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County of Alameda
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Deputy Clerk

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*Attorneys for Plaintiff Andrea O'Neal-Roberts,
Individually, and the Putative Class*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA
UNLIMITED JURISDICTION

Case No. RG20075270

Assigned for All Purposes to the
Honorable Brad Seligman
Department 23

CLASS ACTION

ANDREA O'NEAL-ROBERTS, on behalf of
herself and the putative class,

Plaintiff,

vs.

OFF THE GRID SERVICES, LLC, THE
WHOLE CART, LLC, and DOES 1 through
10 inclusive,

Defendants.

**DECLARATION OF DARCI E.
BURRELL IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Ntc of Motion; MPA; Decls.; and Prop. Order
submitted herewith

Date: September 6, 2022
Time: 3:00 p.m.
Dept.: 23
Reservation No.: A-20075270-001

Complaint Filed: September 24, 2021

I, Darci E. Burrell, declare as follows:

1. I am an attorney at law, duly qualified to practice before all the courts of the state of

1 California. I am a partner at the law firm Levy Vinick Burrell Hyams LLP, counsel of record for the
2 Settlement Class in this action. I have personal knowledge of the facts in this Declaration and could
3 testify competently thereto.

4 2. Experience of Darci Burrell:

5 a. I have practiced law for 26 years. Throughout that time I have represented
6 individual employees and classes of employees in employment and civil rights disputes, including
7 claims for discrimination, harassment, wrongful termination, breach of contract, defamation, and
8 violation of state and federal wage and hour laws.

9 b. In 1991, I graduated from the University of California, San Diego. After taking
10 a year off, I attended the University of California, Los Angeles School of Law from where I graduated
11 in 1995. I took and passed the bar that same year.

12 c. Following my graduation from law school, I spent one year as the Ruth Chance
13 Law Fellow at Equal Rights Advocates (“ERA”), a national women’s employment and education law
14 center. In that job I staffed and supervised the organization’s Advice and Counseling Hotline,
15 providing employment law advice to hundreds of women and men, litigated individual and impact
16 class litigation in the areas of gender discrimination and harassment, and conducted sexual harassment
17 trainings for employees and students across the state.

18 d. After I completed my fellowship at ERA, I served as Western Regional Counsel
19 for the NAACP Legal Defense and Education Fund from 1996 through 1998. In that job, I litigated
20 employment and other civil rights impact class action lawsuits. I then worked for the U.S. Department
21 of Education, Office for Civil Rights as a Civil Rights Attorney from 1998 through 2000. As a Civil
22 Rights Attorney, I enforced federal laws against discrimination in education on the basis of race,
23 ethnicity, age, gender, and disability, including complaint investigation, conciliation, and monitoring.

24 e. In 2000, I transitioned to private practice and began working as an associate at
25 the employment class action firm Goldstein, Demchak, Baller, Borgen & Dardarian (“GDBBD”),
26 where I remained until 2004. At GDBBD, I litigated nationwide employment discrimination and wage
27 and hour class action cases. In 2004, I left GDBBD to work at Boxer & Gerson, LLP, as part of its
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1 employment discrimination practice, where I litigated cases involving individual employment
2 discrimination, retaliation, harassment, wrongful termination, and other employment disputes.

3 f. I worked for Boxer & Gerson, LLP until the end of 2009, after which time, I
4 founded, along with four other seasoned employment attorneys, Dickson Levy Vinick Burrell Hyams
5 LLP. In February 2012, Dickson Levy Vinick Burrell Hyams LLP became Levy Vinick Burrell
6 Hyams LLP.

7 g. In 2019, I was ranked by Northern California Super Lawyers as one of the top
8 attorneys in Northern California and awarded the “Super Lawyers” designation. I have previously
9 been awarded the Super Lawyers designation from 2010 to 2014 and from 2017 to the present.

10 h. I have published two articles on issues related to the civil rights of women, one
11 of which was later republished in a legal treatise. I have served as a Chapter Editor for the American
12 Bar Association’s Section of Labor and Employment Law’s treatise on Employment Discrimination
13 Law. From 2011 until 2018, I served as a mediator as part of the Northern District of California’s
14 Alternative Dispute Resolution Program. In 2019, I became a Contributing Editor for the Rutter
15 Group’s *California Practice Guide: Employment Litigation*. I serve as a subject matter expert on the
16 California Democratic Party’s Sexual Harassment Working Group. I am a member of the California
17 Employment Lawyers Association and the National Employment Lawyers Association. I am also a
18 member of the Board of Directors for Housing and Economic Rights Advocates. I have conducted
19 many workshops and seminars on employment law throughout the country.

20 i. I have been litigating and assisting in litigation of civil rights and employment
21 cases for both individuals and classes since before graduating law school in 1995. Some significant
22 cases I have litigated include:

- 23 • *Labor Community Strategy Center v. Los Angeles Metropolitan*
24 *Transportation Authority* (a class action lawsuit in the United States District Court for the
25 Central District of California for discrimination in transportation policies on the basis of race)
- 26 • *Lacy T., et. al v. The Oakland Raiders* (a wage and hour class action in
27 Alameda County Superior Court on behalf of a class of 80 part-time professional cheerleaders
28 that resulted in a \$1,250,000 settlement);

- 1 • *Vasquez et. al v. The Brass Rail* (a wage and hour class action in Santa
2 Clara County Superior Court on behalf of exotic dancers that resulted in a \$2,000,000
3 settlement);
- 4 • *Charles v. State of California* (a lawsuit in Alameda County Superior
5 Court alleging sexual harassment and retaliation based on co-worker harassment, resulting in a
6 \$345,300 verdict);
- 7 • *Pollard v. City of Emeryville* (a lawsuit in Alameda County Superior
8 Court for retaliation and wrongful termination following a complaint of race discrimination
9 that resulted in a settlement valued at \$3,600,000);
- 10 • *Hill v. San Francisco Bay Area Rapid Transit District* (a lawsuit filed in
11 Alameda County Superior Court, a case in which the plaintiff alleged racial harassment and
12 retaliation and which resulted in a \$1,271,500 jury verdict);
- 13 • *Chavez v. Cal-Pac Sonoma, LLC et. al* (a lawsuit in Sonoma County
14 Superior Court for sexual harassment and retaliation that resulted in a \$300,000 Section 998
15 offer to compromise, plus fees and costs);
- 16 • *Metzner v. The Permanente Medical Group* (a lawsuit filed in Alameda
17 County Superior Court, resulting in a \$3,000,000 jury verdict on behalf of the plaintiff on a
18 CFRA retaliation claim).
- 19 • *Check v. Raley's, Inc.* (a lawsuit filed in Sonoma County Superior Court
20 on behalf of a current, low-wage employee, resulting in a \$119,000 jury verdict on claims of
21 disability discrimination and failure to prevent discrimination and retaliation).

22 3. Experience of Hilary Hammell:

23 a. Ms. Hammell graduated from Yale College in 2004 with a B.A. and from the
24 University of Washington School of Law in 2012 with a J.D. with High Honors, *Order of the Coif*, in
25 the top 5% of her class. She attended the University of Washington School of Law on a full
26 scholarship as a William H. Gates Public Service Law Scholar.

27 b. From 2012 to 2013, she served as a judicial law clerk to the Honorable
28 Stephanie K. Seymour on the United States Court of Appeal for the Tenth Circuit.

1 c. After clerking for Judge Seymour, Ms. Hammell was selected as a Skadden
2 Fellow to work at Public Advocates, a San Francisco and Sacramento-based nonprofit organization
3 known for its high-impact cases on housing, transit, and education equity, such as *Williams v. State of*
4 *California* and *Serrano v. Priest*.

5 d. After Public Advocates Ms. Hammell represented low-income clients in high-
6 volume practices at Bayview Hunters Point Community Legal (now Open Door Legal) in San
7 Francisco and at Mallison & Martinez in Oakland. She also volunteered in the Worker's Rights Clinic
8 at Centro Legal de la Raza in Oakland. She founded the employment-law practice at Open Door Legal,
9 where she taught volunteer attorneys and law students how to prosecute wage-and-hour and FEHA
10 cases on behalf of, for instance, bus drivers, in-home caregivers, and other low-wage workers in
11 exploitative industries. She contributed to FEHA and class action employment litigation and
12 represented low-wage clients in deposition, at trial, in hearings, and on appeal.

13 e. From the fall of 2018 through February 2022, Ms. Hammell was an associate
14 for Levy Vinick Burrell Hyams LLP. In March 2022, she left Levy Vinick to start her own firm.

15 f. Ms. Hammell has been an active member of the California Employment
16 Lawyers Association (CELA) since 2016. She has been named a "Rising Star" by SuperLawyers in
17 2019, 2020, 2021, and 2022.

18 4. Levy Vinick Burrell Hyams LLP has spent approximately 180 hours on this litigation,
19 incurring more than \$119,000 in uncompensated attorneys' fees. Levy Vinick Burrell Hyams has also
20 advanced nearly \$13,000 to date in costs in support of this litigation.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing is
22 true and correct. Executed on July 11, 2022 in Oakland, California.

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24 By. 
25 DARCI E. BURRELL, ESQ.
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