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Attorneys for Plaintiff KENNETH KERNITZKI,
individually and on behalf of all others similarly
situated

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

KENNETH KERNITZKI, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

QUALITY CAR SHIPPERS, LLC, a California
limited liability company; and DOES 1 through
50, inclusive,

Defendants.

Case No. CVRI2100564

[Assigned to Harold W. Hopp, Department 10]

Complex Class Action

**DECLARATION OF TARAS KICK IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND PAGA REPRESENTATIVE
ACTION SETTLEMENT**

Date: May 2, 2023
Time: 8:30 AM
Dept: 10

Reservation No.: 948175813983

Complaint filed: February 5, 2021
Trial date: None set

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2 **DECLARATION OF TARAS KICK**

3 I, Taras Kick, declare:

4 1. I am a member in good standing of the State Bar of California, and I am a shareholder at
5 The Kick Law Firm, APC, attorneys for Plaintiff Kenneth Kernitzki (“Plaintiff”) in this action. I make this
6 Declaration on behalf of Plaintiff and in support of the Motion for Preliminary Approval of Class and
7 PAGA Representative Action Settlement. If sworn as a witness, I could competently testify to each fact
8 set forth herein from my own personal knowledge.

9 2. I have been a member of the California State Bar since 1989, the year I graduated from the
10 University of Pennsylvania Law School. Prior to that, in 1986, I graduated from Swarthmore College,
11 from which I earned a Bachelor of Arts degree in Economics and Psychology. I have served as class
12 counsel in numerous national and California state class actions, including being appointed lead counsel and
13 a member of plaintiffs’ executive committees. From 2012 to September 2017, I was a Commissioner of
14 the California Law Revision Commission, an independent state agency created by statute in 1953 to assist
15 the Legislature and Governor by examining California law and recommending needed reforms, having
16 been appointed by Governor Edmund G. Brown Jr. in 2012, and was Chairperson of the Commission from
17 September 2015 through September 2016 (although my role in this case is independent of any aspect of
18 my duties with the Commission and does not reflect one way or the other any positions of the Commission).
19 For over five years I was a member of the national Board of Directors of Public Justice, including its Class
20 Action Preservation Committee. I am or have been a member of numerous other committees pertaining to
21 consumer class actions, including the American Association for Justice Class Action Litigation Sub-Group;
22 the Consumer Attorneys of California Class Action Group; the American Bar Association Committee on
23 Class Actions & Derivative Suits; and, the State Bar of California Antitrust and Unfair Competition
24 Litigation section. The Kick Law Firm, APC primarily represents plaintiffs in class actions.

25 3. The class action cases in which this firm has been appointed either as lead counsel, or as co-
26 lead counsel, include the following: *Eaton v. Cavalia (USA) Inc., et al.*, San Francisco County Superior
27 Court, Case No. CGC-19-579421, assigned to Richard B. Ulmer (class and representative PAGA action,
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1 final approval granted November 21, 2022); *Johnson v. Randy Taylor Consulting, LLC, et al.*, Los Angeles
2 County Superior Court Case No. 21SMCV00156, assigned to Hon. Helen Zukin, SSC-207 (class and
3 representative PAGA action, final approval granted November 2, 2022); *In Re Southern California Gas*
4 *Leak Cases*, Judicial Council Coordinated Proceeding No. 4861, assigned to Hon. Daniel J. Buckley,
5 Coordination Trial Judge, Dept. SSC-1 (co-lead counsel and member of the class action steering committee,
6 final approval granted April 29, 2022); *Samano v. De Leon Transport, Inc.*, Los Angeles County Superior
7 Court, Case No. 19STCV44589, assigned for all purposes to Hon. Elihu M. Berle (class and representative
8 PAGA action; final approval granted January 22, 2022); *Johnson, et al., v. Angel View*, San Bernardino
9 County Superior Court, Case No. CIVDS1935378 (class and representative PAGA action; final approval
10 granted November 18, 2021); *Imperial Wage And Hour Cases*, San Bernardino County Superior Court,
11 Case No. JCPDS5130 (class and representative PAGA action; final approval granted November 2, 2021);
12 *Metzke v. Thermo Fisher Scientific, Inc.*, San Francisco County Superior Court, Case No. CGC-19-581914
13 (class and representative PAGA action; final approval granted October 28, 2021); *Story v. SEFCU*, United
14 States District Court for the Northern District of New York, Case No. 1:18-cv-00764 (an overdraft fee class
15 action, final approval granted on February 25, 2021); *Daves, et al. v. Amadeus Waterawys, Inc.*, Los
16 Angeles County Superior Court, Case No. 19STCV25203, assigned for all purposes to Hon. Ann I. Jones
17 (wage & hour class action; final approval granted January 8, 2021); *Smith v. Bank of Hawaii*, United States
18 District Court for the District of Hawaii, Case No. 1:16-cv-00513 (an overdraft fee class action, final
19 approval granted on December 22, 2020); *Coleman-Weathersbee v. Michigan State University Federal*
20 *Credit Union*, United States District Court for the Eastern District of Michigan, Case No. 2:19-cv-11674
21 (an overdraft fee class action, final approval granted on July 29, 2020); *Walker v. People's United Bank*,
22 United States District Court for the District of Connecticut, Case No. 3:17-cv-00304 (an overdraft fee class
23 action, final approval granted on June 29, 2020); *Salls v. Digital Federal Credit Union*, United States
24 District Court for the District of Massachusetts, Case. No. 18-cv-11262-TSH (an overdraft fee class action,
25 final approval granted in January 2020); *Pingston-Poling v. Advia Credit Union*, United States District
26 Court for the Western District of Michigan, Case No. 1:15-CV-1208 (an overdraft fee class action, final
27 approval granted in January 2020); *Lloyd v. Navy Federal Credit Union*, United States District Court for
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1 the Southern District of California, Case No. 3:17-cv-01280 (an overdraft fee class action, final approval
2 granted May 18, 2019); *Ketner v. SECU Maryland*, Civil No.:1:15-CV-03594-CCB (D. MD. 2017) (an
3 overdraft fee class action, final approval granted January 11, 2018); *Towner v. 1st MidAmerica Credit*
4 *Union*, No. 3:15-cv-1162 (S.D. Ill. 2017) (an overdraft fee class action, final approval granted in November
5 2017); *Lane v. Campus Federal Credit Union*, Case No. 3:16-cv-00037 (M.D. La. 2017) (an overdraft fee
6 class action, final approval granted in August 2017); *Fry v. MidFlorida Credit Union*, United States District
7 Court for the Middle District of Florida, Case No. 8:15-CV-2743 (an overdraft fee class action, final
8 approval granted); *Ramirez v. Baxter Credit Union*, United States District Court for the Northern District
9 of California, Case No. 16-cv-03765-SI (an overdraft fee class action, final approval granted); *Lynch v.*
10 *San Diego County Credit Union*, San Diego County Superior Court, Case No. 37-2015-00008551 (an
11 overdraft fee class action, final approval granted); *Gunter v. United Federal Credit Union*, United States
12 District Court for the District of Nevada, Case No. 3:15-cv-00483-MMD-WGC (an overdraft fee class
13 action, final approval granted); *Hernandez v. Point Loma Credit Union*, San Diego County Superior Court,
14 Case No. 37-2013-00053519 (an overdraft fee class action, final approval granted); *Gray v. Los Angeles*
15 *Federal Credit Union*, Los Angeles County Superior Court, Case No. BC625500 (an overdraft fee class
16 action, final approval granted in); *Morales v. Kern Schools Federal Credit Union*, Kern County Superior
17 Court, Case No. BCV-15-100538 (an overdraft fee class action, final approval granted in June 2017);
18 *Manwaring v. Golden 1 Credit Union*, Sacramento County Superior Court, Case No. 34-2013-00142667
19 (an overdraft fee class action, final approval granted); *Casey v. Orange County Credit Union*, Orange
20 County Superior Court No. 30-2013-00658493-CJ-BT-CXC (an overdraft fee class action, final approval
21 granted); *Sewell v. Wescom Credit Union*, Los Angeles County Superior Court No. BC5860 (an overdraft
22 fee class action, final approval granted); *Fernandez v. Altura Credit Union*, Riverside County Superior
23 Court, Case No. RIC1610873 (an overdraft fee class action, final approval granted); *Hernandez v. Logix*
24 *Federal Credit Union*, Los Angeles County Superior Court, Case No. BC628495 (an overdraft fee class
25 action, final approval granted); *Bowens v. Mazuma Federal Credit Union*, United States District Court for
26 the Western District of Missouri, Case No. 15-00758-CV-W-BP (an overdraft fee class action, final
27 approval granted); *Santiago v. Meriwest Credit Union*, Sacramento County Superior Court, Case No. 34-
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1 2015-00183730 (an overdraft fee class action, final approval granted); *Howard v. Sage Software*, Los
2 Angeles County Superior Court Case No. BC487140 (final approval granted); *Kirtley v. Wadekar*, United
3 States District Court for the District of New Jersey, Case No. 05-5383 (final approval granted); *Pereyra v.*
4 *Mike Campbell & Associates*, Los Angeles County Superior Court Case No. BC365631 (final approval
5 granted); *Alston v. Pacific Bell*, Los Angeles County Superior Court Case No. BC297863 (final approval
6 granted); *Oshaben v. Monster Worldwide, Inc.*, et al., San Francisco County Superior Court Case No. CGC-
7 06-454538 (final approval granted); *Cole v. T-Mobile USA, et al.*, Central District of California Case No.
8 06-6649 (final approval granted).

9 4. Other attorneys at The Kick Law Firm, APC (“TKLF”) who worked on this matter include
10 Greg Taylor, a 2016 graduate of UCLA School of Law, where he was a Dean’s merit scholarship recipient
11 and a member of the *UCLA Entertainment Law Review*, who represented plaintiffs in employment actions
12 for approximately five years before joining TKLF in 2022; Daniel Bass, who was admitted to the California
13 Bar in 2012 after graduating from Washington University Law School and having served on its *Law*
14 *Review*, and devoted the majority of his career to assisting plaintiffs in employment and class action cases;
15 Roy Suh, who was admitted to the California Bar in 2012 after graduating from UCLA Law School, and
16 thereafter practiced exclusively in plaintiffs’ employment and consumer cases; and, Karen Wallace, who
17 holds a Ph.D in English from UCLA, was admitted to the California Bar in 2010, and who since then has
18 in large practiced in plaintiffs’ employment and consumer cases.

19 5. The Kick Law Firm, APC undertook this case on a contingent basis, with the understanding
20 that the firm would not be compensated for its efforts unless the case was successful. To date, TKLF has
21 not been paid for any of its time spent on this matter. The time spent on this matter by the firm’s attorneys
22 has required considerable work that could have, and would have, been spent on other billable matters. As
23 a result of having accepted and been devoted to this case, it is my informed belief this law firm wound up
24 not representing parties in cases it otherwise would have, and which in my opinion likely would have
25 compensated this firm at its hourly rates requested in this matter.

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6. As the proposed Class Counsel in this matter is limited to attorneys of The Kick Law Firm, no other firm will be sharing or splitting fees. Pursuant to the Settlement, Class Counsel will request, and Defendant will not oppose, attorneys' fees in an amount equal to one-third (1/3) of the GSA, or \$150,000, and reimbursement of litigation costs not to exceed \$15,000. (*See* Ex. 1, SA, ¶ 3.2.2.) Although applying pursuant to the percentage of benefit approach, with the Motion for Final Approval we will present the detail of the work performed should the Court wish to perform a lodestar cross-check.

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

Executed this 30th day of March 2023, in Los Angeles, California.

/s/ Taras Kick
Taras Kick