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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

DEISY SALAS, KRISTAL CARMONA,
ISRAEL LINTHROP, ALICIA KRUEGER-
AGUIRRE, individually, and on behalf of other
members of the general public similarly situated
and on behalf of other aggrieved employees
pursuant to the California Private Attorneys
General Act;

Plaintiffs,

vs.

J & S RESTAURANTS, INC., a California
corporation; TOPP END ENTERPRISES, INC., a
California corporation; RED FLASH, INC., a
California corporation; VALENCIA TPP, a
general partnership; YEASTIE BOYS, a general
partnership; and DOES 1 through 100,
inclusive,

Defendants.

THEODORE CHRISTOPHER MILLER,
NOLAN MALONE, individually, and on behalf
of other members of the general public similarly
situated;

Plaintiffs,

Lead Case No.: 56-2019-00526959-CU-
OE-VTA (*Salas* Action)
(*Consolidated with 56-2020-00546726-
CU-OE-VTA*)

[Assigned to the Hon. Honorable
Henry J. Walsh, Dept. 42]

**DECLARATION OF ZACK
BROSLAVSKY IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

CLASS ACTION

Date: April 4, 2022
Time: 8:30 a.m.
Department: 42

Salas Complaint Filed: March 29, 2019
Salas FAC: August 2, 2019
Salas SAC: November 7, 2019
Salas TAC: October 29, 2020
Miller Complaint Filed: August 5, 2019
Miller FAC: September 29, 2019
Jury Trial Date: None Set

1 vs.
2 VENTURA COUNTY RESTAURANT
3 SERVICES INC. DBA TOPPERS PIZZA
4 PLACE, a California corporation; and DOES 1
5 through 100, inclusive,
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7 Defendants.
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I, Zack Broslavsky, hereby declare and state as follows:

1. I am an attorney admitted to practice before the courts of the State of California. I am a principal and founding partner of Broslavsky & Weinman, LLP, one of the attorneys of record for Plaintiffs Theodore Christopher Miller and Nolan Malone (collectively, “Plaintiffs”), in the above-entitled consolidated action.

2. I have personal knowledge of the matters set forth herein, and if called upon as a witness to testify thereto, I could and would competently do so.

3. I graduated from UCLA School of Law in 2006. During law school, I did extensive volunteering. Among other things, I volunteered at the Los Angeles Legal Aid Foundation and Bet Tzedek Legal Services, and also took a Low Wage Workers Advocacy Clinic.

4. Between 2006 and 2013, I was an associate and then a senior associate at Rutan & Tucker, one of the largest law firms in Orange County. During my entire stay with Rutan, I worked for its Trial Department. My caseload at Rutan was substantial and varied. The cases I've worked on covered many different areas of law, ranging from contract to intellectual property to insurance to consumer class actions.

5. My class action experience at Rutan included second chairing a trial that resulted in the defense verdict in the matter of *Kershenbaum v. Buy.com*, Orange County Sup. Ct. Case No. 07CC01336, defeating a class action on a summary judgment in the matter of *Munn vs. Eastwood Insurance Services, Inc.*, Orange County Sup. Ct. Case No. 06CC00110, and negotiating a class settlement approved by the Court in the matter of *Franklin v. Brown & Brown of California, Inc.*, Orange County Sup. Ct. Case No. 30-2011-00502219-CU-BT-CXC.

6. As I have always been more interested in plaintiff-side litigation, especially employment law, I left Rutan in late 2013 to co-found Broslavsky & Weinman, LLP. The bulk of our practice consists of representing plaintiffs in employment matters, including discrimination, harassment, retaliation, whistleblower, and wage and hour claims. We have litigated in San Bernardino Superior Court, Los Angeles Superior Court, Riverside Superior Court, Orange County Superior Court, San Francisco Superior Court, California Central District Court, California Eastern District Court, and California Court of Appeal.

1 7. Since its founding, Broslavsky & Weinman, LLP has had a consistently successful track
2 record. Mr. Weinman and I were trial co-counsel in the matter of *Whitfield v. Broadspectrum*
3 *Downstream Services, Inc., et al.*, Los Angeles Sup. Ct. Case No. BC632479, where plaintiff was
4 awarded a total of \$826,877.83, including punitive damages, on a single cause of action for retaliation
5 where plaintiff still remained employed. We were also trial co-counsel in the matter of *Kukreja v.*
6 *Dedication and Everlasting Love to Animals*, Los Angeles Sup. Ct. Case No Case No. BC532962, where
7 plaintiff was awarded \$148,832.77 on a challenging disability discrimination claim. On matters that did
8 not go to trial, we reached what we believe were fair and equitable settlements in the overwhelming
9 majority of the cases, including a substantial resolution in a multi-plaintiff Complex designated
10 employment matter in this department, entitled *Swanger v. Stater Bros. Markets, et al.*, San Bernardino
11 Sup. Ct. Case No. CIVDS1707999.

12 8. While the majority of my time had been spent on individual employment claims, in the
13 last several years I became more involved in class action work. I was certified as class counsel in *Cosio*
14 *v. International Performing Arts Academy LLC et al.*, San Francisco Sup. Ct. Case No. CGC16551337,
15 and *Smith, et al. v. HR Direct, Services. et al.*, San Bernardino County Superior Court, Case No.
16 CIVDS1901660.

17 9. I have been actively involved in this litigation from the outset when our firm was first
18 contacted by Theodore Christopher Miller. I handled most of communications with Plaintiffs, speaking
19 to both of them numerous times over the phone, text and/or email. I actively participated in the
20 mediation on February 10, 2021, and subsequent finalizing of the settlement agreement. I believe that
21 Plaintiffs' lawsuit substantially increased the value of the consolidated case by alleging new legal claims
22 and providing further evidence.

23 10. All sides have apprised the other of their respective factual contentions, legal theories and
24 defenses, and engaged in extensive arms' length negotiations. Based on their own independent
25 investigation and evaluation, the Parties and their counsel believe that the Settlement for the
26 consideration and on the terms set forth in the Class Action Settlement Agreement is fair, reasonable,
27 and adequate and the settlement is in the best interests of the Classes and Defendants in light of all
28 known facts and the expenses and risks inherent in litigation.

11. To date, I have incurred approximately 112.8 hours in connection with the litigation of this lawsuit. Subject to and without waiving the attorney-client privilege and work-product doctrine, a breakdown of these hours is reflected in the spreadsheet attached as Exhibit “A.” I anticipate spending an additional 5 hours through the final approval hearing, including on matters such as finalizing the Motion for Final Approval and conferring with class members regarding the settlement, as well as post-final approval, including further communicating with class members and administering the settlement.

12. My current billing rate is six hundred dollars (\$600.00) per hour. Last year in *Smith, et al. v. HR Direct, Services. et al.*, the Court approved attorney's fees based on lodestar, including my requested rate of \$550.00. Moreover, the rate of \$600.00 rate is in the mid-range of the rates for attorneys in the area with similar levels of experience. As such, the total of my attorney's fees is expected to be \$70,680 (117.8 x 600).

13. As set forth in a separate declaration of my partner, Jonathan A. Weinman, he spent a total of 35.1 hours on this case and his attorney's fees are \$21,060. As such, the total combined hours for my firm are 152.9 and the total attorney's fees are \$91,740.

14. My office will incur \$3,867.38 in costs, which consists of \$1,997.38 in expert fees for the damage analysis, three Court Call appearances totaling \$282.00, and \$1,588 in filing and service fees.

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

Executed on this March 9, 2022, at Los Angeles, California.

Zack Broslavsky
Zack Broslavsky

Exhibit “A”

SALAS v. J&S RESTAURANTS (MILLER v. TOPPERS) – ZACK BROSLAVSKY HOURS

Description of Task	Time
Confer with Miller re potential case	1.7
Review documents sent by Miller	3.1
Legal research re potential claims	3.4
Confer with Miller's witness re potential case	1.1
Confer with Malone re case	1.3
Review documents sent by Malone	0.7
Draft complaint	3.1
Draft PAGA letter for Miller	1.5
Draft PAGA letter for Malone	0.6
Review pleadings and docket in Salas action	4.1
Draft first amended complaint	1.1
Review and revise joint stipulation to change venue	1.8
Prepare requests for production on Defendants	3.7
Prepare special interrogatories on Defendants	4.1
Draft CMC statement	1.8
Draft joinder to motion to consolidate with Salas action	4.7
Attend hearing for motion to consolidate	1.1
Communications with Miller	11.5
Communications with Malone	5.3
Review new evidence from Miller	2.5
Review witness declaration prepared by Defendants	1
Confer with witness interviewed by Defendants	0.7
Review Defendants' document production	4.2
Review Defendants' discovery responses in the Salas action	2.1
Communications with expert re damages analysis	1.8
Prepare mediation brief	15.1
Research re rebuttal of defenses for mediation brief	3.9
Review revised damages analysis	0.7
Attend mediation	9.8
Review and revise settlement agreement	1.5
Review and revise motion for preliminary approval	1.1
Draft declaration ISO preliminary approval	2.2
Draft declarations of Miller ISO preliminary approval	1.3
Draft declarations of Malone ISO preliminary approval	1
Attend hearing on preliminary approval	0.7
Confer with class members	0.9
Confer with class administrator	0.6
Review class reports	1
Draft motion for final approval	1.5
Draft declaration ISO final approval	2.1
Draft declaration of Smith and Lavasser ISO final approval	1.4
	112.8