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Attorneys for Plaintiffs LISA SKERL, VICTORIA KROPP, LORI ROARK,
and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN MATEO

LISA SKERL, an individual; VICTORIA
KROPP, an individual; LORI ROARK, an
individual; on behalf of themselves and all
others similarly situated and the general public,

Plaintiffs,

v.

SUTTER BAY HOSPITALS, a California
corporation; and DOES 1 to 100, inclusive,

Defendants.

Case No. 21-CIV-02057

[Assigned For All Purposes To The Hon.
Nancy L. Fineman, Dept. 4]

**DECLARATION OF ROSS E.
SHANBERG IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: January 31, 2023

Time: 2:00 p.m.

Dept: 4

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2 **DECLARATION OF ROSS E. SHANBERG**

3 I, Ross E. Shanberg, declare:

4 1. I am an attorney licensed to practice before all courts of the State of
5 California. I am a partner in the law firm of Shanberg Stafford LLP and am Class Counsel for
6 the Plaintiffs herein. I have personal knowledge of the facts herein. If called as a witness, I
7 could and would competently testify to those facts under oath.

8 2. I graduated from the University of California at Berkeley in 1992 with a Bachelor
9 of Sciences degree in Business Administration and graduated from the California Western
10 School of Law in 1995. Since becoming a lawyer in 1995, my practice has focused on complex
11 litigation matters, and for the last approximately 15 years, complex employment law and wage
12 and hour matters.

13 3. Since the beginning of this case, my former partner Aaron Bartz and I have been
14 closely involved with the investigation, discovery and prosecution of the claims asserted by
15 Plaintiffs. Before filing the case, we collectively discussed the potential claims for several hours
16 with Plaintiffs Lisa Skerl, Victoria Kropp, and Lori Roark, analyzed their pay and personnel
17 records, and researched potential claims. I also personally interviewed numerous registered
18 nurses, licensed vocational nurses, and other patient care employees.

19 4. Throughout these cases, the first of which has been pending for approximately 2.5
20 years, my firm and I have been involved in all aspects of discovery, motion practice, court
21 hearings, witness interviews and outreach, and mediation. We have acted diligently in all
22 aspects of the case to achieve the \$12,000,000.00 settlement reached with Defendants, which we
23 wholeheartedly support.

24 5. Members of my firm and I are experienced class action and PAGA representative
25 action counsel, including specializing in discrimination, wage and hour, and other employment
26 claims. Some of the class actions on which I and my partners have served as Class Counsel
27 include:

28 a. *Wilkins, et al. v. Equinox Holdings, Inc.*

- 1 Los Angeles Superior Court, No.: BC440058
- 2 b. *TBC Retail Group Wage and Hour Cases*
- 3 Los Angeles Superior Court, No.: JCCP No. 4701
- 4 c. *Casserly v. Randstad US,L.P.,et al.*
- 5 United States District Court, Central District of California
- 6 Case No. SACV 12-1023-DOC(ANx)
- 7 d. *Crilly v. Micro Electronics, Inc.*
- 8 Orange County Superior Court, No.: 30-2013-00662586-CU-OE-CXC
- 9 e. *Concho, et al. v. Pipeline Carriers, Inc. et al.*
- 10 Orange County Superior Court, No.:30:2013-00649600-DU-OE-CXC
- 11 f. *Holsted et al. v. R.J. Noble Company et. al.*
- 12 Orange County Superior Court, No.:30:2010-00379770-CU-OE-CXC
- 13 g. *Piggue v. Chief Protective Services, Inc.*
- 14 Orange County Superior Court, No.:30-2013-00688107-CU-OE-CXC
- 15 h. *Walsh v. Pacific Bell Telephone Company*
- 16 Orange County Superior Court, No.:30-2011-00498062-CU-OE-CXC
- 17 i. *Woods v. JFK Memorial Hospital*
- 18 Riverside County Superior Court, No.: INC 1205209
- 19 j. *Ramirez et. al v. Titan Insurance of New Mexico*
- 20 Riverside County Superior Court, No.: RIC1211890
- 21 k. *DeSantos v. Jaco Oil Company, et al.*
- 22 U.S.D.C. Eastern District of California, No. 1:14-CV-00738-JLT
- 23 l. *Duran v. Big 5 Corp.*
- 24 Los Angeles Superior Court, No.: BC557154
- 25 m. *Sheahan v. Celtic Leasing Corporation, Inc.*
- 26 Orange County Superior Court No.: 30-2016-00852151-CU-OE-CXC
- 27 n. *Panusis v. Control4 Corporation*
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United States District Court, Central District of California

Case No. SACV-16-1179-DOC

o. *O&R Construction, LLC v. Dun & Bradstreet, et al.*

United States District Court, Western District of Washington

Case No. C12-2184 TSZ

p. *Matthews v. Whelan Security of California, Inc.*

Orange County Superior Court, No.: 30-2016-00833250-CU-OE-CXC

q. *Rodriguez v. R.J. Noble Company (Navarro/Kles/Arango/Rocha)*

Orange County Superior Court, No.: 30-2017-00916018-CU-OE-CXC

r. *Davis v. Pacific Bell Telephone Company (Medina)*

Orange County Superior Court, No.: 30-2017-00955740-CU-OE-CXC

s. *Evans v. Select Portfolio Servicing, Inc. et al. (Beher)*

United States District Court, Eastern District of New York

Case No. 2:18-CV-05985-PKC-RML

t. *Mariscal v. Munger Bros, LLC et al.*

San Joaquin Superior Court, No.: STK-CV-UOE-2020-4639

u. *Imperato v. California Commerce Club, Inc.*

Los Angeles Superior Court, No.: 20STCB25314

v. *Wang v. Fountain Valley Regional Hospital and Medical Center*

Orange County Superior Court, No.: 30-2015-00821329-CU-OE-CXC

q. *Randolph v. WestCare California, Inc.*

Contra Costa Superior Court, No.: MSC22-00407

r. *Forney v. CHCM, Inc. dba College Hospital Costa Mesa*

Orange County Superior Court , No.: 30-2021-01229774-CU-OC-CXC

s. *DeSimone v. Select Portfolio Servicing, Inc. (Rogers)*

United States District Court, Eastern District of New York

Case No.: 20-CV-3837-PKC-TAM

1 8. During my 27-year career, I have handled many successful employment law
2 matters both at the trial and appellate levels. I estimate that I have represented plaintiffs in well
3 over 100 different wage and hour cases, the vast majority of which have resulted in favorable
4 settlements, awards and/or verdicts for my clients. I have successfully prosecuted and obtained
5 significant recoveries in several class action lawsuits and other lawsuits involving complex legal
6 and factual issues. In 2013, I served as class counsel in the above-referenced *Wilkins* case which
7 settled for \$5,500,000 and the above-referenced *Casserly* case which settled for \$4,900,000. I
8 also settled the above-described *Walsh v. Pacific Bell* case for \$16.8 million on behalf of over
9 4,000 customer service representatives.

10 9. I served as co-lead counsel in the matter of *Pellegrino v. Robert Half*
11 *international Inc.*, Orange County Superior Court Case No. 06CC04518, a wage and hour case
12 filed on behalf of 6 recruiters in which I obtained an award in excess of 1.6 million dollars for
13 my clients. The *Pellegrino* case was affirmed on appeal on January 28, 2010, and was one of the
14 first, if not the first and only published decision in California (182 Cal. App. 4th 278) holding
15 that recruiters are non-exempt employees who are not subject to California's administrative
16 exemption set forth in Industrial Welfare Commission Wage Order 4-2001. The Supreme Court
17 previously granted a review and hold of the *Pellegrino* case, and the matter was transferred back
18 to the Court of Appeal for reconsideration. Shortly after the transfer, the case was settled by the
19 parties, resulting in a payment to our clients which exceeded the amount of the judgment and
20 which was extremely favorable.

21 10. I am AV rated by Martindale-Hubbell, the highest possible rating for a lawyer.
22 have also been selected as a *Super Lawyer* each year from 2015 - 2022. I am also a member of
23 the California State Bar, Orange County Bar Association, Employment Law Section, the
24 California Employment Lawyer's Association ("CELA"), and a member of the Robert A.
25 Banyard Inns of Court.

26 11. My partner, Shane C. Stafford, graduated from Virginia Polytechnic Institute and
27 State University in 1994, with a degree in Liberal Arts. Mr. Stafford graduated Summa Cum
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1 Laude from Whittier Law School in 2001. Mr. Stafford was admitted to the California State Bar
2 and the United States Court of Appeals for the Ninth Circuit in December 2001, and the District
3 of Columbia Bar in February 2005. Upon graduation in 2001, Mr. Stafford began working for
4 Stanzler Funderburk & Castellon LLP, a business litigation firm located in San Francisco, with a
5 branch in downtown Los Angeles. Mr. Stafford practiced general civil litigation, including
6 business disputes, intellectual property litigation, insurance coverage matters, and employment
7 litigation. Mr. Stafford has practiced almost exclusively in the area of employment law since
8 2005.

9 I declare under penalty of perjury under the laws of California that the foregoing is true
10 and correct. Executed on January 3, 2023, at Newport Beach, California.

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12 /s/ Ross E. Shanberg /s/
13 Ross E. Shanberg
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