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MARTINEZ, ERIC MCINTYRE, JEREMY CAPPS, and
TYLER IRISH, on behalf of themselves and all others
similarly situated

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

JOEY STEPHENS, MANUEL MARTINEZ,
ERIC MCINTYRE, JEREMY CAPPS, AND
TYLER IRISH, an individual, on behalf of
themselves and others similarly situated,

PLAINTIFFS,

v.

HALL AMBULANCE SERVICE, INC.; and
DOES 1 thru 50, inclusive,

DEFENDANTS.

CASE NO. BCV-20-101643

[Case Assigned for All Purposes to Hon Thomas
S. Clark in Dept. 17]

**DECLARATION OF AARON
KAUFMANN IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND MOTION FOR
ATTORNEYS' FEES AND COSTS**

Date: August 1, 2023
Time: 8:30 A.M.
Dept.: 17

Complaint Filed: July 16, 2020
FAC Filed: August 7, 2020

**DECLARATION OF AARON KAUFMANN ISO PLAINTIFFS' MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND APPROVAL OF ATTORNEYS' FEES AND COSTS**

1 I, Aaron Kaufmann, declare as follows:

2 1. I am an attorney at law, admitted to practice in this Court, licensed to practice law
3 in California, and am a partner at the law firm of Leonard Carder, LLP (“Leonard Carder). My
4 firm has co-counseled with Kingsley & Kingsley, APC in representing the Plaintiffs and putative
5 class in the above-captioned case (“Action”). I have personal knowledge of the facts set forth in
6 this declaration and could and would testify competently to them.

7 2. Leonard Carder was founded approximately eighty (80) years ago and specializes
8 in labor and employment law. The firm—which now includes 20 attorneys—represents clients
9 throughout California and nationally, including labor unions, associated trust funds, and
10 employees in employment law class actions and other representative cases as well as single and
11 multi-plaintiff cases. As class counsel and counsel for Fair Labor Standards Act (“FLSA”)
12 collective actions, Leonard Carder has actively commenced, prosecuted and concluded numerous
13 state and federal class and representative actions, almost all of which are on behalf of employees
14 asserting employment rights.

15 3. I received a J.D. with honors from the University of California, Hastings College
16 of the Law in 1990. I received a B.A. in Rhetoric from University of California at Berkeley in
17 1986.

18 4. I clerked for the Honorable Edward Dean Price, United States District Judge,
19 Eastern District of California throughout 1991.

20 5. Prior to joining Leonard Carder in March 2012, I was a shareholder at Hinton,
21 Alfert, Sumner & Kaufmann (“HASK”), where I represented employees in class, collective, and
22 individual actions involving employment law. My practice has focused primarily on
23 employment litigation throughout my career.

24 6. I have served as Co-Editor-in-Chief for the Third and Fourth Editions of the
25 American Bar Association’s (“ABA”) Fair Labor Standards Act Treatise and its annual
26 supplements since 2014. I have served on that publication’s Board of Editors since
27 approximately 2009.

1 7. I served as the Co-Chair of the ABA, Labor and Employment Section's Federal
2 Labor Standards Legislation Committee from 2013 to 2016 and was Co-Chair of that
3 committee's Fair Labor Standards Act Sub-Committee from 2010 to 2013.

4 8. I have served as a Co-Chair for the California Employment Lawyers
5 Association's Amicus Committee for the past several years and previously served as Co-Chair of
6 CELA's Wage & Hour Committee.

7 9. I have served on the Standing Committee for Professional Conduct for the United
8 States District Court, Northern District of California since January 2020.

9 10. I am a board member for Legal Aid at Work and served on that organization's
10 executive committee for several years.

11 11. I served on the Bar Association of San Francisco's Minority Law Student
12 Scholarship Committee since approximately 2014.

13 12. I have published numerous articles on employment law, including: California
14 Labor & Employment Law Review, "Ayala v. Antelope Valley Press: Plaintiffs' Perspective,"
15 (October 2014); California Labor & Employment Law Review, "Experience Pays, but Interns
16 May Have to Be Paid for Their Experience: When Interns Are Covered by Wage and Hour
17 Laws" (November 2013); Forum (Consumer Attorneys of California Magazine), "The Changing
18 Landscape of Wage & Hour Litigation" (July/August 2004); The Verdict (Alameda-Contra
19 Costa Trial Lawyers' Assoc. Magazine), "Private Enforcement of California's Wage & Hour
20 Laws" (Winter 2003-2004); Employment Discrimination Law, ABA, Chapter Editor (2005
21 Edition, 2002 Supplement); California Labor & Employment Law Quarterly, "Overtime Pay --
22 Who's Eligible, Who's Not" (Winter 2000) and "Public Sector Employer's Obligations to
23 Prevent Hostile Work Environments without Violating Free Speech Rights" (Summer 1997);
24 California Employment Law Reporter, "Sizing the Prize: Calculating Overtime Back Pay for
25 Salaried Employees" (March 1999).

26 13. I have been a frequent guest lecturer on wage-and-hour law and employment class
27 action litigation at the University of California Berkeley School of Law, Hastings College of the
28 Law, and the University of Santa Clara Law School. I have also been a speaker at numerous

1 conferences and meetings addressing employment and wage and hour litigation, including
2 programs put on by the Labor and Employment Sections of the ABA, California State Bar, San
3 Francisco and Marin County Bar Associations; CELA; California Applicant Attorneys
4 Association; American Conference Institute; Bridgeport Continuing Legal Education; Lorman
5 Group; and the National Employment Lawyers Association (“NELA”). I also served as the
6 chair/organizer of CELA’s Advanced Wage and Hour Seminar for 2005-2008 and 2013-2018.

7 14. I have been a fellow in the College of Labor and Employment Lawyers since
8 2011. I have also been named a Northern California “Super Lawyer” in the area of Plaintiffs’
9 side Employment Litigation every year since 2007 and have received an “AV” rating from
10 Martindale-Hubbell.

11 15. David Pogrel has been a partner with Leonard Carder since March 2012. Prior to
12 that he was a partner at HASK, where he had from February 2005 until February 29, 2012. His
13 practice at both Leonard Carder and HASK has at all times emphasized employment litigation
14 with particular focus on wage and hour class actions. Prior to joining HASK, Mr. Pogrel was a
15 Staff Attorney with the Legal Aid Society-Employment Law Center (LAS-ELC) (now “Legal
16 Aid at Work”) in San Francisco, California, a nationally recognized worker-advocacy
17 organization practicing in many areas of employment law on behalf of low-income and
18 disenfranchised workers. His practice at LAS-ELC focused primarily on representing individual
19 employees in wage and hour cases. He was the supervisor for the LAS-ELC legal services
20 project that secured over \$1.2 million dollars in judgments and settlements for wages on behalf
21 of low-income workers during this tenure of more than five years. Mr. Pogrel has been a
22 contributor and Chapter Editor for the ABA FLSA Treatise updates since 2009. He has been
23 selected as a Northern California “Super Lawyer” and “Rising Star” for the years 2009 through
24 2020 by the Northern California Super Lawyers Magazine.

25 16. Mr. Pogrel and I have served as plaintiffs’ and class counsel in scores of wage and
26 hour class, collective, and representative actions over the past several years. The following is a
27 small representative sample of those cases: *Wood v. Marathon Refining Logistics Services, LLC*,
28 N.D. Cal., Case No. 4:19-cv-04287-YGR (class counsel on reporting time pay case for oil

refinery operators); *DiMercurio v. Equilon Enterprises LLC dba Shell Oil Products US*, N.D. Cal., Case No. 3:19-cv—04929-JSC (class counsel on case for reporting time pay for oil refinery operators); *Robinson v. Dreamcloud Brand LLC*, N.D. Cal., Case No. 3:20-cv-0140-JCS (nationwide FLSA collective action for overtime pay for customer service representatives); *Lockwood v. Wells Fargo*, N.D. Cal., Case No. 3:15-cv-5239-JCS (class counsel, along with Wynne Law firm, in loan officer expense reimbursement and late payment case, including PAGA penalties); *McLeod v. Bank of America*, N.D. Cal. Case No. 16-cv-03294-EMC (prosecuted home mortgage officers’ expense reimbursement claims, including PAGA claims); *Miguel Valadez, et al. v. CSX Intermodal Terminals, et al.*, N.D. Cal. Case No. 3:15-cv-05433-EDL and *Anil Goyal, et al. v. CSX Intermodal Terminals, et al.* (U.S. N.D. Cal. Case No. 3:17-cv-06081-EMC (wage and hour claims and PAGA penalties claims for 68 individual plaintiff drayage drivers alleging independent contractor misclassification and other unnamed drivers); *Bartoni v. AMR West*, Alameda County Superior Court, Case No. RG08382130 (class counsel for EMTs, paramedics, and dispatchers’ rest period claims, including PAGA penalties); *Lopez v. P.W. Stephens Environmental, Inc.*, N.D. Cal., Case No. 3:15-cv-03579-JD (settlement class counsel for asbestos abatement workers asserting break and minimum wage violations, including PAGA penalties); *Granados v. Alameda County Industries*, N.D. Cal., Case No. 3:14-cv-03011-JD (settlement class counsel for recycling workers’ local living wage claims); *Alexander v. FedEx Ground Packages Systems, Inc.*, N.D. Cal., Case No: 3:05-cv-38 EMC (independent contractor misclassification case for FedEx pick-up and delivery drivers); *Barber et al. v. US Bank, N.A.*, (Contra Costa County Super. Ct. Case No. MSC11-02173) (settlement class counsel for loan officers asserting expense reimbursement and related claims); *Batta v. PNC Bank N.A. et al.*, (Contra Costa Super. Ct., Case No. MSC15-00728) (settlement class counsel for loan officers asserting expense reimbursement and related claims); *Kairy v. SuperShuttle*, N.D. Cal., Case No. 08-CV-02993-JSW (settlement class counsel for shuttle drivers’ claims arising from alleged independent contractor misclassification, including FLSA claims); *Hoenemier v. Sun Microsystems, Inc.*, Santa Clara County Superior Court, Case No.: 106CV-071531(certified class of 150 technical writers, resolving overtime and meal period compensation claims); *Watts v.*

1 *Sysco Corp.*, Alameda County Superior Court, Case No. RG09464228 (Alameda County)
2 (settlement class counsel in action to reimburse outside salespersons for mileage, cell phone, and
3 home office expenses); *Burdick v. U.S. Foodservice, Inc.*, Alameda County Superior Court, Case
4 No. RG09434440 (settlement class counsel to reimburse outside salespersons for their out-of-
5 pocket job-related expenditures); and *Gundersen v. Lennar Homes*, N.D. Cal., Case No. CV-09-
6 2270 CRB (collective action/settlement class counsel asserting exemption misclassification case
7 under California law and the FLSA on behalf of assistant construction managers).

8 17. I have been involved in every aspect of preparing and litigating this matter,
9 including the pre-lawsuit and on-going investigation and preparing for and participating in the
10 mediation, follow up settlement negotiations, and preparation of the settlement MOU and
11 documents presented with the subject motion.

12 18. Plaintiffs Martinez, McIntyre, and Capps retained me and my law firm in August
13 2019 to represent them in asserting their claims against Hall Ambulance.

14 19. Prior to filing a complaint, I entered into a tolling agreement with Hall
15 Ambulance to explore if the parties' dispute could be resolved without litigation. The agreement
16 covered individuals working as EMTs and Paramedics for Hall Ambulance in California since
17 August 2015.

18 20. After the tolling agreement was executed, I began working with Hall
19 Ambulance's Counsel to attempt to mediate this dispute. This included requesting the informal
20 production of data and documents from Hall Ambulance.

21 21. By January 10, 2020, the parties agreed to use mediator Steven Rottman and
22 scheduled May 20, 2020 as the mediation date.

23 22. In early March 2020, Hall Ambulance produced over 8,000 pages of documents
24 including punch-in and punch-out data for putative class members. Thereafter, the parties agreed
25 that Hall Ambulance would provide, among other things, compensation data for a sample of the
26 class, any on-duty meal period agreements and 24-hour shift agreements in the personnel files of
27 15 putative class members.
28

23. In April 2020, the parties agreed to reschedule the mediation as there were delays issues with the production of data and documents. Given Mr. Rottman's limited availability, the parties rescheduled a mediation to take place on October 21, 2020.

24. After the Kingsley law firm filed the present action in July 2020, my firm began work with the Kingsley firm as co-counsel and prosecuted this action together.

25. I have been involved in every aspect of preparing, litigating, and settling this matter.

26. In Carter v. XPO Last Mile, N.D. Cal. Case No. 3:16-cv-01231-WHO, Dkt. 196, Judge Orrick, in October 2019, awarded fees based in part on my hourly rate of \$870 an hour, which was supported with an expert declaration.

27. In McLeod v. Bank of America, N.D. Cal. Case No. 16-cv-03294-EMC, Dkt. 79, on March 19, 2019, Judge Chen approved a fee award based in part on my hourly rate of \$860, which was supported with an expert declaration. In 2016, Judge Chen in Alexander approved fees based in part on hourly rates ranging from \$375 for less-experienced associates to \$850 for senior partners (including myself) at Leonard Carder and senior paralegal rates ranging from \$275 to \$295.

28. I frequently co-counsel wage and hour class actions with other San Francisco Bay Area law firms that specialize in class and collective actions and in prosecuting wage and hour claims for workers. I consult with them regularly as to the market rates they assert in fee petitions and what awards they receive from courts. I believe the rates sought here for the attorneys and legal assistants/paralegals who worked on this matter are comparable to my colleagues' rates for similarly experienced talent.

29. The following is the summary lodestar report for the attorneys (with year of law school graduation) that worked on this matter:

LEONARD CARDER, LLP - LODESTAR SUMMARY

	Hourly Rate	Total Hours	Total
Aaron D. Kaufmann, Partner, 1990	\$895	180.8	\$161,810.00
Afroz Baig, Associate, 2015	\$395	89.85	\$35,490.75
TOTAL:			\$197,300.75

Note that the hours reflected here capture time entries through June 30, 2023; class counsel will continue to work on this matter through final approval and administration of the settlement. In the exercise of billing judgment, I have also *not* included attorneys and paralegals who documented less than 10 hours devoted to this matter. There are also countless brief telephone calls with co-counsel and opposing counsel, short e-mails, text messages to the clients, and brief inner-office meetings regarding this case that do not get recorded in the billable hours for this matter. I anticipate spending several hours on the subject motion and on the amended motion for final approval, along with many hours addressing class member questions and concerns and disputes as to their settlement shares and other settlement administration matters. Thus, the hours stated above do not reflect all time spent on this case. I can provide the detail time records for the Court's *in camera* review upon request.

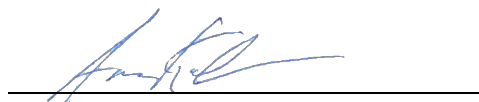
30. A summary of the out-of-pocket expenses incurred by Leonard Carder is as follows:

Expense Type	Amount
Filing	\$236.50
Service and Courier Fees	\$48.45
Westlaw	\$919.24
Travel	\$656.01
Postage\UPS	\$3.60
Photocopy/Printing	\$48.50
Mediation Fees	\$4,500.00

Total: \$6,412.30

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

Executed this 5th day of July 2023 at Oakland, California.



(PROOF OF SERVICE)
[CCP 1013(a)(3)]
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On July 10, 2023, I served all interested parties in this action the following documents described as: **DECLARATION OF MAKENNA SNOW OF ILYM GROUP, INC. REGARDING NOTICE AND SETTLEMENT ADMINISTRATION** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

JEFFER MANGELS BUTLER & MITCHELL LLP
R.SCOTT BRINK
rsb@jmbm.com
PATRICIA DESANTIS BELTON
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Oakland, CA 94612

☐ **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage fully prepaid at Encino, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **BY ELECTRONIC SERVICE:** I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

☒ **BY ELECTRONIC MAIL TRANSMISSION:** I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

☒ **(STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 10, 2023, at Sherman Oaks, California.



Leslie Sanchez