

William L. Marder (State Bar No. 170131)
bill@polarislawgroup.com

Polaris Law Group
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214 Telephone
(831) 634-0333 facsimile

Attorneys for Plaintiffs,
TERRANCE LOVETT, ROBERT PARSONS
and JAVIER CUEVAS MAGANA, on behalf
of themselves all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

MARK BUFORD, RICHARD LIVELY,
ALBERT JOHNSON, RAUL MARTINEZ,
ROBERT PARSONS, JAVIER C. MAGANA,
AND TERRANCE LOVETT individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

ESTENSON LOGISTICS, LLC, a Delaware
Limited Liability Company; HUB GROUP
TRUCKING, INC., a Delaware Corporation;
HUB GROUP, INC., doing business in
California as CALIFORNIA HUB GROUP;
HUB GROUP DEDICATED, LLC, a Delaware
Limited Liability Company; and DOES 1
through 50, inclusive,

Defendants.

CASE NO.: CIVSB2133332

[Assigned for all purposes to the Hon. Joseph
T. Ortiz, Dept. S-17]

**DECLARATION OF WILLIAM L.
MARDER IN SUPPORT OF PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: August 20, 2024

Time: 1:30 p.m.

Dept.: S-17

1 **DECLARATION OF WILLIAM L. MARDER**

2 I, William L. Marder, declare as follows:

3 1. I am an attorney at law, duly licensed to practice before all Courts in the State of
4 California, and am with the law firm Polaris Law Group, counsel of record for Plaintiffs
5 Terrance Lovett, Robert Parsons, and Javier Cuevas Magana ("Plaintiffs"). I have personal
6 knowledge of the facts set forth below and if called to testify I could and would do so
7 competently.

8 2. The Joint Stipulation for Class Action Settlement and Amendment to Joint
9 Stipulation for Class Action Settlement ("Settlement Agreement") were the product of
10 negotiation between highly able and experienced attorneys on both sides who possessed the
11 relevant data and extensive legal research which they had carefully analyzed. Class Counsel
12 engaged in extensive factual investigation before settling, including reviewing class data
13 produced by Defendants relating to the number of putative class members, average hourly rate of
14 pay, and other information. This allowed Plaintiffs to conduct a full damage analysis. I support
15 the settlement as fair, reasonable, and adequate, and in the best interest of the Class.

16 3. I graduated from UCLA Law School in 1993 and was admitted to the California
17 Bar in 1994. Since that time, I have acquired substantial experience in employment litigation. I
18 have represented both plaintiffs and defendants. I estimate that I have handled more than 300
19 employment cases, litigating cases in state and federal courts.

20 4. I have defended large institutional employers in employment cases. From 1995-
21 1997, as an associate at Bolling, Walter & Gawthrop in Sacramento, I represented the City of
22 Sacramento, Yolo County, the City of Davis, Solano County, and other employers in
23 employment litigation in state and federal courts.

24 5. From 1997-2000, I served as a Deputy County Counsel in San Benito, handling
25 all of its employment matters. These matters include advising the county on compliance with
26 wage and hour laws, arbitrations, and litigation.

27 6. From 2002-2006, I was a partner at Paxton O'Brien, LLP in Hollister, an AV
28 rated firm, where I represented numerous plaintiffs and defendants in employment lawsuits.

7. In 2006, I co-founded the Polaris Law Group where I spend most of my time handling employment cases. I primarily represent employees.

8. I have been the sole trial attorney in two jury trials in which I represented a plaintiff who prevailed on wrongful termination claims brought pursuant to the California Fair Employment & Housing Act, California Government § 12900 *et seq.* These three cases are: *Gamayo v. Drobny Law Offices*, Sacramento Superior Court Case No.: 34-2008-00005372CU; and *Cherub Berlanga v. Willow Grove School District*, San Benito County Superior Case No.: CU-09-00100.

9. I have been the sole trial attorney in two court trials in which I represented plaintiffs who prevailed on wage and hour claims. These cases are: *Smith v. Joyce*, Monterey County Superior Court Case No.: M74334; and *Nava v. Rodriguez*, San Benito County Superior Court Case No.: CU-08-00022.

10. I have also been approved as class counsel in numerous cases including *Sison v. Headway Technologies*, Case No. 1-13-CV-254591 and *Barrera v. Home Depot*, Northern District of California Case No. C 12 5199 LHK.

11. To date, my firm has incurred approximately 151.2 hours on this case.

12. My current billing rate is \$850.00 per hour. I have previously been approved at an hourly rate of \$850.00 by various courts in a number of matters, including most recently in *Audycki v. Stanford Health Care*, Santa Clara Superior Court Case No. 19CV347173 and *Palomino v. Northrop Grumman Systems Corporation*, Santa Clara Superior Court Case No. 19CV345534. As such, the total lodestar for my hours is expected to be approximately \$128,520.00 (151.2 hours x \$850).

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

Executed on this 25th day of July 2024, at Hollister, California.

William L. Marder
William L. Marder

EXHIBIT A

Lovett v. Estenson Logistics, LLC
William L. Marder Time and Task Chart

Hours	Description of Work
45.4	Perform clients' intake and interview for three individuals; analyze and review documents provided by clients upon receipt; confer with co-counsel re anticipated claims and discuss same with client.
2.9	Analyze and review pleadings re removal and confer with clients and co-counsel re same.
4.1	Confer with clients re initial disclosures to identify appropriate witnesses and documents; confer with co-counsel re same.
35.8	Confer with clients re discovery served on them; conduct further interview and discussion with clients to obtain documents and information for production; confer re progress of case.
16.8	Review Defendant's responses to written discovery and document production; confer with clients re same re further investigation given production; confer with co-counsel re same.
2.9	Confer with clients re dismissal of certain claims without prejudice; explain legal issues resulting in dismissal without prejudice; confer with co-counsel re same.
9.1	Confer with co-counsel re potential off-the-clock theory; confer with individuals identified by Plaintiffs as potential witnesses to further investigate theory of liability; confer with clients re same.
5.1	Analyze and review pleadings re motions to dismiss; confer with clients re same.
4.9	Confer with clients and co-counsel re related actions and potential impact on case; discuss strategy moving forward with clients.
4.5	Confer with clients re proposed mediation; discuss data and further questions with clients in advance of mediation.
3.9	Confer with clients post-mediation; address follow up questions re same.
5.4	Confer with clients and co-counsel re proposed settlement; analyze, review, and further revise settlement agreement and supporting documents.
2.9	Confer with Plaintiff Magana re workweek dispute issue; confer with co-counsel re same; analyze and review purchase and sale agreement to discuss impact with client.
7.5	Draft and revise documentation in support of approval motions for settlement.
151.2	TOTAL HOURS