

DIVERSITY LAW GROUP, P.C.
Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Simon L. Yang (State Bar No. 260286)
sly@diversitylaw.com
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554

POLARIS LAW GROUP
William L. Marder (State Bar No. 170131)
bill@polarislawgroup.com
501 San Benito Street, Suite 200
Hollister, California 95023
Telephone: (831) 531-4214
Facsimile (831) 634-0333

Attorneys for Plaintiff and Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN MATEO

CHARLES WALTON, as an individual and on
behalf of all others similarly situated, and as a
private attorney general,

Plaintiff,

vs.

PRAXAIR DISTRIBUTION, INC., a Delaware
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. 20-CIV-03660

[Assigned for all purposes to Department 4,
Hon. Nancy L. Fineman]

**DECLARATION OF WILLIAM L. MARDER
IN SUPPORT OF PLAINTIFF'S NOTICE OF
MOTION AND MOTION FOR
ATTORNEYS' FEES, COSTS, AND CLASS
REPRESENTATIVE SERVICE AWARD**

Date: April 12, 2022
Time: 8:30 a.m.
Department: 4

Complaint Filed: August 28, 2020

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

2 1. I am an attorney admitted to practice in the State of California and am a partner of the
3 law firm of Polaris Law Group, one of the attorneys of record for Plaintiff, Charles Walton. I make this
4 declaration on the basis of my own personal knowledge, except as to those matters stated on information
5 and belief and, as to those matters, I believe them to be true. If called as a witness, I could testify
6 competently as to the facts stated in this declaration.

7 2. From the inception of the case, Class Counsel has zealously represented the interests of
8 the Class. Class Counsel engaged in substantial discussions with opposing counsel to obtain informal
9 data and documents on behalf of the Class. This settlement was obtained for the benefit of the Class, as
10 opposed to the individual Class Representative.

11 3. Although I am confident that litigation of the claims would result in a classwide judgment
12 against Defendant, I recognize the inherent risks in litigation, including the specific risks that class
13 certification could be denied, liability could not be established at trial, or the applicable law could
14 change, as well as the potential for appeals and the costs of pursuing litigation. Based on my review of
15 all the information, and based on my experience in class action litigation, I believe this settlement to be
16 fair, adequate, and reasonable.

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

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

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

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

3 8. In 2006, I co-founded my current firm, Polaris Law Group, where I spend most of my
4 time handling employment cases. I primarily represent employees.

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

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

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

16 12. My co-counsel and I will adequately represent the Class Members in this action.
17 Plaintiff's Counsel have and will zealously represent Plaintiff and the Class and pursue this lawsuit to its
18 conclusion. I have no conflicts with the Class and will adequately represent the Class.

19 13. My current billing rate is at \$750.00 per hour. I have been approved at this rate in a
20 number of cases, including but not limited to: *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior
21 Court Case No. 19CV341582, *Della Maggiora v. Watsonville Community Hospital*, Santa Cruz Superior
22 Court Case No. 18CV00191, *Holman v. American Sugar Refining, Inc.*, Contra Costa Superior Court
23 Case No. MSC18-00415, *Hanna v. Equinix LLC*, Santa Clara Superior Court Case No. 18CV339365,
24 *Pittman v. Martinez Steel Corporation*, San Bernardino Superior Court Case No. CIVDS1823132,
25 *Sanchez v. ExamOne WorldWide, Inc.*, Santa Clara Super Court Case No. 17CV30832, *Siron v. Raypak*,
26 *Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-OE-VTA, and *Prexxie Pascual and*

1 *Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara County Superior Court Case No.
2 19CV345211.

3 14. To date, I have incurred at least 24.8 hours on this case. Attached as **Exhibit A** is a
4 summary of my hours and tasks on this matter. I also anticipate spending at least an additional 3.0 hours
5 through final approval and post-approval, including time spent reviewing final approval pleadings,
6 conferring with Plaintiff, class members, and the administrator, and confirming final distribution and
7 compliance with any judgment entered upon final approval. The total of my firm's attorneys' fees
8 through final approval is expected to be \$20,850.00.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct. Executed this 21st day of February 2022, at Hollister, California.

11 
12 William L. Marder
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

**Time and Task Summary
for Walton v. Praxair Distribution, Inc
William L. Marder**

Description of Work	Hours
Conduct initial interview and investigation of plaintiff's claims	2.5
Discuss plaintiff's claims, proposed litigation strategy, and assessment with plaintiff and co-counsel	4.2
Review additional materials from plaintiff	1.1
Review LWDA letter and complaint and discuss with co-counsel	1.2
Review and reply to various emails with plaintiff and co-counsel	2.1
Discuss defendant's position with co-counsel, review defendant's documents, and discuss with plaintiff	3.0
Investigate defendant's current practices and discuss with plaintiff	2.6
Review mediation production and data	1.5
Review mediation brief and discuss with co-counsel	1.6
Discuss mediation and settlement with plaintiff	2.0
Review preliminary approval papers and prepare supporting declaration	1.8
Review fee and cost papers and prepare supporting declaration	1.2
TOTAL	24.8