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10 Attorneys for Plaintiff ARNOLD GARCIA,
on behalf of himself, all others similarly
11 situated, and on behalf of the general public.

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **FOR THE COUNTY OF ALAMEDA**

14 ARNOLD GARCIA, on behalf of himself, all
15 others similarly situated, and on behalf of the
16 general public,

17 Plaintiff,

18 v.

19 MCCOLLISTER'S TRANSPORTATION
SYSTEMS, INC.; MCCOLLISTER'S GLOBAL
20 SERVICES, INC.; MCCOLLISTER'S AUTO
TRANSPORT, LLC; and DOES 1-100,
21

22 Defendants.

Case No.: RG21112345

**DECLARATION OF HUNTER PYLE IN
SUPPORT OF PLAINTIFF ARNOLD
GARCIA'S MOTION FOR FINAL
APPROVAL**

Date: August 29, 2023
Time: 3:00 p.m.

1 I, Hunter Pyle, declare as follows:

2 1. I am a member in good standing of the Bar of the State of California and the principal
3 of Hunter Pyle Law in Oakland, California. My law firm is co-counsel of record for the named
4 Plaintiff Arnold Garcia (“Plaintiff”) and the Class in this lawsuit (the “Action”) against
5 MCCOLLISTER’S TRANSPORTATION SYSTEMS, INC.; MCCOLLISTER’S GLOBAL
6 SERVICES, INC.; and MCCOLLISTER’S AUTO TRANSPORT, LLC (collectively,
7 “Defendants”). I have personal knowledge of the facts set forth in this declaration and could and
8 would testify competently to them.

9 **BACKGROUND AND EXPERIENCE OF PLAINTIFF’S COUNSEL**

10 2. In 1997, I received a J.D. degree from Boalt Hall School of Law at the University of
11 California at Berkeley (now known as Berkeley Law).

12 3. As a law student, I clerked for Professor David Feller, one of the premier scholars in
13 the field of labor and employment law. I also worked as a law clerk at Eggleston, Siegel & Lewitter;
14 Beeson, Tayer & Bodine; and Davis, Cowell & Bowe. Each of these firms represents employees in
15 the labor and employment context.

16 4. I have been practicing law since December 1997. From December 1997 through
17 October 2003, I was an associate at Siegel & Yee in Oakland, where I focused my practice mainly
18 on employment law. In that capacity, I was the primary attorney for numerous employment law
19 cases that resolved prior to trial, handling all aspects of these cases. Additionally, I served as second
20 chair in approximately ten trials.

21 5. In October 2003, I left Siegel & Yee and became a partner at Sundeen Salinas & Pyle.
22 In 2017, I left Sundeen Salinas & Pyle and created Hunter Pyle Law. Since that time, most of my
23 cases have involved employment law, and many of them have involved wage and hour matters.
24 Over the past ten years, I have tried approximately fifteen cases to verdict.

25 6. I have previously been approved as Class Counsel in the following cases (among
26 others), which resolved favorably for the class members: *Jackson v. ACE* (Alameda County
27 Superior Court case no. RG05241698; settled for \$1.1 million); *Beasley, et al., v. Allied Cash*
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1 *Advance* (Alameda County Superior Court case no. 07359698; settled for \$400,000); *Schakow v.*
2 *Lerner New York, Inc., et al.*, (Contra Costa County case no. MSC08-01145; settled for \$850,000);
3 *Brown, et al., v. George S. May International Company* (Alameda County Superior Court case no.
4 08413991; settled for \$750,000); *Miriam Aquino Ruelas, et al., v. Neilmed Products, Inc.* (Sonoma
5 County Case no. SCV245231; settled for approximately \$600,000); *Randolph, et al., v. AT&T*
6 *Wireless Services, Inc., et al.*, (Alameda County Superior Court case no. RG05193855; settled for
7 approximately \$70 million); *Booker II, et al., v. Auto Guardian, et al.*, (Alameda Superior Court case
8 no. RG11562117; settled for \$775,000); *Alonzo, et al., v. First Transit, Inc.* (Los Angeles Superior
9 Court case no. BC433932; settled for \$2 million); *Anderson, et al., v. City of Gardena* (Los Angeles
10 Superior Court case no. BC475476; settled for \$370,537); *Lopez, et al., v. City of Montebello* (Los
11 Angeles Superior Court case no. BC553076; settled for \$1 million); *Sadiq v. Greatwide Dedicated*
12 *Transport II, LLC* (Alameda County Superior Court case no. RG15789114; settled for \$762,500);
13 *Kostyuk v. Golden State Overnight Delivery Service, Inc.* (Alameda County Superior Court case no.
14 RG14727191; settled for \$1.25 million); *Newcomb, et al. v. J.B. Hunt Transport, Inc.* (Alameda
15 County Superior Court case no. RG16815734; settled for \$750,000); and *Hooper v. URS Midwest,*
16 *Inc.*, (San Bernardino Superior Court Case no. CIV DS1607489; settled for approximately \$3
17 million); *James v. Packers Sanitation Services, Ltd., Inc.*, (Alameda County Superior Court case no.
18 RG16822242; settled for \$925,000); *Brooks, et al. v. Chariot Transit, Inc.* (San Francisco Superior
19 Court case no. CGC-16-554398; settled for \$750,000); *Austin, et al. v. Foodliner, Inc.* (United States
20 District Court, Northern District of California case no. 4:16-cv-07185-HSG; settled for \$1.2
21 million); *Castro, et al. v. ABM Industries, Inc. et al.* (Northern District of California case no. 17-cv-
22 3026-YGR; certified class action; settled for \$5.4 million); *Botros v. Walgreen Co.* (United States
23 District Court, Northern District of California case no. 3:18-cv-05328; settled for \$2,142,000); and
24 *Toolajian v. Air Methods Corporation* (Northern District of California case no. 18-cv-06722-AGT;
25 certified class and PAGA action; settled for \$1.75 million); *Olivera v. C & B Delivery Service, et al.*
26 (Alameda County Superior Court case no. RG20062287; settled for \$1,068,500.00); *Lopez v. First*

1 *Student* (United States District Court, Central District of California case no. 5:19-cv-01669-JGB-
2 SHK; settled for \$1,475,000.00.)

3 7. Each of these cases, except for the *Randolph* case, was a wage and hour class action
4 (*Randolph* was a consumer class action.) In each of these cases, the court approved attorneys' fees
5 based upon my hourly rate at the time.

6 8. I am the primary contributor to an employment law related blog,
7 www.workersrightsblog.com . Additionally, I am a co-author of "Civil Penalties under the
8 California Private Attorneys General Act (PAGA)," *Employment Damages and Remedies* (CEB
9 2014). I have also served as the updating editor for the *Employee and Union Member Guide to*
10 *Labor Law* (West), Chapter 2 ("Opposing Discriminatory Discharges").

11 9. In 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, and 2017 I have
12 organized and/or presented at annual CLEs put on by the Alameda County Bar Association
13 regarding employment law and class actions. The faculty for these CLEs has included the
14 Honorable Richard A. Kramer, the Honorable Ronald Sabraw, the Honorable Bonnie Sabraw, the
15 Honorable Robert Freedman, the Honorable Steven Brick, the Honorable George Hernandez II, the
16 Honorable David Flinn, Jenna Whitman, Walter Stemmler and Phillip Obbard.

17 10. I am a Lecturer at U.C. Berkeley Law School (formerly known as Boalt Hall). From
18 2014 to 2016, I, along with one other Lecturer, taught the employment law course to second and
19 third year law students. The course materials included a survey of California wage and hour law.
20 From 2017 to present I have taught an advanced seminar on California Wage and Hour Law.

21 11. Almost every year from 2011 to present I have served on the faculty of the Stanford
22 Law School Trial Advocacy Workshop.

23 12. Almost every year from 2011 to present, I have been a panelist at annual seminars put
24 on by Bridgeport regarding California wage and hour law, including the Wage and Hour Litigation
25 Seminar.

26 13. I have made numerous other presentations regarding wage and hour law and class
27 actions. For example, in 2019 and 2020, I spoke on several panels regarding California's Private
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1 Attorneys General Act. I have also spoken on separate panels discussing trends in class action
2 litigation.

3 14. I am a member of the California State Bar Labor and Employment Law Section. In
4 addition, I regularly serve as a volunteer attorney at the Workers' Rights Clinic put on by Legal Aid
5 at Work (formerly known as the Legal Aid Society of San Francisco Employment Law Center). I
6 am also a member or past member of the Alameda County Bar Association Labor and Employment
7 Section and Trial Practice Section.

8 15. My extensive experience in litigating employment wage and hour matters was
9 integral in evaluating the strengths and weaknesses of the case against Defendants and negotiating a
10 fair and reasonable settlement.

11 16. As counsel for Plaintiff and the Settlement Class Members, I have been intimately
12 involved in every aspect of this Action from the filing of the initial Complaint through the present. I
13 believe that the Settlement is an excellent result for Settlement Class Members.

14 17. My experience in the prosecution and resolution of employment and wage and hour
15 litigation in California was a significant factor in evaluating the strengths and weaknesses of the case
16 against Defendants and negotiating a fair and reasonable settlement.

17 18. As Class Counsel in this matter, I have been intimately involved in every aspect of
18 this Action from the filing of the initial Complaint through the present. I believe that the Settlement
19 is an excellent result for the Settlement Class Members.

20 19. Class Counsel is representing Plaintiff and Settlement Class Members on a
21 contingency basis. In my experience in wage and hour class action matters similar to this one, fee
22 awards generally average around one-third of the gross recovery, regardless of whether the
23 percentage or lodestar method is used to calculate the fee award.

24 20. The Total Settlement Amount is \$400,000. That sum includes all payments to
25 Settlement Class Members, the Service Award; the Class Counsel Award; the Settlement
26 Administrator Expenses; and the PAGA Payment, pending this Court's approval.

21. In this motion, Plaintiff seeks reasonable attorneys' fees equaling one-third (33.33%) of the Total Settlement Amount, which equals approximately \$133,333.33.

22. To date, I have spent approximately 20 hours on this case at a billable rate of \$900 per hour.

23. My law firm's paralegal and I kept contemporaneous records of our hours worked on this case by billing our time in increments of one tenth of an hour into our timekeeping system. I have access to that timekeeping system and I access it regularly for purposes of assessing the number of attorney and paralegal hours spent working on the various cases our law firm handles. I relied on these contemporaneously-kept timekeeping records in order to prepare this motion

24. In this case, to date, my firm as a total lodestar of approximately **\$18,000** without the use of any multiplier.

25. However, I anticipate that Class Counsel will spend an additional approximately 5 hours in attorney time preparing for and appearing at the final approval hearing and conducting remaining settlement administration tasks, including responding to questions from Settlement Class Members, and subsequent reporting on the administration of the Settlement.

26. Therefore, I estimate that my firm's final lodestar in this case will be **\$22,500** without the use of any multiplier.

27. My firm has incurred \$74 (seventy-four dollars) in case costs in this matter.

28. My experience in matters similar to this one was integral in evaluating the strengths and weaknesses of this case and the reasonableness of the Settlement. Practice in the narrow field of wage and hour litigation requires skill and knowledge concerning the rapidly evolving substantive state and federal law, as well as the procedural law of class action litigation.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct, and that this declaration was executed on August 4, 2023, in Oakland, California.

Hunter Pyle