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14 Attorneys for the Plaintiffs

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN DIEGO-CENTRAL DIVISION

17 ALEKSANDR POVARNITSON and
18 BRADLEY BRIGHT, individually and
19 on behalf of all others similarly situated,

20 Plaintiffs,

21 vs.

22 ELECTRONIC CONTROL SYSTEMS,
23 LLC, a Delaware limited liability
24 company dba ALBIREO ENERGY,
25 LLC; ALBIREO ENERGY, LLC, a
26 Michigan corporation; and DOES 1-50,

27 Defendants.

) Case No.: 37-2021-00043575-CU-OE-
) CTL

) Judge: Hon. Katherine Bacal
) Dept.: 69

) **DECLARATION OF IAN PANCER**
) **ISO PLAINTIFFS' MOTION FOR**
) **PRELIMINARY APPROVAL OF**
) **CLASS ACTION SETTLEMENT**

) Judge: Hon. Katherine Bacal
) Dept.: C-69
) Hearing Date: September 21, 2023
) Hearing Time: 1:30 p.m.

) [Dec. of Thomas Rutledge, [Proposed]
) Order, Not. of Mot., and Mem of P&As
) filed concurrently herewith]

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1 13.I personally have represented or represent hundreds of plaintiffs in past and
2 current employment cases.

3 14.I have substantial experience in employment-related, representative actions in
4 that I am or have been lead or co-lead counsel in approximately 15 (fifteen)
5 representative action cases – i.e., putative class action or PAGA cases. Of these
6 cases, some have resulted in court approved settlements, some are ongoing, and
7 some resolved on an individual basis.

8 15.I have handled the representation of parties in numerous mediations before
9 well-known neutrals, such as Robert Kaplan, Esq., Craig Higgs, Esq., Hon.
10 Steve Denton (Ret.), Hon. Herbert B. Hoffman (Ret.), Hon. Linda Quinn (Ret.),
11 Hon. Joel Pressman (Ret.), Michael Dickstein, Esq., John Edwards, Esq.,
12 Denise Asher, Esq., Douglas Glass, Esq., David Van Til, Esq., Barry Plotkin,
13 Esq., Jill Sperber, Esq., and Eve Wagner, Esq., among others.

14 16.I also have a great deal of experience in jury trials, having tried over 20 jury
15 trials to verdict, not including bench trials.

16 17.In addition to our representation of Plaintiffs in the instant case, I and my co-
17 counsel separately represent the plaintiffs in the related matter of Dozier v.
18 Albireo Energy, Case No. 37-2021-00004744-CU-OE-CTL (hereafter,
19 “Dozier”).

20 18.Dozier is also a class action. However, the operative complaint in the instant
21 case encompasses the claims in Dozier. Therefore, the class claims alleged in
22 Dozier are being released in the instant settlement. Additionally, the Dozier
23 Plaintiff is separately settling his individual claims with the defendants.
24 Therefore, practically speaking, there will be nothing left of Dozier if and when
25 the Court grants final approval of the instant settlement.

26 19.My co-counsel and I believe the Settlement is fair and reasonable.

27 20.Indeed, I believe the settlement in this case is an excellent outcome for the
28 Plaintiffs.

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21. For the reasons explained in our moving papers, I recommend (and very respectfully request) the Court to preliminarily approve the Settlement.
Executed this day of August 28, 2023, in San Diego, California

Ian Pancer
/s/Declarant

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