

BRADLEY/GROMBACHER LLP

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Attorneys for Plaintiff JOE NUNEZ,
an individual, on his own behalf and on behalf of all others similarly situated.

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF YOLO**

Jenice Cole, et al., individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

IGS Solutions, LLC, a California limited
liability company, et al.; and DOES 1-100,
inclusive,

Defendants.

CASE NO. CV2021-0426

*[Assigned to Hon. McAdam, Samuel T.,
Dept. 10]*

**DECLARATION OF MARCUS J.
BRADLEY IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

**DATE:
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1. I am an attorney at law duly licensed to practice law before all of the courts of the State of California, and most of the district courts within the Ninth Circuit. I am a partner in the law firm of Bradley/Grombacher, LLP counsel for Plaintiff Joe Nunez now filing this Motion for Preliminary Approval of Class Action Settlement. In my capacity as counsel, I have been actively involved with all aspects of this litigation. Accordingly, I have personal knowledge of all the matters set forth herein, and if called, I could and would competently testify to the following:
2. This Declaration is submitted in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, and the orders sought therein. Specifically, this Declaration is offered in support of the order finding that Bradley/Grombacher, LLP is adequate counsel to represent the proposed class action plaintiffs.
3. I have been actively engaged in this litigation since its inception and I have supervised the activities of the attorneys, paralegals and support staff.

4. The proposed Class Representative and his counsel have and will continue to “fairly and adequately protect the interests of the class.” In this case, there is no reason to doubt the adequacy of Plaintiff Nunez’s counsel, Bradley/Grombacher, LLP.

6. Here, there is no evidence of antagonism between Plaintiff Nunez's interests and those of the Settlement Class. Plaintiff Nunez has litigated this case in good faith and his interests are aligned with those of the Settlement Class as they both share a common interest in challenging the legality of Defendants' policies and procedures. Moreover, there is no evidence of any collusion between the Parties.

-1-

**DECLARATION OF MARCUS J. BRADLEY IN SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

1 class's interests, that he has no antagonistic interests to the class, and that he has litigated this case
2 in good faith—he should be appointed as a Class Representative. Moreover, Class Counsel
3 request a Class Representative Award to compensate Plaintiff Nunez for his efforts in prosecuting
4 this matter, and for the risks and stigma he faced, and will continue to face, for doing so. Class
5 Counsel believes the Class Representative Award in the amount of \$20,000.00 to the Plaintiff
6 Nunez is fair and reasonable.

7 8. Here, the Plaintiff was not simply a bystander in the prosecution of this action.
8 Plaintiff was always available to, and regularly did, consult with counsel both in person and via
9 telephone. In addition, Plaintiff reviewed documents and provided invaluable information
10 regarding the workings of the Defendants' companies. Plaintiff was also actively involved in
11 discussions regarding the resolution of this matter and approved the settlement terms on behalf of
12 himself and the class.

13 9. My firm is well qualified because of our experience, knowledge, and resources to
14 act as counsel and represent Plaintiffs and the putative class in this action.

15 10. I have been counsel for Plaintiff Nunez and the putative class throughout this case.
16 I am a partner at Bradley/Grombacher, LLP, which has extensive experience litigating wage and
17 hour class and representative actions as well as complex consumer class actions. Details on the
18 work, experience and accomplishments of the firm can be found at
19 www.bradleygrombacher.com.

20 11. I have represented plaintiffs in consumer and employment class actions since I
21 began practicing law in 1994. In 2000, I joined Mazursky, Schwartz & Angelo as an associate
22 and became a partner in January 2005 at which time the firm was renamed Schwartz, Daniels &
23 Bradley. I remained as a partner handling wage and hour class actions until the dissolution of the
24 firm effective December 31, 2008. In January 2009, I moved my existing practice transferring a
25 number of wage and hour cases to become a partner with the law firm of Marlin & Saltzman, a
26 long-established firm with whom I had been co-counsel on dozens of wage and hour class actions
27 during my tenure at Schwartz, Daniels & Bradley. On September 1, 2016, I formed
28 Bradley/Grombacher LLP with former associate at Marlin & Saltzman, Kiley Grombacher.

1 12. I have been responsible for all facets of class action employment and other
2 complex litigation, from pre-filing investigation through trial and appeal. Since approximately
3 May 2000, I have spent most of my time representing workers in wage and hour matters. I, along
4 with my current and former partners, have litigated these issues in class actions to favorable
5 settlements that have recouped over \$800,000,000.00 in unpaid wages, including the following
6 more notable cases:

7 a. *Gutierrez v. State Farm Mutual*, Los Angeles Superior Court (BC236552). Class
8 action mis-classification case seeking overtime compensation for approximately
9 2,600 insurance claims adjusters employed by State Farm. The class was certified
10 and summary adjudication was granted as to liability in favor of the class. The case
11 settled for \$135 million just prior to trial, with final approval granted with no
12 objections filed.

13 b. *Bednar v. Allstate Insurance Company*, Los Angeles Superior Court (BC240813).
14 Class action mis-classification case seeking overtime compensation for
15 approximately 1,200 insurance claims adjusters employed by Allstate. The class
16 was certified and summary adjudication was granted as to liability in favor of the
17 class. The case settled for \$120 million just prior to trial, with final approval
18 granted with no objections filed.

19 c. *Roberts v. Coast National Insurance*, Orange County Superior Court
20 (01CC08478). Class action mis-classification case seeking overtime compensation
21 for insurance claims adjusters employed by Coast National Insurance.
22 Certification granted, and then the matter was tried before a binding arbitrator. The
23 case settled during the arbitration for an excess of \$18 million.

24 d. *CNA Class Action Litigation*, Los Angeles Superior Court Class (JCCP 4230).
25 Class action mis-classification case seeking overtime compensation for insurance
26 claims adjusters employed by Defendant. Case settled for \$33 million, with final
27 approval granted with no objections filed.

28 e. *Dotson v. Royal SunAlliance*, Orange County Superior Court (02CC01787). Class

1 action mis-classification case seeking overtime compensation for insurance claims
2 adjusters employed by Royal SunAlliance. Case settled for \$12.3 million, with
3 final approval granted with no objections filed.

4 f. *Parris v. Lowe's Home Improvement*, Los Angeles County Superior Court
5 (BC260702). Class action seeking payment of "off-the-clock" hours worked by all
6 hourly employees of Lowe's Home Improvement stores in the State of California.
7 The class was certified by the Court of Appeal and remanded to the trial court for
8 further proceedings. Shortly thereafter, a \$29.5 million settlement was reached and
9 approved without objection.

10 g. *Pardo v. Toyota Motor Sales, et al.*, Los Angeles County Superior Court
11 (BC372781). Class action mis-classification of workers with claims for overtime
12 and missed meal and rest breaks. The case settled for \$7.75 million and was
13 approved with no objections.

14 h. *Smith/Ballard v. Wal-Mart Stores, Inc.*, United States District Court for the
15 Northern District of California (Case No. 4:06-cv-05411-SBA). Wage and hour
16 class action seeking unpaid vacation and personal time, unpaid wages, and related
17 penalties on behalf of over 245,000 employees. The action was certified and settled
18 for \$86 million while Defendant's appeal of the certification was pending in the
19 Ninth Circuit Court of Appeals.

20 i. *Hoyng v. AON*, Los Angeles County Superior Court (BC377184). Wage and hour
21 class action seeking overtime and related compensation for mis-classification on
22 behalf of Relationship and Account Specialists. The case settled for \$10.5 million
23 which was approved with no objections filed.

24 j. *In RE Bank of America Wage and Hour Employment Practices Litigation*, MDL
25 2138, United States District Court for the District of Kansas. California state and
26 FLSA wage and hour litigation for various violations including unpaid overtime
27 and "off-the-clock" work. Settled for \$73 million.

28 k. *Lemus v. H & R Block Litigation*, United States District Court for the Northern

District of California (Case No. 3:09-cv-03179-SI) Class certified, and settlement reached prior to trial. Total settlement of \$35 million.

l. *Harris v. Vector Marketing Corporation*, United States District Court for the Northern District of California (Case No. 3:08-cv-05198-EMC). Class action case on behalf of approximately 70,000 employees misclassified as “trainees.”

m. *Bickley v. Schneider National Trucking*, United States District Court for the Northern District of California (Case No. 4:08-cv-05806-JSW). Wage and hour class action on behalf of approximately 6,000 truck drivers. Settled for \$29.5 million.

n. *Roberts v. TJX*, United States District Court for the Northern District of California (Case No. 13-CV-04731-MEJ). Wage and hour violations on behalf of approximately 82,000 employees. Settled for \$8.5 million.

o. *Oprychal v. New York Life Insurance*, United States District Court for the Central District of California (Case No. 2:07-cv-00518-VBF). Class action for the failure to pay commissions pursuant to a compensation plan. Settled for \$10 million.

p. *Neuvenheim v. Gamestop Corp.*, United States District Court for the Central District of California (Case No. 2:09-cv-06799-ODW). Class action on behalf of nonexempt employees for wage and hour violations.

q. *Hightower v. JP Morgan Chase*, United States District Court for the Central District of California (Case No. 2:11-cv-01802-PSG). Class action on behalf of nonexempt employees for wage and hour violations. Settled for \$12 million.

13. On many of the above cases, I was either lead or co-lead counsel including cases in multi-district litigation or coordinated proceedings where I worked collaboratively and cooperatively with co-counsel to bring about an efficient and beneficial resolution for all class members as the above results demonstrate.

14. I have argued cases in trial courts as well as before courts of appeal. My writings on legal topics pertaining to litigating wage and hour class and representative actions have appeared in professional publications and I have been called upon to speak at conferences and

1 seminars for professional organizations, including a recent presentation titled “Planning for and
2 Executing Trial in Class and Collective Wage & Hour Cases.”

3 15. I have also been honored as a Super Lawyer in the area of class actions by Los
4 Angeles Magazine for multiple years including 2023. I am also a member of a number of
5 professional organizations, including the Consumer Attorneys of Los Angeles, the Consumer
6 Attorneys of California, the California Employment Lawyers Association, and the American
7 Association for Justice.

8 16. My Partner, Ms. Grombacher, specializes her practice in complex litigation
9 including consumer and employment class actions. She has litigated hundreds of employment and
10 consumer class actions throughout her career which began at Arias, Ozzello & Gignac where she
11 gained extensive experience litigating consumer cases.

12 17. Thereafter, Ms. Grombacher joined Marlin & Saltzman in 2010 where she focused
13 her practice almost exclusively on wage and hour, collective and representative actions including
14 the reported case, *Faulkinbury v. Boyd & Associates*, which clarified the holding in seminal case,
15 *Brinker Restaurant Corp. v. Superior Court*, to establish that legality of certain company policies
16 could be determined on a class-wide basis even if the application of the policies varies by
17 individual.

18 18. Ms. Grombacher has been selected by Super Lawyers Magazine as a “Rising Star”
19 in the field of complex litigation since 2015 and as a Super Lawyer since 2017. She has published
20 articles on the field of class action litigation including “A Class-Action Primer” which appeared
21 in The Advocate, which is the Journal of Consumer Attorneys of Southern California.

22 19. Ms. Grombacher has also lectured on various topics involving complex case
23 management and recently spoke at the Beverly Hills Bar Association’s Class Action and Complex
24 Case Management Conference. She is also a member of a number of professional organizations,
25 including the Consumer Attorneys of Los Angeles and the American Association for Justice.

26 20. Given my experience as a class action employment litigator, I believe the
27 Settlement Agreement is a fair and adequate compromise of the monetary relief claims that
28 Plaintiff and the Class Members have raised in this case. Based on the discovery conducted in the

1 case, our analysis of the data produced by Defendants, and the application of appropriate litigation
2 and appeal risks and delay discounts, we determined that the settlement was fair, reasonable and
3 adequately reflects the settlement value of the case. The settlement is advantageous to the Class
4 who would otherwise face the uncertainty of litigation, including whether they would obtain class
5 certification, and/or a loss at trial. Indeed, if the matter were to proceed to trial, Class Counsel
6 knows from experience that the apparent strength of a case is no guarantee against a defense
7 verdict.

8 21. Based on my participation in the settlement negotiations, which were hard-fought
9 and conducted in good faith and at arm's length between attorneys with substantial experience
10 litigating class actions and wage and hour cases, and supervised by an experienced and well-
11 regarded mediator, Steven Pearl, I attest that the Settlement Agreement was the product of a non-
12 collusive settlement process.

13 22. Given the foregoing information, the settling parties evaluated and considered all
14 alternatives in reaching their settlement decisions and now urge this Court to grant preliminary
15 approval.

16 23. Overall Bradley/Grombacher, LLP performed an extensive investigation into the
17 claims at issue which included (1) determining the suitability of the putative class representative,
18 (2) researching wage and hour class actions involving similar claims, (3) engaging in an informal
19 discovery process, (4) obtaining and analyzing Defendants' payroll and timekeeping efforts, (5)
20 researching the latest case law developments bearing on the theories of liability, (6) researching
21 settlements in similar cases, (7) conducting discounted valuation analyses of claims, (8) drafting
22 the mediation briefs, (9) negotiating the terms of this Settlement, (10) finalizing the Settlement
23 Agreement, (11) drafting the Notice, and (12) drafting preliminary approval papers. The sizeable
24 document and data exchanges including policy documents, wage data and payroll records have
25 allowed us to assess the strengths and weaknesses of the claims against Defendants and the
26 benefits of the proposed Settlement.

27 24. Based on all of the foregoing, I believe that the firm of Bradley/Grombacher, LLP
28 and those attorneys in the firm who are actively handling this matter, are more than qualified to

1 be appointed as class counsel, to represent the interests of the proposed class members.

2 25. On January 10, 2024, the Settlement Agreement was uploaded with the LWDA.
3 Attached as **Exhibit 1** is a copy of the confirmation from the LWDA.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct to the best of my personal knowledge. This declaration is executed
6 January 12, 2024, at Westlake Village, California.

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10 Marcus J. Bradley
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EXHIBIT 1



State of California

Department of Industrial Relations

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Case Information

Case Number: LWDA-CM-864051-22

Plaintiff for PAGA Case: Joe Nunez

Filer/Attorney for PAGA Case: Fernando Valle Jr

Law Firm for PAGA Plaintiff: Bradley/Grombacher, LLP

Employer: IGS Solutions, LLC dba Stiizy

Date Case Received:

Filer for Employer:

Employer Filer Firm:

Court Type:

Court Name: Yolo County Superior Court

PAGA Court Case Number:

Violation Type:

Related BOFE Case:

Submission Details

Actions	Attachment Name	Description	Date Submitted	Type
View/Download	Proposed Settlement Submitted on 01/10/2024 02:59:11 PM by Suzette Boucher	EXHIBIT 1-23.09.22 FULLY EXECUTED SETTLEMENT.pdf	1/10/2024 10:59 PM	Proposed Settlement

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