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Attorneys for Plaintiff, the Class, and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA

TONY CATELLI, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

INNOVATIVE CONSTRUCTION
SOLUTIONS, a California corporation; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: MSC21-01257

(Assigned for all purposes to the Honorable
Edward G. Weil, Department 39)

**DECLARATION OF WILLIAM L.
MARDER IN SUPPORT OF PLAINTIFF’S
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT**

Date: TBD
Time: 9:00 a.m.
Dept.: 39

Complaint Filed: June 1, 2021
Trial Date: None Set

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I, William L. Marder, hereby declare and state as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of
 nia and am a partner of the law firm of the Polaris Law Group, one of the attorneys of
 for Plaintiff Tony Catelli (“Plaintiff”), in the above-entitled action. I have personal
 dge of the matters set forth herein, and if called upon as a witness to testify thereto, I
 nd would competently do so.

2. Based on my own independent investigation and evaluation, I am of opinion that the Settlement is in the best interests of the Class and is fair, reasonable, and adequate and is in the best interests of the Class in light of all known facts and circumstances and the expenses and costs inherent in litigation.

3. I strongly believe that Plaintiff can prevail at trial. However, I also believe in the wisdom of the settlement, which is based on factoring in the uncertainty and risks to Plaintiff of not prevailing on one or more of the causes of action or theories alleged in the above Complaint and in the possibility of appeals.

4. After taking into account sharply disputed factual and legal issues involved in this case, the risks attending further prosecution, and the substantial benefits to be received from the compromise and settlement of the litigation, I believe this settlement to be fair, appropriate, and reasonable.

5. I was retained based upon a contingency fee arrangement wherein Plaintiff's counsel agreed to advance all costs and receive no fee unless a recovery was accomplished. Had Plaintiff failed to prevail on these cases, counsel for Plaintiff would have spent a significant amount of time, money and other resources without any benefit or return. In addition, had Plaintiff also failed to prevail in the present case, Defendant would have been able to recover its costs in connection with its defense of the case.

6. My qualifications are as follows: I graduated from UCLA Law School in 1993 and was admitted to the California Bar in 1994. Since that time, I have acquired substantial

1 experience in employment litigation. I have represented both plaintiffs and defendants. I estimate
2 that I have handled more than 200 employment cases, litigating cases in state and federal courts.

3 7. I have defended large institutional employers in employment cases. From 1995-
4 1997, as an associate at Bolling, Walter & Gawthrop in Sacramento, I represented the City of
5 Sacramento, Yolo County, the City of Davis, Solano County and other employers in employment
6 litigation in state and federal courts.

7 8. From 1997-2000, I served as a Deputy County Counsel in San Benito, handling
8 all of its employment matters. These matters include advising the county on compliance with
9 wage and hour laws, arbitrations, and litigation.

10 9. From 2002-2006, I was a partner at Paxton O'Brien, LLP in Hollister, an AV
11 rated firm, where I represented numerous plaintiffs and defendants in employment lawsuits.

12 10. In 2006, I co-founded the Polaris Law Group where I spend most of my time
13 handling employment cases. I primarily represent employees.

14 11. I have been approved as Class Counsel in hundreds of cases. A small sample of
15 those cases includes, *Maggiore v. Watsonville Community Hospital*, Santa Cruz Superior Court
16 Case No. 18CV00191, *Holman v. American Sugar Refining, Inc.*, Contra Costa Superior Court
17 Case No. MSC18-00415, *Hanna v. Equinix LLC*, Santa Clara Superior Court Case No.
18 18CV339365, *Pittman v. Martinez Steel Corporation*, San Bernardino Superior Court Case No.
19 CIVDS1823132, *Sanchez v. ExamOne WorldWide, Inc.*, Santa Clara Super Court Case No.
20 17CV30832, *Siron v. Raypak, Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-
21 OE-VTA, *Prexxie Pascual and Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara County
22 Superior Court Case No. 19CV345211, *Ramirez v. Walgreen*, N.D. Cal. Case No. 18-cv-03921-
23 EJD, *Reilly v. Recreational Equipment, Inc.*, N.D. Cal. Case No. 3:18-cv-07385-LB (Dkt. No.
24 61), *Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-NC (Dkt. No. 219), *Hernandez*
25 *v. Wells Fargo Bank*, Santa Clara Superior Court Case No. 16CV299319, and *Carrillo v. New*
26 *Balance Athletics, Inc.*, Santa Clara Superior Court Case No. 19CV352469.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed on this 13th day of December 2022, at Hollister, California.

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5 William L. Marder
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