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12 Attorneys for Plaintiffs Antony M. Smith, Omar Ayala
and all others similarly situated

13 **SUPERIOR COURT OF CALIFORNIA**

14 **COUNTY OF SAN DIEGO – NORTH COUNTY**

15 ANTONY M. SMITH and OMAR AYALA,
16 individuals, on behalf of themselves, and on
17 behalf of all persons similarly situated and
aggrieved

Plaintiffs,

18 v.

19
20 ZODIAC POOL SYSTEMS, LLC, a
21 Delaware limited liability company doing
22 business in California; and Does 1 through
50, Inclusive

Defendants.

Case No. 37-2020-00036431-CU-OE-NC

ASSIGNED FOR ALL PURPOSES TO:
The Honorable Earl H. Maas, III, Dept. N-28

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF ATTORNEY
MATTHEW M. BLUM IN SUPPORT OF
MOTION FOR ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: June 10, 2022

Time: 1:30 p.m.

Dept: N-28

Judge: Hon. Earl H. Maas, III

Reservation: 2488941

Filed: October 7, 2020

Trial date: Not set

1 **DECLARATION OF ATTORNEY MATTHEW M. BLUM**

2 I, Matthew M. Blum, hereby declare:

3 1. I am an attorney duly licensed to practice law in the State of
4 California and am principal and founder of The Law Office of Matt Blum,
5 counsel for Plaintiffs and proposed Class Representatives Antony M. Smith and
6 Omar Ayala (“Plaintiffs”), on behalf of themselves and all others similarly
7 situated hourly, non-exempt employees of Defendant, Zodiac Pool Systems, LLC
8 employed any time during the period from May 27, 2016 through August 2,
9 2021.

10 2. I am admitted to practice as an attorney before this Court. My state
11 bar number is 285944. My license is in good standing and I have never been
12 subject to discipline by the State Bar of California.

13 3. I am a 2011 graduate of California Western School of Law. I was
14 admitted to the California bar shortly thereafter in 2012. After spending
15 approximately six months performing contract work for various attorneys, I
16 started by own firm – The Law Office of Matt Blum. Since that time, I have
17 worked as a solo practitioner in the employment field. I handle every aspect of
18 my cases from client intake through trial and judgment enforcement.

19 4. Working primarily as an employment law attorney, I have achieved
20 successful outcomes for numerous clients. As a plaintiffs’ attorney, I have
21 litigated hundreds of actions for discrimination, retaliation, harassment and
22 wrongful termination under the California Fair Housing and Employment Act
23 (Cal. Gov Code § 12940 et seq), as well as hundreds of employee whistleblower
24 retaliation cases under Cal. Labor Code § 1102.5 and Cal. Health and Safety
25 Code § 6310. I have also achieved excellent results for multiple clients seeking
26 recovery for unpaid wages (including overtime), pay stub violations, meal and
27 rest period premium pay, and unreimbursed business expenses in individual
28 cases as well as in representative actions brought pursuant to the Private

1 Attorney Generals’ Act (“PAGA”) and class action matters. As a defense
2 attorney, I have defended hundreds of corporations in employment-related
3 matters.

4 5. Within the past several years, I have served as class counsel on
5 cases that have resulted in substantial monetary recoveries for thousands of
6 California employees. My firm is currently prosecuting (along with other
7 counsel) multiple wage and hour class and PAGA actions throughout California,
8 including but not limited to: *Martinez et al. v. Lakehouse Hotel* – 37-2021-
9 00010118 (North Division San Diego); *Macias et al. v. ABM Electrical and*
10 *Lighting Solutions, Inc.*, 37-2020-00033639 (Central Division San Diego); *Riedl*
11 *et al. v. Owl Inc. DBA Owl Transportation* – 21-CIV-02704 (San Mateo County);
12 *Trinidad et al. v. Ascot Hotel, L.P.*, 21-SMCV00575 (Santa Monica Courthouse –
13 LA County); *Place, et al. v. Mountain F. Enterprises, Inc.*, 24-2021-00294802
14 (Sacramento County Superior Court).

15 6. I have litigated cases involving the same types of issues raised in
16 this case in numerous industries, as detailed above.

17 7. I am well-versed in the facts of this case and the law that applies to
18 the claims asserted. In addition to my knowledge of applicable existing case
19 law, statutes, and regulations, I spent considerable effort during the litigation
20 researching other cases involving these issues.

21 8. Specifically, my firm was retained by Antony M. Smith to represent
22 him in a wage and hour claim against his employer Zodiac Pool Systems, LLC.,
23 (“Zodiac” or “Defendant”). I spent considerable time conferring with Mr. Smith
24 and assessing the viability of a lawsuit, including researching other pending
25 cases against Zodiac, conducting extensive legal research regarding claims to be
26 asserted, reviewing time cards, reviewing company policies, and researching
27 issues involving rounding. I then drafted and filed the class action lawsuit on his
28 behalf, which was filed in this court. Following the filing, we agreed to

1 coordinate with the the law firm of Cohelan Khoury & Singer to assist with the
2 prosecution of this case, as they had had a case alleging similar allegations and
3 claims against Zodiac pending in the United States District Court for the
4 Southern District. I assisted in coordinating with defense counsel for purposes of
5 getting all of the parties together for a single mediation. At this mediation, global
6 settlement was reached. From there, we agreed to consolidate the cases to state
7 court where Mr. Smith's was pending. Counsel for all Parties agreed to then seek
8 approval of the class action settlement through this action, and to that end, a First
9 Amended Class Action Complaint was filed on October 1, 2021 adding Omar
10 Ayala to the above-captioned action. I have attended all status conference
11 hearings in this matter before this court. I have been the primary point of contact
12 with Mr. Smith and plan to assist with any contact with putative class members
13 following dissemination of the class notice.

14 9. My firm will continue to dedicate the necessary resources, both in
15 terms of money and time, to properly, aggressively, and efficiently prosecute this
16 case on behalf of the putative class.

17 10. Plaintiffs' Counsel are seeking a fee award in an amount up to
18 33.33% (1/3) of the gross settlement fund. I believe that this request is fair and
19 reasonable in light of the excellent result achieved, and the fact that all work was
20 expended by counsel with no guarantee of recovery (on a contingency basis), and
21 at the expense of other cases that could have been taken on.

22 11. The Law Office of Matt Blum has incurred approximately
23 \$1,560.00 in costs in this action. I will provide a complete summary of my
24 firm's expenses prior to final approval.

25 I declare under penalty of perjury under the laws of the State of California
26 that the foregoing is true and correct and that this Declaration was executed on
27 January 28, 2022, in San Diego, California.

28 

Matthew M. Blum