) (Hon. David Cohn);
- Lopez v. Ruiz Food Products, Inc., Case No. VCU 275105, Tulare County Superior Court, (final approval granted on March 10, 2020) (Hon. Bret D. Hillman);
- Jaurigue v. Knights of Columbus, Case No. CIVDS1824508, San Bernardino Superior Court, (final approval granted on July 10, 2020) (Hon. David Cohn);
- Amalia Lopez v. Unitek College NCP, LLC, Case No. BCV-19-102146, Kern County Superior Court, (final approval granted on July 15, 2020) (Hon. Stephen D. Schuett);
- Martin Ashe v. Farmers Insurance Group, Case No. 18STCV00453, Los Angeles Superior Court, (final approval granted on July 20, 2020) (Hon. Steven J. Kleinfeld);

- 1 • Martin, et al. v. Break the Floor Productions LLC, Case No. 37-2019-00029711-CU-OE-
2 CTL, San Diego Superior Court, (final approval granted on October 23, 2020) (Hon. Kenneth J.
3 Medel);
- 4 • Jesus H. Robles v. Winsford II Corporation, et al., Case No. CIVDS1902903, San Bernardino
5 Superior Court, (final approval granted on November 3, 2020) (Hon. David Cohn);
- 6 • Juan Cazares Lopez v. RTS Holdings, LLC et al., Case No. CIVDS1934904, San Bernardino
7 Superior Court (final approval granted on November 24, 2020) (Hon. David Cohn);
- 8 • Romero v. Carl Zeiss Meditec Production, Case No. CIVDS1907556, San Bernardino
9 Superior Court, (final approval on December 3, 2020) (Hon. David Cohn);
- 10 • Soto v. Britz Farming Corp., Case No. 19CV04182, Merced County Superior Court,
11 (preliminary granted on June 17, 2020) (final approval granted on December 8, 2020) (Hon. Brian
12 L. McCabe);
- 13 • Martinez v. Global Sales & Warehousing, LLC, Case No. 56-2019-00534178-CU-OE-VTA,
14 Ventura County Superior Court, (final approval granted on December 18, 2020), (Hon. Matthew P.
15 Guasco);
- 16 • Pease v. Wattrans, Inc., Case No. CIVDS1919832, San Bernardino Superior Court,
17 (preliminary approval granted on January 6, 2021), (final approval set to be heard on May 3, 2021),
18 (Hon. Thomas Garza.);
- 19 • Moreira v. University of Redlands, Case No. CIVDS1913813, San Bernardino Superior
20 Court, (preliminary approval granted on January 20, 2021) (final approval set to be heard on May
21 27, 2021) (Hon. Donald Alvarez);
- 22 • Garcia v. Construction Innovations Group, LLC, Case No. 34-2020-00285239, Sacramento
23 County Superior Court, (preliminary approval granted on January 21, 2021) (final approval set to be
24 heard on May 25, 2021) (Hon. Shama H. Mesiwala);
- 25 • Ruiz v. SAIA Motor Freight Line, LLC, Case No. CIVDS2014796, San Bernardino Superior
26 Court, (preliminary approval granted on January 22, 2021) (final approval set to be heard on May
27 19, 2021) (Hon. David Cohn);

- 1 • Aguirre v. Swinerton Builders, et al., Case No. CIVDS 1925363, San Bernardino Superior
2 Court, (preliminary approval granted on January 28, 2021) (final approval set to be heard on May
3 24, 2021) (Hon. David Cohn);
- 4 • Gallegos v. TST, Inc., Case No. CIVDS1933834, San Bernardino Superior Court,
5 (preliminary approval granted on January 29, 2021) (final approval set to be heard on May 20, 2021)
6 (Hon. David Cohn);
- 7 • Gaxiola, et al. v. Lloyds Manufacturing Services, Inc. dba Calspas, Case No.
8 CIVDS1939269, San Bernardino Superior Court, (final approval granted on February 2, 2021) (Hon.
9 David Cohn);
- 10 • Cornejo v. Weidner Property Management LLC, Case No. CIVDS2016465, San Bernardino
11 Superior Court, (preliminary approval granted on February 9, 2021) (final approval set to be heard
12 on May 24, 2021) (Hon. David Cohn);
- 13 • Ancona, et al. v. Populus Financial Group, Inc., dba Ace Cash Express, Case No.
14 19STCV41065, Los Angeles Superior Court, (approval granted on February 18, 2021) (Hon.
15 Maurice A. Leiter);
- 16 • Urquizo v. Santos Montemayor FLC, Inc., et al., Case No. BCV-20-101587, Kern County
17 Superior Court, (preliminary approval granted on February 22, 2021), (final approval set to be heard
18 on June 23, 2021) (Hon. Thomas S. Clark);
- 19 • Elayda v. Physassist Scribes, Inc., Case No. CIVDS2002023, San Bernardino Superior
20 Court, (final approval granted on March 1, 2021) (Hon. David Cohn);
- 21 • Lee, et al. v. Home Delivery Logistics, Inc., et al., Case No. RG18927149, Alameda County
22 Superior Court, (final approval granted on March 2, 2021) (Hon. Winifred Y. Smith);
- 23 • Pagh v. Wyndham Vacation Ownership, Inc., Case No. 8:19-cv-00812-JWH-ADSx, US
24 District Court, Central District of California, (final approval granted on March 23, 2021) (Hon. John
25 W. Holcomb);
- 26 • Robinson v. Paragon Systems, Inc., Case No. BC720142, (final approval granted on April 1,
27 2021) (Hon. Elihu Berle);

- Lachman, et al. v. Berlitz Languages, Inc., Case No. 19STCV01533, Los Angeles Superior Court, (final approval granted on April 1, 2021) (Hon. Carolyn Kohl);
- Murray v. Scelzi Enterprises, Inc., Case No. RIC2002545, Riverside County Superior Court, (final approval granted on April 13, 2021);
- Garcia, et al. v. Cardenas Markets, LLC, et al., Case No. CIVDS1917380, San Bernardino Superior Court, (final granted on July 1, 2021) (Hon. David Cohn);
- Robinzine, et al. v. Mohawk ESV, Inc., et al., Case No. CIVDS1930033, San Bernardino Superior Court, (final approval granted on July 7, 2021) (Hon. David Cohn);
- Cuevas v. Action Embroidery Corp., Case No. CIVDS2012230, San Bernardino Superior Court, (final approval granted on July 29, 2021) (Hon. David Cohn).

The Attorneys' Fees Allocation is Reasonable

13. The attorneys' fee award of 1/3 of the settlement fund is reasonable considering the experience of Class Counsel in employment law class actions, the legal expertise required to litigate this case and negotiate this Settlement, and the significant amount of actual lodestar time that Class Counsel has dedicated to this case. The attorneys' fees sought are comparable to attorneys' fee awards granted in similar cases, and, moreover, represent only a fraction of the market value of services rendered by Class Counsel on behalf of the Class to date. Significantly, the Retainer Agreement in this case provides fees up to one-third of the amount obtained.

14. If the Court grants preliminary approval to the settlement and authorizes the dissemination of notice of the settlement to the class, Class Counsel anticipates filing a Motion for Attorneys' Fees, Costs, and Incentive Award that will be scheduled to be heard concurrently (or will be part of) the Motion for Final Approval and Fairness Hearing. In connection with the filing of the Motion for Attorneys' Fees and Costs, Class Counsel will submit updated information in the form of a sworn declaration setting forth a summary of their lodestar hours on this case, as well all of their actual costs incurred in this case.

1 **Declaration Regarding Cy Pres**

2 15. I certify that I do not have any connection to or relationship with WISEPlace that
3 could reasonably create the appearance of impropriety as between the selection of the recipient of the
4 money or thing of value and the interests of the class, nor does my law firm.

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

7 Executed on August 5, 2021 in Los Angeles, California.

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9 By: Jonathan Melmed
10 Jonathan Melmed, Esq.
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