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Attorneys for Representative Plaintiff
and the Plaintiff Class

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

MICHAEL ALLEN RIOS, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

YOSHI, INC., a corporation, and DOES 1
through 10, inclusive,

Defendants.

ANDRE BROWN, individually, and on behalf of
all others similarly situated,

Plaintiff,

v.

YOSHI, INC., and DOES 1 through 100,
inclusive

Defendants.

Electronically FILED by
Superior Court of California,
County of Los Angeles
5/31/2024 10:16 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By S. Drew, Deputy Clerk

Case Nos.: 21STCV13691 (*Rios*);
21STCV19677 (*Brown*)

CLASS ACTION

[Assigned for all purposes to: Hon. Elihu M.
Berle, Dept. 6]

**DECLARATION OF LAURA VAN NOTE
IN SUPPORT OF MOTION FOR FINAL
SETTLEMENT APPROVAL**

[Filed concurrently with: Declaration of
Justin F. Marquez; Declaration of Michael
Allen Rios; Declaration of Andre Brown; and
[Proposed] Order]

FINAL APPROVAL HEARING

Date: July 11, 2024

Time: 10:00 a.m.

Dept: 6

Rios Complaint filed: April 9, 2021
Brown Complaint filed: May 24, 2021
Trial date: Not set

1 I, Laura Van Note, do hereby declare as follows:

2 1. I am an attorney-at-law, licensed to practice in all jurisdictions of this State, and I
3 am a shareholder of the law firm of Cole & Van Note ("CVN"), attorneys for Representative
4 Plaintiff Andre Brown and the Plaintiff Class. I make these statements based on personal
5 knowledge, would so testify if called as a witness at trial and have personal knowledge of the
6 foregoing. I make this Declaration in support of Representative Plaintiffs' Motion for Final
7 Approval of Class Action Settlement.

8 **CLASS COUNSEL**

9 2. I have practiced law exclusively as a litigation attorney since 2013. I have a
10 Bachelor of Arts Degree in History from the University of Missouri, Kansas City and graduated
11 from the University of Missouri, Kansas City School of Law. I am admitted to practice law in
12 Missouri, Kansas and California. I have also been admitted to practice before United States District
13 Courts in California, Missouri and Kansas and have been admitted *pro hac vice* before the courts
14 in several other states. I have personally handled over 100 class/PAGA actions in California since
15 I devoted my practice to this area in 2018.

16 3. CVN, which current Shareholder Scott Edward Cole founded in 1992, is a very
17 specialized practice devoted to the prosecution of wage and hour class action matters such as this.
18 Ours was one of the first California firms to devote itself so heavily to this area of practice; indeed,
19 over its long history, CVN has prosecuted hundreds of wage and hour class actions, some of which
20 are identified in the firm's professional resume attached hereto as **Exhibit "A."** Even when most
21 of the day-to-day work in these cases was being handled by one of our firm's associate attorneys,
22 I closely supervised and established the strategies in every one of those matters. Most of these
23 cases involved some or all of the same legal issues as are presented in the current action.

24 4. Our firm has successfully achieved class certification in varied factual scenarios,
25 some of the more unique or difficult situations being: *Kurihara v. Best Buy Co., Inc.*, 2007 U.S.
26 Dist. LEXIS 64224 (N.D. Cal. Aug. 29, 2007) (obtaining certification for a class of over 52,000
27 current and former store employees bringing bag check claims); *Tierno v. Rite Aid Corp.*, 2006
28 U.S. Dist. LEXIS 71794 (N.D. Cal. Aug. 31, 2006) (oft-cited Order certifying a class of
approximately 1,100 California retail store managers alleging overtime misclassification); *Torres*

1 v. *ABC Security*, Case No. RG04158744 (Alameda County Superior Court 2006) (obtaining
2 certification of a class of over 1,600 security guards working at scores of different work sites);
3 *Fulton v. Sports and Fitness Clubs of America, dba 24 Hour Fitness, USA, Inc.*, San Diego County
4 Superior Court Case No. GIC881669 (consolidated with Case No. GIC873193) (Order certifying
5 class of over 7,000 fitness club group exercise instructors); *Rowe v. California Commerce Club*,
6 Los Angeles County Superior Court Case No. BC321283 (consolidated with Case No. BC288079)
7 (Order certifying tip-pooling claims on behalf of a class of approximately 2,000 card room
8 dealers); *Rodriguez v. Pleasanton Fitness*, Contra Costa County Superior Court Case No. MSC17-
9 00376) (Order certifying two classes of fitness club workers). This list is far from being exhaustive.

10 5. Our firm's track record is equally impressive with regard to settlements and
11 adjudications. For example, CVN was co-counsel in the landmark California Supreme Court
12 decision providing that non-exempt worker time spent under the control of the employer is
13 compensable. *See Augustus vs. ABM Security Services.*, Supreme Court of California Case No.
14 S224853 (\$110 million settlement on behalf of roughly 15,000 security guards). Additionally, our
15 office co-prosecuted what was, at the time (and perhaps still), the largest class action settlement of
16 a meal break-only case. *See Despres v. United Parcel Service, Inc.*, California Northern District
17 Court Case No. 3:03-02987 (TEH) and No. 3:03-02001 (TEH)) (\$87 million settlement on behalf
18 of roughly 20,000-person class). CVN prosecuted, obtained a judgment and thereafter negotiated
19 a two-tiered \$19 million settlement on behalf of fitness club group exercise instructors for unpaid
20 wage and unreimbursed business expense claims. *See Fulton v. Sports and Fitness Clubs of*
21 *America, dba 24 Hour Fitness, USA, Inc.*, San Diego County Superior Court Case No. GIC881669
22 (consolidated with Case No. GIC873193). CVN prosecuted and settled a \$15 million non-
23 reversionary settlement on behalf of a class of approximately 68,000 security guards for meal and
24 rest break violations. *See Securitas Security Services Cases*, Santa Clara County Superior Court
25 Case No. 1-05-047499. CVN negotiated a \$7.5 million settlement on behalf of a class of retail
26 assistant managers for uncompensated time spent undergoing security checks and failure to
27 provide meal and rest breaks. *See Kelly v. Walgreens*, San Francisco County Superior Court Case
28 No. CGC-07-464347. CVN also brokered a \$6.9 million settlement on behalf of a class of over

1 1,000 allegedly misclassified retail store managers. *See Tierno v. Rite Aid Corp.*, California
2 Northern District Court Case No. 3:05-02520 (TEH). CVN served as court-appointed lead counsel
3 after fierce competition for that appointment in a consolidated action of nine lawsuits against
4 Walgreen Co. bringing a variety of wage and hour claims on behalf of approximately 43,000 retail
5 store workers in California. After several years of litigation, CVN negotiated a \$23 million
6 settlement in that case. *See, In Re Walgreen Co. Wage and Hour Litigation*, United States District
7 Court, Central District of California Case No. 2:11-07664. We have many additional resolutions
8 within the settlement range exhibited above and scores of others of lesser notoriety.

9
10 **REQUEST FOR ATTORNEYS' FEES AND COSTS**

11 6. From the outset, prosecution of this case has involved significant financial risks for
12 my firm. My office undertook this matter solely on a contingent basis, with no guarantee of
13 recovery of fees or even reimbursement of its costs and with no guarantee as to the potential
14 duration of this litigation.

15 7. CVN's compensation in this action was and is wholly contingent. Unlike attorneys
16 who are paid for all hours worked irrespective of the result that they might obtain for the client,
17 any attorneys' fees and reimbursement of expenses CVN may collect in connection with this
18 action, or any action we prosecute, are fully contingent upon the firm's ability to obtain
19 compensation for its clients through success at trial or through settlement, as here (which, in the
20 latter case, is further contingent upon Court approval).

21 8. While I believe the claims in this case are meritorious, I recognize the factual and
22 legal challenges involved in complex litigation of this type. The litigation risks and legal hurdles
23 herein render my firm's success all the more contingent. We advanced costs in the amount of
24 \$7,799.00 ("**Exhibit B**").

25 9. Although not commonly discussed in connection with requests for attorneys' fees
26 and costs, it is also important to note there is often a significant amount of work to be done post-
27 final approval of a class action settlement, none of which ever gets presented to the Court for
28 consideration (and which is, thus, not directly compensable). Indeed, it is rare that my office is *not*

1 responding to email, calls and/or requests from Class Members, CPAs, attorneys and the press—
2 among others—sometimes even years after final settlement approval. My staff routinely gets
3 requests from settlement class members seeking information post-resolution about the settlement
4 itself, factual and legal issues addressed in the case, the tax characteristics of the amounts Class
5 Members received and a host of other issues too numerous to list exhaustively here. In fact, in
6 many cases, my office has gone as far as to recruit experts (typically CPAs) to provide class
7 members with financial advice regarding their settlement checks, 1099 documentation and other
8 items, generally, on my firm's dime. Except by noting its near-inevitability, none of that future
9 work or the attendant costs are reflected in anything filed thus far in this litigation, but that work
10 will almost certainly be required by CVN here and should be factored in to the equation regarding
11 the appropriate fee and cost recovery.

12
13 **EXHIBITS**

14 1. Attached hereto as **Exhibit "A"** is a true and correct copy of CVN's Professional
15 Resume, which outlines some of this firm's experience litigating complex/class action cases.

16 2. Attached hereto as **Exhibit "B"** is a true and correct copy of CVN's Cost Journal.
17 As of May 31, 2024 CVN has advanced \$7,799.00 in unreimbursed litigation costs in connection
18 with the investigation, prosecution and settlement of this case. These expenses are reflected in
19 CVN's books and records maintained in the ordinary course of business and are prepared from
20 expense vouchers and check records.

21 I declare, under penalty of perjury under the laws of the United States and the State of
22 California, that the foregoing is true and correct.

23
24 Executed this 31st day of May 2024, at Oakland, California.

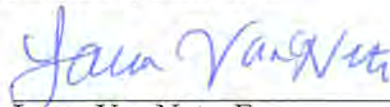
25 
26 _____
27 Laura Van Note, Esq.
28

Exhibit A



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Firm Resume

Cole & Van Note (“CVN”) is a boutique class action firm known for aggressive representation and impressive results in the areas of consumer fraud, data breach, environmental and employment litigation. Founded in 1992, CVN has been devoted primarily to such matters, having litigated hundreds of class actions against businesses of all types and in nearly every industry imaginable. The members of CVN have vast experience prosecuting class/complex actions, both in a sole counsel capacity and in leadership positions, oftentimes among many firms, in California and nationwide litigation. They have published numerous scholarly articles dealing with various substantive issues as well as class action litigation/procedure, speak regularly to legal audiences, and have served as consulting experts in class action litigation. CVN’s team of skilled advocates has recovered billions of dollars for tens of millions of workers and consumers, been involved in record-setting settlements and judgments, and compelled the correction of innumerable unlawful practices.

SHAREHOLDERS/ASSOCIATES:

Scott Edward Cole, founder and shareholder of Cole & Van Note, has extensive leadership experience prosecuting cases in federal and state courts nationwide. Mr. Cole has authored numerous scholarly publications and serves as highly regarded guest lecturer on issues surrounding class action procedures and negotiation theory. Mr. Cole has been responsible for shaping the law in trial and appellate courts for decades, authored the book “Fallout” and is available to serve as a mediator of class action disputes.

Credentials: Admitted, State Bar of California, 1992; University of San Francisco School of Law, J.D., 1992; President, University of San Francisco Labor & Employment Law Society; San Francisco State University, B.A., Speech Communications (Individual Major in Rhetoric), 1989, Minor Study in Business Administration, 1989; Admitted, United States District Court for all California Districts and in numerous additional states; Admitted, United States Court of Appeals (6th and 9th Circuits). Additionally, Mr. Cole is a former National Association of Securities Dealers Registered Representative (Series 7) and is/has been a member of the Association of Trial Lawyers of America, California Employment Lawyers Association, American Bar Association,

Alameda County Bar Association (e.g., Vice Chair of ACBA's Labor & Employment Law Section Executive Committee), National Employment Lawyers Association and a U.S. Delegate to the InterAmerican Meeting of Labor and Trade Union Lawyers, Havana, Cuba (March 2012). Mr. Cole is also the author of "Fallout," a story based upon his experiences litigating after the 1994 airborne release of toxic chemicals by the Unocal Corporation (also used by various law schools in the curriculum for first year law students).

Laura Van Note, shareholder, is an aggressive and skilled advocate and leads the firm's hiring and career outreach efforts. A 2013 graduate of the University of Missouri, Kansas City School of Law, her practice has focused primarily on class action representation of data breach victims and underpaid workers in employment/civil rights litigation. With a near-perfect track record for results, Ms. Van Note appears in courts across the nation, is licensed in Kansas and Missouri and in numerous federal districts.

Credentials: Admitted, State Bar of California, 2016; Admitted, State Bar of Missouri, 2013; Admitted, State Bar of Kansas, 2015; University of Missouri, Kansas City School of Law, J.D., 2013 (Order of the Barrister, Dean's List, Captain of the National Trial Advocacy Team, President of the American Constitutional Society for Law and Policy, Teaching Assistant to the Directory of Advocacy); University of Missouri, Kansas City, B.A., History, Minor in French, 2010;

Elizabeth Ruth Klos, associate attorney, graduated from the University of Southern California Gould School of Law with a merit scholarship in 2022. During law school, Ms. Klos worked as a research assistant for the USC Law Library, while also achieving honors grades in courses such as Contracts, Labor Law, Torts, Mediation and Constitutional Law. Ms. Klos developed her passion for litigation through diverse experiences at the Hillsborough County Public Defender's office, a boutique family law practice in Los Angeles, and clerking under Judge Valerie Salkin at the Los Angeles Superior Court. At CVN, Ms. Klos utilizes her litigation experience in the areas of class action, consumer and data breach law.

Credentials: Admitted, State Bar of California, 2022; University of Southern California Gould School of Law, J.D., 2022; New College of Florida, B.A., Liberal Arts (dual Area of Concentration in Political Science and History), 2016.

Alicyn Whitley, associate attorney, graduated from Golden Gate University's School of Law near the top of her class in 2018, receiving the Dean's Award for Scholarship and Leadership. While in school, Alicyn worked at numerous Bay Area law firms as well as the U.S. Department of Labor on various civil litigation matters and contract disputes. With her substantial background as an insurance defense attorney handling personal injury, construction defect and employment disputes, Alicyn brings a unique perspective and set of skills to the firm's consumer and employment class action practice.

Credentials: Admitted, State Bar of California, 2019; Golden Gate University School of Law, J.D., 2018; University of Nevada, Las Vegas, B.A., Broadcast Journalism, 2013.

SCHOLARLY PUBLICATIONS:

Scott Edward Cole & Matthew Roland Bainer, *The Quest for Class Certification*, Employment Law Strategist (Sept. & Oct. 2003).

Scott Edward Cole & Matthew Roland Bainer, *To Be or Not to Be a Penalty: Defining the Recovery Under California's Meal and Rest Period Provisions*, Golden Gate U. L. Rev. (Spring 2005).

Scott Edward Cole & Matthew Roland Bainer, *To Certify or Not to Certify: A Circuit-By-Circuit Primer of the Varying Standards for Class Certification in Actions under the Federal Labors Standards Act*, B.U. Pub. Int. L.J. (Spring 2004).

Scott Edward Cole, *Kullar v. Footlocker Retail, Inc.: A New Standard for Class Action Settlement Approval*, CELA Bulletin (April 2009).

Matthew Roland Bainer, *Ninth Circuit Provides Much Needed Guidance on Evidentiary Burdens in Overtime Misclassification Litigation*, CELA Bulletin (May 2009).

Kevin Robert Allen, *Putting the "Rest" Back in Rest Break*, Alameda County Bar Association - Labor & Employment Section News (Autumn 2009).

Michael Scott Lubofsky, *Barristers to Blogs: Softening Ethical Restrictions in the Digital Age*, Los Angeles Daily Journal (June 14, 2010).

EXEMPLAR COMPLEX CASES:

CVN has represented millions of individuals in legal disputes, including hundreds of class action/complex litigation cases. For well over three decades, CVN's legal team has amassed extensive experience litigating data breach, wage and hour, environmental, and other personal injury and commercial cases. Nowadays, the firm almost exclusively prosecutes multi-state data breach and other consumer class actions. Drawing from various areas of law, examples of the range of CVN's practice include:

Augustus/Davis v. ABM Security Services, Inc. (American Comm. Security Service, Inc.)

Superior Court of California, County of Los Angeles, Case No. BC336416

Our firm filed this action for violations of California law for denial of meal and rest periods toward security guards. The action achieved class certification status in 2009. Following summary judgment proceedings, a judgment of over \$89 million was entered against the defendant(s). The judgment hinged on the issue of whether "on-duty" rest breaks were legally sufficient. After the Court of Appeal ruled against Plaintiffs on the issue, the case went to the California Supreme Court where Plaintiffs prevailed and, in so doing, created a new legal standard clarifying that "on-duty" rest breaks are invalid. After 12 years of litigation, successful summary judgment and substantial appellate work, this matter resolved for \$110 million.

Bower v. Steel River Systems LLC

Illinois Fourteenth Judicial Circuit Court (Whiteside County), Case No. 2023-LA-000006

This action arose out of Steel River Systems' 2022 data breach which affected numerous consumers and/or employees. This action settled.

Bulow v. Wells Fargo Investments, LLC

United States District Court (N.D. California), Case No. 3:06-CV-7924

This matter was filed as a nation-wide class action against Wells Fargo Investments, on behalf of its Financial Consultants to recover overtime pay, compensation for denied meal and rest periods (California only) and reimbursement for business related service and supply expenses (California only). This matter settled for \$6.9 million.

Byers v. Orthoalaska, LLC

United States District Court (D. Alaska), Case No. 3:23-cv-00243-SLG

This action arose out of Orthoalaska's massive data breach which affected countless patients, consumers and/or employees. Cole & Van Note was court-appointed as co-lead class counsel.

Cano v. United Parcel Service, Inc.

Superior Court of California, County of Alameda, Case No. RG03089266

This wage and hour complex litigation matter involved the alleged misclassification of overtime non-exempt Operations Management Specialists, Operational Excellence Specialists and Industrial Engineering Specialist at this company's California facilities. This action settled for \$4.5 million.

Chaidez v. Odwalla, Inc.

Superior Court of California, County of San Mateo, Case No. CIV430598

This wage and hour complex litigation matter involved the alleged misclassification of overtime non-exempt California Route Sales Representatives. CVN served as primary counsel for this proposed class of employees. This action settled for \$2.2 million.

CKE Overtime Cases

Superior Court of California, County of Los Angeles, Case No. BC283274 (JCCP No. 4274)

This class action was brought against fast food chain Carl's Jr. for violations of California's overtime laws on behalf of the company's California restaurant chain Managers. The coordinated litigation provided a settlement fund of \$9.0 million.

Darrin v. Huntington Ingalls Industries, Inc.

United States District Court (E.D. Virginia), Case No. 4:23-cv-00053-JKW-DEM

This action arose out of Huntington Ingalls' massive data breach. Cole & Van Note was appointed by the court to a co-lead counsel position.

Davis v. Universal Protection Security Systems, Inc.

Superior Court of California, County of San Francisco, Case No. CGC-09-495528

Our firm filed a claim in 2009 against Universal Protection Security Systems, Inc. for violations of California law for denial of meal and rest periods toward security guards. This case settled for \$4 million.

Despres (Cornn) v. United Parcel Service, Inc.

United States District Court (N.D. California), Case No. 3:03-CV-02001

This wage and hour class action litigation was brought to remedy violations of meal and rest period regulations on behalf of the company's California ground delivery drivers. CVN served as co-counsel for the certified class of drivers. This action settled for \$87 million, an unprecedented settlement amount at the time for such claims.

Escow-Fulton v. Sports and Fitness Clubs of America dba 24 Hour Fitness USA, Inc.

Superior Court of California, County of San Diego County, Case Nos. GIC881669/GIC873193)

Our firm filed this class action on behalf of the company's California "Group X" Instructors to recover regular and overtime pay, related penalties and un-reimbursed expenses. The action achieved class certification status in 2009. In 2011, the parties agreed to settle the expense reimbursement claims for \$10 million. The parties then filed cross-motions for summary adjudication and on August 2, 2011, the court issued an Order finding 24 Hour Fitness' session rate compensation scheme to be an invalid piece rate. The parties then agreed to settle the unpaid wage claims for another \$9 million, for a total judgment of \$19 million.

Fedorys v. Ethos Group, Inc.

United States District Court (N.D. Texas), Case No. 3:22-cv-02573-M

This action arose out of Ethos Group's 2022 data breach which affected at least 267,000 consumers. Cole & Van Note was appointed co-lead class counsel.

Hakeem v. Universal Protection Service, LP

Superior Court of California, County of Sacramento, Case Nos. 34-2020-00286228-CU-OE-GDS; 34-201900270901-CU-OE-GDS

After an exhaustive multi-year process including venue transfer, consolidation, migration of litigants from one case to the other, multiple appeals and, generally, extremely hard-fought litigation, these two security guard class actions achieved a consolidated judgment for \$10 million.

Henderson v. Reventics, LLC

United States District Court (D. Colorado), Case No. 1:23-cv-00586-MEH

This action arose out of Reventics' massive 2022 data breach which affected over four million patients, consumers and employees. Cole & Van Note was appointed co-lead class counsel.

Hinds v. Community Medical Centers

United States District Court (E.D. California), Case No. 2:22-cv-01207-JAM-AC

This action arose out of Community Medical Centers' massive 2021 data breach which affected countless patients, consumers and/or employees. After reviewing competing requests for leadership over these consolidated actions, Cole & Van Note was appointed by the court to a co-lead counsel position. This action resulted in a multi-million dollar judgment.

In re Apple Inc. Device Performance Litigation

United States District Court (N.D. California), Case No. 5:18-md-02827-EJD

Following Apple's December 2017 admission that it throttled back performance of its iPhones (versions 6, 6 Plus, 6s, 6s Plus, SE, 7 and 7 Plus) to mask the problem of defective batteries and unexpected iPhone shut-downs, Cole & Van Note filed a class action to recover damages for consumers nationwide. This action settled for \$500 million. Cole & Van Note served on the Plaintiffs' Steering Committee.

In re DISH Network Data Security Incident Litigation

United States District Court (D. Colorado), Case No. 1:23-cv-01168-RMR-SBP

This action arose out of DISH Network's massive data breach which affected over 300,000 workers. Cole & Van Note was appointed by the court to a co-lead counsel position.

In re Rackspace Security Litigation

United States District Court (W.D. Texas), Case No. SA-22-cv-01296

This action arises out of Rackspace Technology's 2022 massive ransomware event which shut down functionality for tens of thousands of individuals and businesses across the United States and overseas. Cole & Van Note served as court-appointed lead counsel for the nationwide class and representative plaintiffs from over 30 states.

In re Tosco SFR Litigation

Superior Court of California, County of Contra Costa, Case No. C97-01637

During incidents in April 1997 and January 1998, the Tosco Refinery in Rodeo, California released tons of airborne toxic chemicals. These harmful substances traveled into neighboring communities, seriously affecting the health of citizens and local workers. CVN served as Lead Counsel in this complex litigation and represented thousands of members of the community in that role. The multi-million dollar fund created through this litigation was disbursed among over 2,000 claimants and helped change practices at this refinery for decades thereafter.

In re Unocal Refinery Litigation

Superior Court of California, County of Contra Costa, Case No. C94-04141

In response to Unocal's 16-day airborne release of chemicals over the County of Contra Costa in 1994, CVN filed a class action against the corporation on behalf of thousands of victims and thereafter served as one of a handful of firms (among dozens of law firms of record) on the Plaintiffs' Steering Committee. After hard-fought litigation, the matter eventually settled for \$80 million. This litigation, Mr. Cole's efforts to commence it and his grassroots work and exposure of the toxic event to the media provide the backdrop for Mr. Cole's book, "Fallout," published in 2018 (2605 Media LLC). In the end, the impact of this litigation was sweeping, substantially changing practices at this refinery and industry regulations, helping to establish a toxic release community monitoring system that spawned similar systems across the nation, establishing parks, improved roadways and an unprecedented community-industry Good Neighbor agreement.

In re Walgreen Co. Wage and Hour Litigation

United States District Court (C.D. California), Case No. 2:11-CV-07664

Our firm served as court-appointed Lead Counsel after an adversarial hearing process in this consolidated action of nine lawsuits bringing a variety of wage and hour claims on behalf of California workers. The case settled for \$23 million.

In re Westley Tire Fire Litigation

Superior Court of California, County of Santa Clara, Case No. CV 801282

On September 22, 1999, lightning struck and ignited a pile of approximately 7 million illegally stored waste tires in Westley, California, a town about 70 miles east of San Francisco. Over the subsequent five weeks, the fire spewed smoke and carcinogens over a large portion of the State of California. CVN served as the (sole) Lead and (shared) Liaison Counsel over a Plaintiffs' Steering/Management Committee in the consolidated actions against the owners and operators of this tire pile and related entities. These cases sought compensation for those individuals and businesses suffering personal and/or property damages as a result of these toxic substances and the fire's fall-out. In 2001, CVN reached a settlement with one defendant (CMS Generation Co.) for \$9 million. In 2003, the Court granted final approval of the settlement. In 2005, two of the remaining defendants settled for roughly \$1.4 million (over \$10 million aggregate).

Kullar v. Foot Locker, Inc.

Superior Court of California, County of San Francisco, Case No. CGC-05-447044

This action was brought on behalf of California employees allegedly forced to purchase shoes of a distinctive color or design as a term and condition of their employment and in violation of state law. After the Court approved a multi-million settlement, two separate appeals challenged the settlement, but the Court of Appeal affirmed the trial court's judgment. This oft-cited case established in California what's now known as the "*Kullar standard*" for court approval of class action settlements.

Lett v. TTEC

United States District Court (N.D. California), Case No. 3:22-cv-00018

This action arose out of TTEC Service Corporation's massive data breach in 2021 which affected countless patients, consumers and employees. CVN helped negotiate a \$2.5 million settlement for the class of victims.

Mambuki v. Securitas Security Services USA, Inc.

Superior Court of California, County of Santa Clara, Case No. 1-05-CV-047499 (JCCP No. 4460) Our firm filed a claim against this defendant for violations of California law (for denial of meal and rest periods) on behalf of the company's California-based security guards. This coordinated proceeding settled in 2008 for \$15 million.

Mendoza v. CaptureRx

United States District Court (W.D. Texas), Case No. 5:21-CV-00523-OLG

This class action against NEC Networks, LLC, d/b/a CaptureRx ("CaptureRx"), as well as Rite Aid and Community Health Centers of the Central Coast arising out of the massive data breach in 2021 which affected a minimum of 1.6 million people. The hacked information included sensitive personally identifiable information and personal health information. These consolidated cases settled in 2022 for a total value of \$4.75 million.

O'Brien v. Edward D. Jones & Co., LP

United States District Court (N.D. Ohio), Case No. 1:08-CV-00529

We filed a nation-wide (and New York State) class action against this financial securities company on behalf of the company's financial services representatives to recover overtime pay and related penalties. CVN served on a Lead Counsel Committee in this action, which settled in 2007 for \$19 million.

Onyeige v. Union Telecard Alliance, LLC

United States District Court (N.D. California), Case No. 3:05-CV-03971; MDL No. 1550

Our firm filed an action against Union Telecard Alliance, LLC alleging negligent misrepresentation and deceptive advertising practices related to its marketing of pre-paid telephone calling cards. This action settled for \$22 million.

Prutsman v. Nonstop Administration and Insurance Services, Inc.

United States District Court (N.D. California), Case No. 3:23-cv-01131-VC

This action arose out of Nonstop's massive 2022 data breach which affecting consumers, employees and health care affiliates. Cole & Van Note was appointed co-lead class counsel.

Ramirez v. The Coca Cola Company

Superior Court of California, County of San Bernardino, Case No. RCV 056388 (JCCP No. 4280)

This was one of two companion actions CVN prosecuted against this soft drink giant for violations of California's overtime laws. This action was brought on behalf of over 4,000 hourly workers at the company's bottling, distribution and sales centers who were allegedly forced to work "off-the-clock" for Coca Cola and/or whose time records were ordered modified by the company. This well-publicized action settled for \$12 million.

Riordan v. Western Digital Corp.

United States District Court (N.D. California), Case No. 5:21-CV-06074

This action arose out of the well-publicized widespread criminal data deletion of consumer hard drives in 2021. According to the lawsuit, the company knew of vulnerabilities in, at least, six of its products for years which, ultimately, led to the erasure of data for countless purchasers of these products. CVN served as sole counsel for the victims.

Roman v. HanesBrands, Inc.

United States District Court (C.D. California), Case No. 5:22-cv-01770

This case involved a data breach of HanesBrands' network system in which personal health information was accessed and/or reviewed by cybercriminals.

Thomas v. Cal. State Auto. Assoc.

Superior Court of California, County of Alameda, Case No. CH217752

Our firm filed this class action litigation on behalf of all California claims adjusters working for CSAA after mid-January 1997. This lawsuit alleged that, during those years, CSAA mis- classified these workers as exempt "administrators" and refused to pay them for overtime hours worked. This lawsuit settled for \$8 million for nearly 1,200 workers.

Tierno v. Rite Aid Corporation

United States District Court (N.D. California), Case No. 3:05-CV-02520

Our firm filed this action against Rite Aid Corporation on behalf of its salaried California Store Managers. It was alleged that defendant, purportedly the nation's third largest drug store chain, failed to pay overtime to those workers and denied them their meal and rest periods. In 2006, the federal court certified the class in this action, and approved a \$6.9 million settlement.

Tsvetanova v. Regents of the University of California, dba U.C. San Diego Health

Superior Court of California, County of San Diego, Case No. 37-2021-00039888-CU-PO-CTL

This action arose out of U.C. San Diego Health's massive data breach between December 2020 and April 2021 which affected countless patients, consumers and employees. After reviewing

numerous requests for leadership over these consolidated actions, Cole & Van Note was appointed by the court to a co-lead class counsel position.

Witriol v. LexisNexis

United States District Court (S.D. California), Case No. 3:06-CV-02360

Our firm filed an action against this company for its unlawful disclosure of private credit, financial and/or other personal information. This litigation provided a settlement fund of \$2.8 million

APPELLATE EXPERIENCE:

CVN has substantial appellate experience, merely highlighted by some examples below. For other appellate and/or unreported opinions, please contact our firm.

Augustus v. ABM Security Services, Inc. (2016) 2 Cal.5th 257 (Case No. S224853)

Baddie v. Berkeley Farms, Inc. (9th Cir. 1995) 64 F.3d 487 (Case No. 93-17187)

Dunbar v. Albertson's, Inc. (2006) 141 Cal.App.4th 1422 (First Dist., Division 1, Case No. A111153)

In re Certified Tire and Service Centers Wage and Hour Cases (Cal. Supreme Ct. Case No. S252517)

Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116 (Case No. A119697)

Montano v. The Wet Seal Retail, Inc. (2015) Not Reported in Cal.App.4th (2015 Cal. App. LEXIS 1199, Second District, Division 4, Case No. B244107)

O'Hara v. Factory 2-U Stores, Inc., 2003 WL 22451991 (First District, Division 4, Case No. A101452)

Taylor v. Park Place Asset Management (1999) (First Dist., Division 5, Case No. A086407)

Whiteway v. Fedex Kinko's Office and Print Services (9th Cir. 2009) 319 Fed.Appx. 688 (Case No. 07-16696)

CONTACT INFORMATION:

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Exhibit B

Cole & Van Note
Brown v. Yoshi
As of May 31, 2024

Description		Value
Filing and Serving (vendor and court fees)	\$	2,753.75
Research Services	\$	324.96
Mediation	\$	4,720.29
TOTAL	\$	7,799.00

PROOF OF SERVICE

Rios v. Yoshi, Inc., et al.
21STCV13691

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Rebecca Padilla, am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 3055 Wilshire Blvd., 12th Fl., Los Angeles, California 90010. My electronic service address rpadilla@wilshirelawfirm.com.

On **May 31, 2024**, I served the foregoing **DECLARATION OF LAURA VAN NOTE IN SUPPORT OF MOTION FOR FINAL SETTLEMENT APPROVAL**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Scott Edward Cole (SBN 160744)
sec@colevannote.com
Laura Grace Van Note (SBN 310160)
lvn@colevannote.com
Cody Alexander Bolce (SBN 322725)
cab@colevannote.com
COLE & VAN NOTE
555 12th Street, Suite 1725
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Attorneys for Plaintiff Andre Brown

David P. Nemecek, Jr. (SBN 194402)
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THE FORTRESS LAW FIRM, INC.
50 California Street, Suite 1500
San Francisco, CA 94111

Attorneys for Defendant Yoshi, Inc.

- (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.
- (X) **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service **CASEANYWHERE**.

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

Executed this **May 31, 2024** at Los Angeles, California.



Rebecca Padilla