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Attorneys for Plaintiffs and Aggrieved Employees

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

JOHN DOE, PAOLA CORREA, and
DEWAYNE CASSEL, on behalf of the State of
California and aggrieved employees,

Plaintiffs,

vs.

GOOGLE, INC., ALPHABET, INC.,
ADECCO USA INC., ADECCO GROUP
NORTH AMERICA and ROES 1 through 10,

Defendants.

Case No. CGC-16-556034

**DECLARATION OF JAHAN C. SAGAFI
IN SUPPORT OF PLAINTIFFS'
MOTION FOR APPROVAL OF PAGA
SETTLEMENT; MOTION FOR
ATTORNEYS' FEES, COSTS, AND
SERVICE AWARDS**

Date: November 2, 2023
Time: 2:00 p.m.
Dept: 304 (COMPLEX)
Judge: Hon. Ethan P. Schulman

Date Action Filed: December 20, 2016
Trial Date: Not Set

1 I, JAHAN C. SAGAFI, declare as follows:

2 1. I am a partner at Outten & Golden LLP (“O&G”) and am admitted to practice
3 before this Court. I make these statements based on personal knowledge and would so testify if
4 called as a witness.

5 2. Along with Baker Curtis & Schwartz (“BCS”), O&G is Plaintiffs’ Counsel in the
6 above-captioned case.

7 3. I submit this declaration in support of Plaintiffs John Doe, Paola Correa, and
8 DeWayne Cassel’s Motion to Approve PAGA Settlement and Motion for Attorneys’ Fees, Costs,
9 and Service Awards.

10 **Outten & Golden LLP**

11 4. **The firm.** Outten & Golden is the largest firm in the country that exclusively
12 represents individuals (not companies) in employment matters. O&G is a 60+ attorney firm with
13 offices in New York, San Francisco, and Washington, D.C., representing plaintiffs in a wide
14 variety of employment matters, including individual and class action litigation involving wage
15 and hour, discrimination, and harassment claims, as well as contract and severance negotiations.
16 In addition to taking contingency fee matters, O&G maintains a substantial practice of hourly
17 work for paying clients and often receives fee awards in the cases it handles, giving O&G a solid
18 foundation of resources from which to take on class action matters such as this one.

19 5. **Outten & Golden’s experience advocating for workers’ rights.** O&G has
20 represented plaintiffs in hundreds of class and collective actions asserting employment rights on
21 behalf of workers in California and around the country. For example, recently, Judge Chhabria
22 found that “Class Counsel have capably and effectively represented the Settlement Class
23 Members’ interests,” and praised them for “their outstanding work on this case.” *Zamora v. Lyft,*
24 *Inc.*, No. 16-cv-02558-VC, ECF No. 103 at 6 (N.D. Cal.). O&G attorneys “have . . . extensive
25 experience and expertise in prosecuting wage-and-hour class actions and collective actions.”
26 *Galeener v. Source*, No. 13-cv-4960, ECF No. 131 (N.D. Cal. Mar. 13, 2015) (Chhabria, J.);
27 *Lillehagen v. Alorica*, No. 13-cv-0092, ECF No. 262 (C.D. Cal. May 31, 2016) (same); *Yuzary v.*
28 *HSBC Bank USA, N.A.*, No. 12-cv-3693, 2013 WL 1832181, at *4 (S.D.N.Y. Oct. 2, 2013)

1 (appointing O&G as class counsel, finding that O&G attorneys “have substantial experience
2 prosecuting and settling employment class actions, including wage and hour class actions[,] and
3 are well-versed in wage and hour and class action law”); *Easterling v. Conn., Dep’t of*
4 *Correction*, No. 08 Civ. 826, 2013 WL 12291474, at *3 (D. Conn. Sept. 10, 2013) (O&G
5 attorneys “are nationally recognized employment class action litigators.”); *Johnson v. Brennan*,
6 No. 10 Civ. 4712, 2011 WL 1872405, at *2 (S.D.N.Y. May 17, 2011) (same); *accord Ballinger v.*
7 *Advance Magazine Publishers, Inc.*, No. 13 Civ. 4036, 2014 WL 7495092, at *7 (S.D.N.Y. Dec.
8 29, 2014) (appointing O&G as class counsel, explaining that “[b]ased on the firm’s performance
9 before me in this and other cases and its work in the foregoing and other cases, I have no question
10 that it will prosecute the interests of the class vigorously”); *Perez v. Allstate Ins. Co.*, No. 11 Civ.
11 1812, 2014 WL 4635745, at *25 (E.D.N.Y. Sept. 16, 2014) (appointing O&G as class counsel
12 and noting that “O & G has the requisite experience in handling class actions . . . , are well versed
13 in the applicable law, and have the resources necessary to represent the NYLL Class fairly and
14 adequately”); *Capsolas v. Pasta Res., Inc.*, No. 10 Civ. 5595, 2012 WL 1656920, at *2 (S.D.N.Y.
15 May 9, 2012) (O&G attorneys “have years of experience prosecuting and settling wage and hour
16 class actions, and are well-versed in wage and hour law and in class action law”); *Alli v. Boston*
17 *Mkt. Corp.*, No. 10 Civ. 4, 2011 WL 6156938, at *2 (D. Conn. Dec. 9, 2011) (O&G counsel are
18 “qualified and experienced in the issues raised in” wage and hour overtime litigation); *McMahon*
19 *v. Olivier Cheng Catering & Events, LLC*, No. 08 Civ. 8713, 2010 WL 2399328, at *6 (S.D.N.Y.
20 Mar. 3, 2010) (O&G “are experienced employment lawyers with good reputations among the
21 employment law bar . . . [and] have prosecuted and favorably settled many employment law class
22 actions, including wage and hour class actions”); *Damassia v. Duane Reade, Inc.*, 250 F.R.D.
23 152, 158 (S.D.N.Y. 2008) (O&G lawyers have “an established record of competent and
24 successful prosecution of large wage and hour class actions, and the attorneys working on the
25 case are likewise competent and experienced in the area”).

26 6. Law360 has listed Outten & Golden as one of a handful of firms in the
27 employment law category of its nationwide “Practice Group of the Year” list for each of the years
28 2016, 2017, 2018, 2019, and 2020. That list typically includes about half a dozen firms, two of

1 which are plaintiffs' firms. Outten & Golden is the only plaintiffs' firm to be listed in each year
2 during the 2016-20 period.

3 7. In 2022, Chambers USA ranked O&G in band one for Plaintiffs Labor &
4 Employment law in both California and New York. The firm has appeared annually in this
5 category since it launched in 2014. In addition, for many years, Chambers USA has also ranked
6 O&G in band one for Executive Compensation: Mainly Executives, in New York.

7 8. In 2023, Best Lawyers honored O&G with its highest ranking in multiple
8 categories, including: National Tier 1: Litigation - Labor & Employment, and National Tier 1:
9 Mass Tort Litigation / Class Actions – Plaintiffs. In addition, O&G is ranked regionally in Tier 1
10 in a number of categories, including Employment Law – Individuals in New York City, San
11 Francisco, and Washington D.C.

12 9. In 2023, twenty-three O&G attorneys were named to Lawdragon's 2023 list of the
13 500 leading civil rights and plaintiffs employment lawyers in the U.S.

14 10. Attorneys at O&G were awarded Public Justice's Trial Lawyer of the Year Award
15 in 2017 for the Firm's litigation in Gonzalez v. Pritzker, No. 10 Civ. 3105 (S.D.N.Y.). The case
16 focused on raced-based collateral consequences of interactions with the criminal justice system.

17 11. Many O&G attorneys have also been individually honored for their outsized
18 contributions to the practice of law. For example in 2023, Wayne Outten was recognized with the
19 New York State Bar Association Labor & Employment Section's lifetime achievement award. In
20 addition, O&G partner Wendi Lazar is the recipient of the American Bar Association's 2020
21 Margaret Brent Women Lawyers of Achievement Award, the highest honor for women in the
22 U.S. legal profession.

23 **My Background and Experience**

24 12. **Education.** I graduated *magna cum laude* from Harvard College in 1994, where I
25 concentrated in Social Studies. I graduated from Harvard Law School in 2001 and throughout my
26 practice have specialized in class actions, with a focus on employment class actions.

1 13. **Clerkship.** For the first year after I graduated from law school, I clerked for the
2 Honorable William W Schwarzer, Senior Judge of the United States District Court for the
3 Northern District of California.

4 14. **Lieff Cabraser.** Immediately thereafter, in 2002, I joined Lieff, Cabraser,
5 Heimann & Bernstein, LLP, where I became a partner in January 2008. My practice consisted
6 primarily of representing class members in employment class actions (including wage and hour,
7 employment discrimination, and other employment-related disputes), as well as significant work
8 representing plaintiffs in consumer class actions and appeals of consumer and product liability
9 cases in the Ninth Circuit and other appellate courts.

10 15. **Outten & Golden.** In fall 2013, I left Lieff Cabraser to help open O&G's San
11 Francisco office. Here, my practice has consisted almost exclusively of representing workers in
12 employment class actions (including wage and hour, employment discrimination, and other
13 employment-related disputes).

14 16. **Current employment cases.** Currently, I represent plaintiffs asserting
15 employment claims in representative actions in California state court and federal districts in
16 California.

17 a. Ongoing employment representative actions in California state courts. I
18 also represent plaintiffs asserting employment-related claims in class actions in California state
19 court: *Tabola v. Uber Techs., Inc.*, No. CGC-16-550992 (San Francisco Super. Ct.) (PAGA
20 claims on behalf of Uber drivers challenging independent contractor misclassification); *Olson v.*
21 *Lyft, Inc.*, No. CGC-18-566788 (San Francisco Super. Ct.) (PAGA claims on behalf of Lyft
22 drivers challenging independent contractor misclassification); *Diaz v. Chevron Corp.*, No. C20-
23 00192 (Contra Costa Super. Ct.) (off-the-clock claims on behalf of refinery workers); *Chen v.*
24 *Morgan Stanley Smith Barney LLC*, No. 30-2014-00724866-CU-OE-CJC (Orange Co. Super. Ct.)
25 (PAGA claims on behalf of Financial Advisors regarding reimbursement of business expenses).

26 b. In addition, I represent the California Civil Rights Department in its law
27 enforcement action asserting gender discrimination, harassment, and retaliation claims on behalf
28 of the women who worked at Activision Blizzard. *Civil Rights Department v. Activision Blizzard*,

1 *Case No. 21STCV26571* (Los Angeles Co. Super. Ct.). I understand this to be the only time a
2 California agency has retained private counsel to assist it in litigating employment rights
3 enforcement claims.

4 c. Ongoing discrimination class actions in California federal courts.

5 Currently, I represent plaintiffs and proposed class members asserting employment discrimination
6 claims in class and collective action cases in this District, including *Anderson v. City and County*
7 *of San Francisco*, No. 20-cv-01149-DMR (N.D. Cal.) (class action on behalf of veterans and
8 servicemembers asserting USERRA claims).

9 d. Ongoing wage and hour class actions in California federal courts.

10 Currently, I represent plaintiffs and proposed class members asserting wage and hour claims in
11 several class and collective action cases, including one in this District: *Clayborne v. Chevron*
12 *Corp.*, No. 19-cv-07624-JSW (N.D. Cal.) (off-the-clock claims on behalf of refinery workers);
13 *Whitworth v. SolarCity Corp.*, No. 16-cv-1540-JSC (N.D. Cal.) (off-the-clock and meal break
14 claims on behalf of installers).

15 17. **Past employment cases.** During my career, I have represented plaintiffs in many
16 representative employment class actions.

17 a. Successful class action jury trial. In *Strauch v. Computer Sciences Corp.*,
18 No. 14 Civ. 956 (D. Conn.), my team and I won a unanimous jury verdict on behalf of a class of
19 technical support workers asserting exemption misclassification claims under the FLSA,
20 California law, and Connecticut law in December 2017. The jury found that the defendant
21 violated the law willfully. The parties appealed, and the case ultimately settled for \$17.6 million
22 in 2021. *Strauch* is one of a handful of employment class actions that have been successfully
23 tried to verdict.

24 b. Past discrimination class actions. In the past, I have represented plaintiff
25 classes in employment discrimination class actions, including: *Rabin v. PricewaterhouseCoopers*
26 *LLP*, No. 16-cv-2276-JST (N.D. Cal.) (nationwide age discrimination class action on behalf of
27 applicants for introductory accountant positions; final approval of \$11,625,000 settlement with
28 programmatic relief); *Borrego v. Raley's Family of Fine Stores*, 34-2015-00177687 (Sacramento

1 Co. Super. Ct.) (settlement of pregnancy discrimination class action for \$2.8 million for
2 approximately 340 women in 2020); *del Toro Lopez v. Uber Technologies, Inc.*, No. 17-cv-
3 06255-YGR (N.D. Cal.) (\$10 million settlement of gender and race discrimination class action on
4 behalf of software engineers in 2018); *Onuoha v. Facebook, Inc.*, No. 16-cv-6440-EJD (N.D.
5 Cal.) (settlement of discrimination claims on behalf of African American, Latino, and Asian
6 American Facebook users excluded from employment, housing, and credit ads provided to
7 similarly situated white users); *Wynne v. McCormick & Schmick's Seafood Restaurants, Inc.*, No.
8 06 Civ. 3153 CW (N.D. Cal.) (\$2.1 million settlement of race discrimination class action on
9 behalf of hourly restaurant workers in 2008); *Gonzalez v. Abercrombie & Fitch Stores, Inc.*, Case
10 No. 03 Civ. 2817 SI (N.D. Cal.) (\$50 million settlement of race and gender discrimination class
11 action on behalf of store salespeople in 2005) (subject of "White Hot" documentary,
12 <https://www.netflix.com/title/81323741>).

13 c. Past wage and hour class actions in the Northern District of California. In
14 the past, I have successfully represented plaintiff classes in other wage and hour class and/or
15 collective actions in this District, including: *Godhigh v Savers*, No. 16-cv-2874-WHO (N.D.
16 Cal.) (\$750,000 settlement for overtime misclassification claims of retail store assistant managers
17 in 2018); *Wolf v. Permanente Medical Group, Inc.*, No. 17-cv-05345-VC (N.D. Cal.) (\$2,950,000
18 settlement for off-the-clock claims of telephone service representatives in 2018); *Zamora v. Lyft,*
19 *Inc.*, No. 16-cv-02558-VC (N.D. Cal.) (\$1,950,000 settlement for claims of drivers asserting that
20 Lyft used deceptive language in explaining how Prime Time Premiums would be paid to drivers;
21 Lyft eliminated the challenged language during the litigation); *Walton v. AT&T Svcs., Inc.*, No.
22 15-cv-03653-VC (N.D. Cal.) (\$2,750,000 settlement for overtime misclassification claims of
23 deliverers and designers of corporate trainings in 2018); *Armstrong v. Concentrix Corp.*, No. 16-
24 cv-05363-WHO (N.D. Cal.) (\$320,000 settlement for off-the-clock claims of at-home customer
25 service representatives in 2018); *Brown v. Permanente Medical Group, Inc.*, No. 16-cv-05272-
26 VC (N.D. Cal.) (\$6,255,000 settlement for off-the-clock claims of advice nurses in 2017); *Zajonc*
27 *v. Morgan Stanley & Co. LLC*, No. 14 Civ. 5563 (N.D. Cal.) (\$5,995,000 settlement as part of
28 multi-case settlement) (Final Analyst trainee off-the-clock wage and hour claims); *Zaborowski v.*

1 *MHN Gov't Servs.*, No. 12 Civ. 5102 (N.D. Cal.) (FLSA conditional collective action certification
2 granted; arbitration motion defeated and affirmed on appeal, 601 F. App'x 461 (9th Cir. 2014);
3 settled on nationwide class basis for over \$12.7 million) (military base counselor independent
4 contractor misclassification claims); *Buccellato v. AT&T, Inc.*, No. 10 Civ. 463 LHK (N.D. Cal.)
5 (\$12.5 million settlement of overtime misclassification claims for technical support workers in
6 2011); *Lewis v. Wells Fargo & Co.*, No. 08 Civ. 2670 CW (N.D. Cal.) (\$6.72 million settlement
7 for overtime misclassification claims for technical support workers in 2011); *Higazi v. Cadence*
8 *Design Systems, Inc.*, No. 07 Civ. 2813 JW (N.D. Cal.) (\$7.7 million settlement of overtime
9 misclassification claims for technical support workers in 2008); *Adams v. Inter-Con Security*
10 *Services, Inc.*, No. 06 Civ. 5428 MHP (N.D. Cal.) (\$4 million settlement of wage and hour off-
11 the-clock work class and collective action on behalf of security officers in 2008); *Rosenburg v.*
12 *Int'l Bus. Machines Corp.*, No. 06 Civ. 430 SBA (N.D. Cal.) (\$65 million settlement in 2007 for
13 overtime misclassification claims for technical support workers); *Gerlach v. Wells Fargo & Co.*,
14 No. 05 Civ. 585 CW (N.D. Cal.) (\$12.8 million settlement in 2007 for overtime misclassification
15 claims for business systems consultants).

16 d. Past wage and hour cases outside the Northern District of California. I
17 have also successfully represented plaintiff classes in other wage and hour class and/or collective
18 actions in other federal and state courts, including: *Bush v. GlobalTranz Enterprises, Inc.*, No.
19 15-cv-0536-DJH (D. Ariz.) (\$640,000 settlement for inside salespeople's misclassification
20 claims); *Lillehagen v. Alorica, Inc.*, No. 13 Civ. 92 (C.D. Cal.) (nationwide class action
21 settlement) (call center worker off-the-clock claims); *Sherrill v. Premiera Blue Cross*, No. 10 Civ.
22 590 (W.D. Wash.) (\$1.45 million settlement in 2011 for 133 class members in overtime
23 misclassification case); *Danieli v. Int'l Bus. Machines Corp.*, No. 08 Civ. 3688 (S.D.N.Y.) (\$7.5
24 million settlement of overtime misclassification claims in 2010); *In re Farmers Ins. Group*
25 *Claims Reps. Overtime Litigation*, MDL Docket No. 1439 (D. Or.) (\$8 million settlement of
26 overtime misclassification class and collective action on behalf of insurance claims adjusters in
27 2010); *Giannetto v. CSC Corp.*, No. 03 Civ. 8201 (C.D. Cal.) (\$24.0 million settlement in 2005
28

1 for overtime misclassification claims); *Barnett v. Wal-Mart*, No. 01-2-24553-8 (King Cty. Sup.
2 Ct.) (\$35 million settlement of wage and hour off-the-clock class action in 2009).

3 18. **Appellate work.** In addition, I have represented plaintiffs in various appeals.

4 a. Representation of plaintiffs. I have represented plaintiffs at oral argument
5 in EEOC v. Activision (9th Cir.; oral argument June 13, 2023) (Case No. 22-55060; 22-55587;
6 Gregg v Uber (CA State Court – Second Appellate District 4); oral argument March 9, 2023)
7 (Case No. B302925); Harvey v. Morgan Stanley (9th Cir.; oral argument May 31, 2022) Case No.
8 20-15509); *Rachel Moniz v. Adecco USA, Inc.* (state court; oral argument October 14, 2021)
9 (Court of Appeal Case Number: A159410, A159978, A160133, Superior Court Case Number 17-
10 CIV-01736); *Marsh v. J. Alexander's LLC*, No. 15-15791 (9th Cir. *en banc* 2018) (validity of
11 DOL's 20% rule from Field Operations Handbook, interpreting 29 C.F.R. § 531.56e (dual jobs
12 regulation)); *Guess?, Inc. v. Russell*, No. 15-56870 (9th Cir. 2017) (delegation of class
13 arbitrability to the arbitrator); *Zaborowski v. MHN Government Services, Inc.*, No. 13-15671 (9th
14 Cir. 2014) (unconscionability analysis of arbitration clause); *Taragan v. Nissan North America,*
15 *Inc.*, No. 11-15664 (9th Cir. 2012) (consumer deception regarding defective automobile design);
16 *Degelmann v. Advanced Medical Optics Inc.*, No. 10-15222 (9th Cir. 2011-12) (medical device
17 preemption); *Integon Corp. v. Gordon*, No. 1D05-3187 (Fla. 1st DCA 2007) (class certification of
18 consumer claims asserting insurance pricing deception).

19 b. Amicus briefing. I have also volunteered to write amicus briefs in the
20 Ninth Circuit and other appellate courts, including:

- 21 • *Uribe v. Crown Building Maintenance. Co.*, No. G057836 (California 4th District
22 Court of Appeal 2021) (appropriate standard for review of PAGA settlement in
23 context of overlapping litigation, dangers of plaintiff shopping and reverse auction)
- 24 • *HomeAway.com v. City of Santa Monica*, No. 18-55367 (9th Cir. 2018) (limitations on
25 Communications Decency Act immunity)
- 26 • *New Prime, Inc. v. Oliveira*, No. 17-340 (S. Ct. 2018) (limitations on applicability of
27 FAA to employment cases)
- 28 • *Mohamed v. Uber Technologies, Inc.*, No. 15-16178, 15-16181, 15-16250 (9th Cir.
2016) (challenging unconscionability and unfairness in arbitration agreement)
- *Meyer v. Kalanick*, No. 16-2750 (2d Cir. 2016) (internet contract formation)
- *Williams v. Superior Court*, No. S227228 (Cal. S.Ct. 2015) (plaintiffs' right to
classwide discovery in PAGA representative action)
- *Braun v. Wal-Mart Stores, Inc.*, No. 32 EAP 2012 (Pa. S. Ct. 2013) (plaintiffs' class
action trial victory upheld by Pennsylvania's highest court)

- *Mazza v. American Honda Motor Co.*, No. 09-55376 (9th Cir. 2012) (consumer class action choice-of-law issues)
- *Duran v. U.S. Bank National Ass’n.*, No. S200923 (Cal. S.Ct. 2012) (use of representative testimony to prove workers’ wage and hour claims)
- *DeLodder v. Aerotek, Inc.*, No. 10-56755 (9th Cir. 2011) (Rule 23 class certification of overtime misclassification case)
- *Russell v. Wells Fargo & Co.*, No. 07-cv-03993 (N.D. Cal. 2009) (limitations on fluctuating workweek method of calculating damages in overtime misclassification cases)
- *Gutierrez v. Johnson & Johnson*, No. 07-8025 (3rd Cir. 2007) (employment discrimination class action)
- *Ledbetter v. The Goodyear Tire & Rubber Co.*, No. 05-1074 (U.S. S. Ct. 2006) (employment discrimination)
- *Dukes v. Wal-Mart Stores, Inc.*, Nos. 04-16688 & 04-16720 (9th Cir. 2005) (employment discrimination class action)

19. **Community involvement.** In addition to being an active litigator, I have been involved in many educational and legal groups.

a. Those include the following **bar organizations and committees**:

- Attorney Representative for the Northern District of California to the Ninth Circuit Judicial Conference (selected by the judges of the District) (2020-23)
- The Civil Local Rules Attorney Advisory Committee for the Northern District of California (appointed by the Chief Judge of the District) (2020-22)
- The American Bar Association (“ABA”): Labor & Employment Law (“LEL”) Section
- The State Bar of California: Litigation Section Executive Committee (2006-07), CACI Civil Jury Instructions committee (2004-07), and Administration of Justice Committee (2004-07)
- The Bar Association of San Francisco (“BASF”) Judicial Evaluations Committee member (2013-15) and volunteer attorney fee dispute arbitrator (2009-15)
- The National Employment Lawyers Association (“NELA”): frequent speaker
- The American Association for Justice (“AAJ”): Co-Chair of the Wage and Hour Litigation Group (2016-present) and frequent speaker
- California Employment Lawyers Association (“CELA”): Member of two task forces on preserving access to justice
- The Consumer Attorneys of California (“CAOC”)

b. Those include the following **nonprofits and advocacy groups**:

- Legal Aid at Work: Board of Directors, Executive Committee, Development Committee (2019-present)
- People’s Parity Project: Board of Advisors (2019-present)
- American Constitution Society (“ACS”) Bay Area Lawyer Chapter: member of the Executive Board (2005-11; Chair of the Board, 2009-11) and member of the Advisory Board (2014-present)
- The Berkeley Center on Comparative Equality and Anti-Discrimination Law (2019-present)
- Alliance for Justice (“AFJ”): Board of Directors (2014-19)

- Public Advocates, Inc.: Board of Governors (2012-15)
- The American Civil Liberties Union (“ACLU”) of Northern California: Board of Directors (2006-11), Chair of the Legal Committee (2010-11), Vice Chair of the Board (2010-11), and member of the Board’s Executive Committee (2009-11)

20. **Articles, speeches, and presentations.** I regularly write articles and give speeches and presentations at conferences, primarily on employment law and representative action issues. I have served as a Coordinating Editor and a California State Editor of the ABA’s Survey of State Class Action Law (which is republished within the Newberg treatise on class actions in chapter 5) since 2012.

21. **Awards.** I have also received various awards, including the following:

- Top 100 plaintiff- and defense-side lawyers in all fields in Northern California (*Super Lawyers*) (2015-21) (see 2021 cover article at <https://tinyurl.com/fifesagafi>)
- Top 75 Labor & Employment Lawyers in California (*The Daily Journal*) (2015-20)
- 500 Leading Plaintiff Employment & Civil Rights Lawyers in the United States (*Lawdragon*) (2018-23)
- California “Super Lawyer” (*Super Lawyers*) (2014-21)
- Northern California “Rising Star” (*Super Lawyers*) (2009-11)
- “Top 20 California Lawyers Under 40” (*The Daily Journal*) (2011)
- Community Justice Award (Centro Legal de la Raza) (2008) (for my work on behalf of the class in the *Gonzalez v. Abercrombie & Fitch Stores, Inc.* race and gender discrimination class action, described above)

Factual and Procedural Background

22. O&G joined the litigation in September of 2020, and actively participated in the litigation through settlement. The full factual and procedural background is summarized in the Declaration of Chris Baker.

The Settlement

23. I believe that the settlement is fair, reasonable, and adequate in light of the risks associated with the merits of Plaintiff’s claims, the uncertainties of complex litigation, the Court’s discretion to lower the amount of penalties ultimately awarded, and the secured benefit to the LWDA and PAGA Settlement Members.

Risks of Representation and Resources Expended

24. This matter has required O&G to expend substantial time that could have been spent on other fee-generating matters. We took this matter on a pure contingency basis,

1 expending this effort without any guarantee of recovery. At various times, the litigation has
2 consumed a significant percentage of my time, my attorney colleagues' time, and my staff's time.

3 25. O&G's commitment to this case precluded it from accepting other profitable or
4 otherwise worthwhile cases, both because of the number of hours this case required and because
5 Plaintiffs' Counsel needed to ensure adequate resources to litigate the case. Committing
6 resources to this case necessitated turning down other contingency cases.

7 26. Because we often decline to represent workers with valid legal claims – who might
8 pay hourly or retain us on a contingency basis – there is a significant opportunity cost to each
9 class action we pursue. O&G undertook representation of Plaintiffs in this action without any
10 assurance of payment for its services, litigating the case on a wholly contingent basis in the face
11 of significant risk. Class cases of this type are, by their very nature, complicated and time-
12 consuming. Any lawyer undertaking representation of large numbers of affected employees in
13 class actions inevitably must be prepared to make a tremendous investment of time, energy, and
14 resources. Sometimes these cases result in a recovery for the class, and sometimes they do not, in
15 which case we are paid nothing for our time and costs incurred.

16 27. For example, we have invested millions of dollars of time and hundreds of
17 thousands of dollars of expenses with no reimbursement in many cases without being
18 compensated for our time or out-of-pocket costs. *See, e.g., Scott v. Chipotle Mexican Grill, Inc.*,
19 No. 12 Civ. 8333, 2017 WL 1287512 (S.D.N.Y. Mar. 29, 2017) (overtime misclassification
20 claims on behalf of restaurant assistant managers); *Benedict v. Hewlett-Packard Co.*, No. 13-cv-
21 119-BLF (N.D. Cal.) (overtime misclassification claims on behalf of technical support workers);
22 *Winans v. Starbucks Corp.*, 796 F. Supp. 2d 515 (S.D.N.Y. 2011) (tip pool violation claims on
23 behalf of baristas); *Pippins v. KPMG LLP*, No. 11 Civ. 377, 2012 WL 6968332 (S.D.N.Y. Nov.
24 30, 2012) (overtime misclassification claims on behalf of auditors).

25 **The Value of the Time and Costs Invested By Outten & Golden**

26 28. As of September 15, 2023, O&G has expended 4,712 hours on this matter, with
27 work still continuing. O&G's total "gross" lodestar for these hours amounts to **\$2,451,904**.
28 However, O&G conservatively made significant cuts to remove time. The net resulting hours are

1 4,627 and resulting net lodestar is **\$2,404,263.50**. Included below is a true and correct summary
2 of the individual biller's name, title, and hourly billing rate for the individuals who worked the
3 vast majority of the time on the case.

Biller	Title	Hourly Rate
Jahan C. Sagafi	Partner	\$1,100
Daniel Stromberg	Partner	\$875
Michael J. Scimone	Partner	\$800
Menaka N. Fernando	Partner	\$700
Rachel W. Dempsey	Associate	\$475
Molly J. Frandsen	Associate	\$450
Tara K. Quaglione	Attorney	\$450
Julio Sharp-Wasserman	Associate	\$400
Patricia Matney	Senior Paralegal	\$350
Genavieve H Koyn	Project Analyst	\$325
Alec Martin	Paralegal	\$325

11 29. As of September 11, 2023, BCS has expended 5,051 hours on this matter, with
12 work still continuing. BCS's total "gross" lodestar for these hours amounts to **\$4,831,928.80**.
13 However, BCS conservatively made significant cuts to remove time. The net resulting hours are
14 3,657.71 and resulting "net" lodestar is **\$3,488,409.30**.

15 30. Total Gross Lodestar for the two firms is **\$7,283,832.30**. Total Net lodestar for the
16 two firms is **\$5,893,032.80**. This is based on gross hours of 9,762.8 and net hours of 8,284.7.
17 Based on the total lodestar, Plaintiffs' counsel's gross fee request amounts to a lodestar multiplier
18 of 1.24x and Plaintiffs' Counsel's net fee request amounts to a lodestar multiplier of 1.53x.

19 31. Attached hereto are two exhibits summarizing the lodestar and hours worked by
20 the approximately fifteen attorneys and staff (from both firms, together) who worked the most
21 time on the litigation, separated into the five major phases of the litigation. **Exhibit A** shows
22 lodestar, and **Exhibit B** shows hours.

23 32. O&G was careful to litigate this matter efficiently. In prosecuting this case, my
24 firm deployed a small team of core attorneys and support staff at any given time in order to
25 minimize duplication of efforts and maximize billing judgment and made every effort to have the
26 work performed by the attorney with the lowest hourly rate who was able to perform it
27 effectively.

1 33. Furthermore, Plaintiffs' Counsel will continue to work on this case for several
2 more months, at a minimum. Plaintiffs' Counsel must prepare for the Approval Hearing and will
3 spend time on this case after the Hearing overseeing the Settlement Administrator, answering
4 PAGA Group Member questions, communicating with Google as necessary regarding any
5 settlement administration issues that may arise, and reporting to the Court regarding the final
6 distribution of the settlement.

7 34. O&G ordinarily and regularly bills clients on an hourly fee basis, based on each
8 attorney's standard hourly rate. O&G's rates range from \$650 to \$1,500 per partner's hour, \$625
9 to \$1,150 per counsel's hour, \$350 to \$575 per associate's hour, \$325 per law clerk's hour, and
10 \$325 to \$350 per paralegal's hour. My current hourly rate is \$1,100 per hour. The firm's clients
11 regularly accept and pay O&G's hourly rates.

12 35. These rates are my firm's current billing rates and are supported by the extensive
13 and specialized experience in these types of cases and recognized expertise described. Our rate
14 structure has been approved by various courts and reflects hourly rates that are regularly paid to
15 our firm by hourly-paying clients. *See, e.g., Dixon v. Cushman & Wakefield W., Inc.*, No. 18-cv-
16 05813-JSC, 2022 U.S. Dist. LEXIS 73512, at *34 (N.D. Cal. Apr. 21, 2022) (approving O&G's
17 hourly rates); *Watson v. Jones Fin. Cos.*, No. 34-2019-00255234, 2020 Cal. Super. LEXIS 1769,
18 *2 (Sup. Ct. Sacramento Cty. Nov. 16, 2020) ("[O&G's] hourly rates are reasonable"); *Calhoun*
19 *v. Academy Mortgage Corp.*, No. RIC1811790 (Sup. Ct. Riverside Cty. Feb. 11, 2020)
20 (approving rates of \$750 to \$775 for partners, including partner's 2020 rate of \$775, \$300 to \$550
21 for associates, and \$250 to \$270 for paralegals); *Zamora v. Lyft, Inc.*, No. 16-cv-02558-VC, 2018
22 U.S. Dist. LEXIS, at *10 (N.D. Cal. Sept. 26, 2018) (approving O&G rates ranging from \$280 to
23 \$850, including partner's rate of \$725, as "reasonable in light of the market for legal services of
24 this type and quality"); *del Toro Lopez v. Uber Techs., Inc.*, No. 17-cv-06255-YGR, 2018 U.S.
25 Dist. LEXIS 196430, at *11 (N.D. Cal. Nov. 14, 2018) (appointing O&G as class counsel and
26 approving its hourly rates of \$250 to \$850); *Walsh v. CorePower Yoga LLC*, No. 16-cv-05610-
27 MEJ, 2017 U.S. Dist. LEXIS 163991, at *32 (N.D. Cal. Oct. 3, 2017) (approving O&G attorney
28

1 rates ranging from \$200 to \$775 per hour as “in line with the overall range of market rates in this
2 District for attorneys and for litigation support staff of similar abilities and experience”).

3 36. I have personal knowledge of the hourly rates charged by other attorneys with
4 comparable experience as well as to the attorneys within the firm who worked on this matter.
5 Based on that information, I believe that these rates are fully consistent with, if not lower than,
6 the market rate in San Francisco for attorneys with comparable expertise, experience and
7 qualifications, and that they are comparable to rates of attorneys specializing in complex litigation
8 around the country. Based on the information I have, I believe that the rates charged by O&G for
9 its partner and non-partner attorney time are reasonable and appropriate fees for those with
10 comparable expertise, experience, and qualifications.

11 **Out-Of-Pocket Costs Incurred by Outten & Golden**

12 37. O&G maintains all records regarding litigation expenses incurred on each case. I
13 have reviewed the records of litigation expenses incurred in this matter. According to our
14 records, our firm has incurred approximately \$64,431.23 in costs as of today. This amount
15 includes costs attributable to mediation fees, court filing fees, court hearing attendance fees,
16 transcript fees, and costs for travel to hearings, computerized research, document management,
17 printing, and mailing/shipping costs. Attached hereto as **Exhibit C** is a true and correct summary
18 of the litigation expenses incurred by O&G in this matter. O&G has not received any
19 reimbursement for any of the monies expended to cover costs incurred.

20 * * *

21 I declare, under penalty of perjury, under the laws of the State of California that the
22 foregoing is true and correct. Executed this 11th day of October, 2023, at Oakland, California.

23
24 /s/ Jahan C. Sagafi

25 Jahan C. Sagafi
26
27
28

Exhibit A

Plaintiffs' Counsel's Lodestar
Doe v. Google and Related Litigation

Period Label:	A through E			A	B	C	D	E
Investigation, Initial Discovery, Pleadings Challenges								
Initial Discovery, Pleadings Challenges			Motion Practice, Mediation I, Discovery		Appeal, Motions, Discovery		Certiorari, Motions, Discovery	
Motions, Discovery, Mediation II, Settlement								
Period Description and Start Date: (All Periods)	Firm	Total	1-May-16	1-Jan-18	1-Mar-19	1-Feb-21	1-Sep-22	
Chris Baker	BCS	\$ 2,938,850	\$ 406,950	\$ 645,000	\$ 1,227,200	\$ 432,300	\$ 227,400	
Deborah Schwartz	BCS	\$ 177,363	\$ 26,250	\$ 33,513	\$ 56,875	\$ 39,025	\$ 21,700	
Michael Curtis	BCS	\$ 184,363	\$ 10,500	\$ 19,250	\$ 152,600	\$ 2,013	\$ -	
Bob Dolinko	BCS	\$ 110,330	\$ -	\$ -	\$ 102,757	\$ 6,826	\$ 748	
Adam Kmett	BCS	\$ 50,958	\$ -	\$ -	\$ 30,223	\$ 20,735	\$ -	
Jennifer Jackson	BCS	\$ 26,547	\$ -	\$ -	\$ -	\$ 1,039	\$ 25,508	
Jahan C. Sagafi	O&G	\$ 554,290	\$ -	\$ -	\$ 24,310	\$ 248,600	\$ 281,380	
Julio Sharp-Wasserman	O&G	\$ 548,760	\$ -	\$ -	\$ -	\$ 385,160	\$ 163,600	
Michael J. Scimone	O&G	\$ 322,560	\$ -	\$ -	\$ -	\$ 186,640	\$ 135,920	
Menaka N. Fernando	O&G	\$ 123,690	\$ -	\$ -	\$ -	\$ 69,650	\$ 54,040	
Rachel W. Dempsey	O&G	\$ 113,145	\$ -	\$ -	\$ 6,128	\$ 107,018	\$ -	
Molly J. Frandsen	O&G	\$ 107,550	\$ -	\$ -	\$ -	\$ -	\$ 107,550	
Patricia Matney	O&G	\$ 104,615	\$ -	\$ -	\$ -	\$ 67,830	\$ 36,785	
Genavieve H Koyne	O&G	\$ 80,535	\$ -	\$ -	\$ -	\$ 44,265	\$ 36,270	
Daniel Stromberg	O&G	\$ 80,150	\$ -	\$ -	\$ -	\$ 41,125	\$ 39,025	
Tara K. Quaglione	O&G	\$ 61,425	\$ -	\$ -	\$ -	\$ 44,460	\$ 16,965	
Alec Martin	O&G	\$ 53,040	\$ -	\$ -	\$ -	\$ 52,910	\$ 130	
Additional Attorneys	O&G	\$ 14,833	\$ -	\$ -	\$ 1,150	\$ 10,995	\$ 2,688	
Additional Staff	O&G	\$ 240,031	\$ -	\$ -	\$ 1,750	\$ 156,166	\$ 82,115	
Total		\$ 5,893,033	\$ 443,700	\$ 697,763	\$ 1,602,992	\$ 1,916,755	\$ 1,231,824	

Exhibit B

Plaintiffs' Counsel's Hours
Doe v. Google and Related Litigation

Period Label:	A through E		Investigation, Early							
	A	B	C	D	E					
	Litigation, Pleadings Challenges	Early Motion Practice and Discovery	Catalyst Fee, Appeal, Motions	Motions, Discovery, Mediation (I)	Motions, Discovery, Mediation (II), Settlement					
Period Description and Start Date:	(All Periods)									
Name	Firm	Total	1-May-16	1-Jan-18	1-Mar-19	1-Feb-21	1-Sep-22			
Chris Baker	BCS	2,939	407	645	1,227	432	227			
Michael Curtis	BCS	211	12	22	174	2	0			
Deborah Schwartz	BCS	203	30	38	65	45	25			
Bob Dolinko	BCS	118	0	0	110	7	1			
Jennifer Jackson	BCS	95	0	0	0	4	91			
Adam Kmett	BCS	93	0	0	55	38	0			
Julio Sharp-Wasserman	O&G	1,372	0	0	0	963	409			
Jahan C. Sagafi	O&G	504	0	0	22	226	256			
Michael J. Scimone	O&G	403	0	0	0	233	170			
Patricia Matney	O&G	299	0	0	0	194	105			
Genavieve H Koyn	O&G	248	0	0	0	136	112			
Rachel W. Dempsey	O&G	238	0	0	13	225	0			
Molly J. Frandsen	O&G	239	0	0	0	0	239			
Menaka N. Fernando	O&G	177	0	0	0	99	77			
Alec Martin	O&G	164	0	0	0	164	0			
Tara K. Quaglione	O&G	137	0	0	0	99	38			
Napoleon Zapata	O&G	119	0	0	0	58	61			
Michaela Dougherty	O&G	106	0	0	5	95	6			
Olivia Phelan	O&G	99	0	0	0	99	0			
Additional Attorneys	O&G	118	0	0	1	67	50			
Additional Staff	O&G	405	0	0	0	228	177			
Total		8,285	449	705	1,672	3,414	2,044			

Exhibit C

COST REPORT
Outten & Golden LLP
Doe v. Google

Name	Amount
Mediation Fees	\$20,000.00
Document Management	\$13,023.27
Computerized Research	\$9,116.06
Transcript Fees	\$8,797.54
Court Filing Fees	\$7,976.62
Courier	\$2,213.45
Court Call Appearances	\$1,692.00
Travel	\$984.43
Meals	\$505.76
Printing/Copying	\$122.10
TOTAL	\$64,431.23