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Attorneys for Plaintiff, the Class, and Aggrieved Employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN MATEO

DAVID MONTROYA, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

DRAEGER’S SUPER MARKETS, a
California corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 21-CIV-05746

[Assigned for all purposes to the Honorable Susan
L. Greenberg, Department 3]

**DECLARATION OF MAX W. GAVRON IN
SUPPORT OF PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: November 16, 2023

Time: 9:00 A.M.

Dept.: 3

Complaint Filed: October 25, 2021

FAC Filed: December 7, 2021

Trial Date: Not Set

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I, William L. Marder, declare as follows:

1. I am an attorney at law, duly licensed to practice before all Courts in the State of California, and am with the law firm Polaris Law Group, counsel of record for Plaintiff David Montoya (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could and would do so competently.

2. Based on my review of all the information, and based on my experience in class action litigation, I believe this settlement to be fair, adequate, and reasonable.

3. I do not have any relationship with or connection to the Legal Aid at Work, the proposed *cy pres* beneficiary.

4. I am one of the primary attorneys on this matter. My qualifications are as follows: I received a full-tuition scholarship, and graduated from Southwestern Law School in 2013, *magna cum laude*. I was in the top 5% of my class. During my time at Southwestern, I was a Notes and Comments Editor on the Southwestern Law Review. I also received awards for achieving the highest grade in my class in several courses. In 2012, I was a full-time extern, at the United States District Court for the Central District. Immediately after law school, I taught several courses at Southwestern, including Principles of Legal Analysis and Legal Methods. I taught those courses for approximately four years.

5. I practiced civil litigation at Haight Brown & Bonesteel LLP from approximately September 2013, through January 2016. I was third-chair in a federal court jury trial that resulted in a defense verdict in our client's favor on a \$21 million commercial breach of contract dispute. I also regularly litigated cases across the civil litigation spectrum, including employment matters.

6. From February 2016, through Fall 2017, I practiced at the international law firm of Arnold & Porter, which had recently merged with Kaye Scholer, LLP. I defended Fortune 50 companies in Multi-District Litigation primarily in the product liability sphere. I also successfully drafted an appellate brief in the Ninth Circuit resulting in the reversal of a summary judgment decision regarding trade secret issues, in addition to working in several other practice groups. *See Experian Info. Solutions v. Nationwide Marketing Servs. Inc.*, 893 F.3d 1176 (9th

1 Cir. 2018).

2 7. From September 2017, through September 2018, I served as a law clerk to a
3 Judge sitting on the United States District Court, Central District of California. I regularly
4 prepared bench memoranda, on cases involving all types of civil litigation, including regularly
5 working on wage and hour class actions.

6 8. I am currently an associate at the law firm Diversity Law Group, P.C., an
7 employment law firm that has handled numerous wage and hour class and individual actions, on
8 both plaintiff and defense sides. My current practice focuses on employment matters involving
9 both class actions, and single plaintiffs. The firm currently has cases in the Los Angeles Superior
10 Courts, the Orange County Superior Courts, the San Diego County Superior Courts, and the
11 United States District Courts for the Central, Northern, and Eastern Districts of California. I am
12 currently handling, or have handled, numerous wage and hour class action lawsuits with the firm,
13 including, but not limited to: *Agar v. Sensient Natural Ingredients, LLC* (Case No. CV-19-
14 001906, Stanislaus County Superior Court); *Heredia v. Eddie Bauer LLC* (Case No.
15 16CV300475, United States District Court, Northern District of California); *Parsons v. Estenson*
16 *Logistics, LLC* (Case No. 34-2019-00252929, Sacramento County Superior Court); and *Rodas v.*
17 *Goodyear Tire* (Case No. 21-cv-07526, United States District Court, Central District of
18 California), among many others.

19 9. On June 14, 2019, I argued two related cases in front of the Ninth Circuit Court of
20 Appeals. One of them was *Rodriguez v Nike Retail Service Inc.*, Case No. 17-16866. On June
21 28, 2019, the Ninth Circuit issued a published decision, reversing and remanding in favor of our
22 clients. *Rodriguez v. Nike Retail Servs., Inc.*, 928 F.3d 810 (9th Cir. 2019).

23 10. I have also assisted the firm in numerous wage and hour class action mediations.

24 11. My co-counsel and I will adequately represent the Class Members in this action.
25 Plaintiff's counsel have and will zealously represent Plaintiff and the Class and pursue this
26 lawsuit to its conclusion. I have no conflicts with the Class and will adequately represent the
27 Class.
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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 18th day of October 2023, at Hollister, California.

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