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Attorneys for Plaintiffs Derek Downey
and Adam Sardoni and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

DEREK DOWNEY, ADAM SARDONI,
individually and on behalf of all similarly
situated individuals, on behalf of the general
public, and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*

Plaintiffs,

v.

NATIONAL TECHNICAL SYSTEMS,
INC., a California corporation, and DOES 1
through 10, inclusive,

Defendants.

Case No.: 22STCV00946

Assigned to the Hon. Stuart M. Rice, Dept. 1

CLASS ACTION

**DECLARATION OF BENNETT BERGER
IN SUPPORT OF UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: May 30, 2023

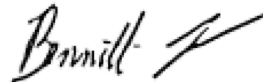
Time: 10:00 a.m.

Dept.: SSC-1

Action Filed: May 4, 2021

1 sample size calculator Raosoft, the sampling in this case provides a 7.5% margin of error with a
2 95% confidence level. Based on my experience in the thousands of wage and hour class action
3 lawsuits I have provided analysis for in my career, this sampling is sufficient and in my opinion
4 could be relied upon to represent the putative class.

5
6 I declare, under penalty of perjury, under the laws of the State of California, that the
7 foregoing is true and correct. Executed on April 26, 2023 at Frisco, Texas.

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10 BENNETT BERGER
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EXHIBIT A

Bennett Berger



6121 Brentway Rd. Frisco, TX 75034 • Phone: 818-635-6613 • E-Mail: BergerBennett@gmail.com

Experience

Partner / Senior Data Analyst - Berger Consulting Group

June 2013 - Current

- Analyze small and large data sets for wage and hour class action lawsuits. Review data for patterns; group data using Pivot Tables and other complex equations in Excel to help identify relationships between sets of data.
- Use Excel extensively to write equations and macros to aid in quantitative damage models. Worked on over 2,000 wage and hour cases since 2013 in industries such as retail, healthcare, logistics, finance, hospitality, technology, and manufacturing.
- Perform data conversion using multiple commercial OCR software programs to transform small to large volumes of PDF images into searchable text format.
- Write case analysis summaries, detailed reports and declarations explaining the data and exposure models.
- Provide expert testimony of my findings.

Co-Founder / President - SD3D

January 2013 - Current

- Extensive 3D printing knowledge of mechanics and materials as well as 3D design and 3D scanning. Robust knowledge of 3D printing file preparation software.
- Build Excel spreadsheets for cost analysis of 3D printing versus other manufacturing methods.
- Design the sales and marketing material for the business, along with developing the overall brand and sales strategies.
- Responsible for SD3D's finances, financial projections and investor relations.

Account Executive - Corporate Strategies Inc.

December 2011 - January 2013

- Market and analyze employee benefits for small group clients.
- Compose spreadsheets comparing current versus renewal and proposed insurance plans.
- Execute daily HR tasks for groups- enrollments, terminations, coverage changes, order ID cards, etc.
- Communicate to business owners as well as employees about their plan benefits and cost comparisons.
- Prepare proposals for individual health insurance clients.
- Organize current life insurance summaries and formulate new products ideas and changes.

Education

University of California, Santa Cruz

September 2007 - March 2011

Bachelors of Arts in Business Management Economics

Computer Skills

-Excel, PowerPoint, Word, Outlook, Omnipage PDF converter, ABBYY FineReader PDF converter, Adobe Acrobat Pro

Expert Testimony

Berger Consulting Group

- Turner v Charter Communications - AAA Case No. 01-22-0001-5254 - Deposition - February 16, 2023
- Harper v Charter Communications - AAA Case No. 01-19-0004-5743 - Deposition - September 28, 2021
- Feltz v Cox Communications - Case No. 8:19-CV-02002-JVS-JDE - Second Deposition - September 22, 2021
- Domingo v Prime Healthcare Paradise Valley - Case No. 37-2019-00023576-CU-OE-CTL - Trial - August 11, 2021
- Domingo v Prime Healthcare Paradise Valley - Case No. 37-2019-00023576-CU-OE-CTL - Deposition - July 28, 2021
- Ward v Sutter Valley Hospitals - Case No. 2:19-CV-00581-KJM-AC - Deposition - June 16, 2021
- Sanchez v ARB, Inc. - Case No. 30-2016-00837130-CU-OE-CXC - Deposition - March 31, 2021
- Feltz v Cox Communications - Case No. 8:19-CV-02002-JVS-JDE - Deposition - March 5, 2021
- Libreros v LLR, Inc dba Lularoe - Case No. RIC1714426 - Deposition - January 15, 2021
- Hankey v The Home Depot USA - Case No. 2:19-cv-00413-JAM-CKD - Deposition - November 13, 2020
- Mkhitarian v Bank of the West, - Case No. BC691989 - Deposition - September 17, 2020
- Santos v United Parcel Services, Inc. - Case No. 3:18-cv-03177-EMC - Deposition - September 1, 2020
- Cessna v Southern California Edison Company - Case No. BC689081 - Deposition - July 29, 2020
- Gamboa v PAFCO - Case No. CIVDS1605273 - Deposition - July 18, 2019
- Fuller v TWC - Case No. 3:17-cv-01513-DMS-AGS - Deposition - June 20, 2019
- Avila v Simply Right - Case No. BC538100 - Deposition - October 16, 2018
- Pineda v Lithographix - Case No. BC612372 - Deposition - February 9, 2018
- Cacho v Eurostar - Case No. BC558689 - Deposition - February 17, 2017
- Barajas v WHM - Case No. BC491045 - Deposition - November 28, 2016

1 **PROOF OF SERVICE AND CERTIFICATION**

2 I am employed in the County of Ventura State of California. I am over the age of 18 and not a party to the
3 action; my business address is 4550 East Thousand Oaks Boulevard, Suite 100 Westlake Village, CA 91362.

4 _____ (For messenger) my business address is:

5 On May 19, 2023, I served the foregoing documents described as **(1) JOINT SUPPLEMENTAL BRIEFING**
6 **FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT, (2) SUPPLEMENTAL**
7 **DECLARATION OF DANIEL F. GAINES IN SUPPORT OF UNOPPOSED MOTION FOR PRELIMINARY**
8 **APPROVAL OF CLASS ACTION SETTLEMENT, and (3) DECLARATION OF BENNETT BERGER IN**
9 **SUPPORT OF UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION**
10 **SETTLEMENT** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes
11 addressed as follows:

12 **Paul J. Cohen, Esq.**
13 **Nicky Jatana, Esq.**
14 **Michael D. Thomas, Esq.**
15 **JACKSON LEWIS P.C.**
16 **725 South Figueroa Street, Suite 2500**
17 **Los Angeles, CA 90017-5408**

18 On the above date:

19 _____ (BY ☐ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was
20 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing
21 correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of
22 business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage
23 meter date is more than one day after date of deposit for mailing in affidavit.

24 _____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or
25 other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized
26 carrier or driver authorized by the express carrier to receive documents.

27 X (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic
28 transmission of Case Anywhere on the counsel of record listed above pursuant to the Court Order Authorizing
29 Electronic Service on March 29, 2022.

30 X (ONLINE TO THE LWDA): I caused the above-described documents to be delivered to the Labor Workforce
31 Development Agency via online process at the PAGA Filing website in accordance with the procedure imposed by the
32 LWDA.

33 I certify that the above document was printed on recycled paper.

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

35 Executed on May 19, 2023, at Westlake Village, California.

36 Amelia Booth
37 AMELIA BOOTH