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Attorneys for Plaintiff, ANUAR ROMO on behalf of
himself and others similarly situated
(Additional Counsel listed on next page)

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

MARCELINO ORTUNO, Individually, and
on behalf of other members of the general
public similarly situated,

Plaintiff,

v.

THE HERTZ CORPORATION, a Delaware
Corporation; DTG OPERATIONS, INC., an
Oklahoma Corporation; and DOES 1-10,
inclusive,

Defendants.

CASE NO: 37-2022-00006731-CU-OE-CTL
Assigned to Hon. Carolyn M. Caietti, Dept. C-70

CLASS ACTION

**DECLARATION OF MARCUS J.
BRADLEY IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

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Attorneys for Plaintiff, MARCELINO ORTUNO, Individually, and on behalf of other members
of the general public similarly situated

1 **DECLARATION OF MARCUS J. BRADLEY**

2 I, MARCUS J. BRADLEY, declare as follows:

3 1. I am an attorney duly licensed to practice law before all courts of the State of
4 California. I am the attorney of record for Anuar Romo ("Romo") and the putative class members
5 and aggrieved PAGA employees who are similarly situated employees of Defendant The Hertz
6 Corporation ("Defendant"). I have personal knowledge of the facts set forth below and if called
7 to testify I could and would do so competently.

8 2. All the matters set forth herein are within my personal knowledge, except those
9 matters that are stated to be upon information and belief. As to such matters, I believe them to
10 be true. I have represented Plaintiff Romo and the putative class since the inception of this matter.
11 I submit this declaration in support of the Motion for Preliminary Approval filed by Plaintiff
12 Marcelino Ortuno on behalf of himself and other similarly situated employees of Defendant, and
13 without opposition from Defendant, for preliminary approval of the Parties' Class Action and
14 PAGA Settlement Agreement ("Settlement Agreement," "Settlement," or "Agreement").

15 **QUALIFICATIONS AND ADEQUACY OF CLASS COUNSEL**

16 3. My firm is well qualified because of our experience, knowledge, and resources to
17 act as counsel and represent Plaintiff, the putative class, and the PAGA Employees in this action.

18 4. I have been counsel for Plaintiff Romo, the putative class, and the PAGA
19 Employees throughout this case. I am a partner at Bradley/Grombacher, LLP, which has
20 extensive experience litigating wage and hour class and representative actions as well as complex
21 consumer class actions. Details on the work, experience and accomplishments of the firm can be
22 found at www.bradleygrombacher.com.

23 5. I have represented plaintiffs in consumer and employment class actions since I
24 began practicing law in 1994. In 2000, I joined Mazursky, Schwartz & Angelo as an associate
25 and became a partner in January 2005 at which time the firm was renamed Schwartz, Daniels &
26 Bradley. I remained as a partner handling wage and hour class actions until the dissolution of the
27 firm effective December 31, 2008. In January 2009, I moved my existing practice transferring a
28 number of wage and hour cases to become a partner with the law firm of Marlin & Saltzman, a

1 long-established firm with whom I had been co-counsel on dozens of wage and hour class actions
2 during my tenure at Schwartz, Daniels & Bradley. On September 1, 2016, I formed
3 Bradley/Grombacher LLP with former associate at Marlin & Saltzman, Kiley Grombacher.

4 6. I have been responsible for all facets of class action employment and other
5 complex litigation, from pre-filing investigation through trial and appeal. Since approximately
6 May 2000, I have spent most of my time representing workers in wage and hour matters. I, along
7 with my current and former partners, have litigated these issues in class actions to favorable
8 settlements that have recouped over \$700,000,000.00 in unpaid wages, including the following
9 more notable cases:

10 a. *Gutierrez v. State Farm Mutual*, Los Angeles Superior Court (BC236552). Class
11 action mis-classification case seeking overtime compensation for approximately
12 2,600 insurance claims adjusters employed by State Farm. The class was certified
13 and summary adjudication was granted as to liability in favor of the class. The case
14 settled for \$135 million just prior to trial, with final approval granted with no
15 objections filed.

16 b. *Bednar v. Allstate Insurance Company*, Los Angeles Superior Court (BC240813).
17 Class action mis-classification case seeking overtime compensation for
18 approximately 1,200 insurance claims adjusters employed by Allstate. The class was
19 certified and summary adjudication was granted as to liability in favor of the class.
20 The case settled for \$120 million just prior to trial, with final approval granted with
21 no objections filed.

22 c. *Roberts v. Coast National Insurance*, Orange County Superior Court (01CC08478).
23 Class action mis-classification case seeking overtime compensation for insurance
24 claims adjusters employed by Coast National Insurance. Certification granted, and
25 then the matter was tried before a binding arbitrator. The case settled during the
26 arbitration for an excess of \$18 million.

27 d. *CNA Class Action Litigation*, Los Angeles Superior Court Class (JCCP 4230). Class
28

1 action mis-classification case seeking overtime compensation for insurance claims
2 adjusters employed by Defendant. Case settled for \$33 million, with final approval
3 granted with no objections filed.

4 e. *Dotson v. Royal SunAlliance*, Orange County Superior Court (02CC01787). Class
5 action mis-classification case seeking overtime compensation for insurance claims
6 adjusters employed by Royal SunAlliance. Case settled for \$12.3 million, with final
7 approval granted with no objections filed.

8 f. *Parris v. Lowe's Home Improvement*, Los Angeles County Superior Court
9 (BC260702). Class action seeking payment of "off-the-clock" hours worked by all
10 hourly employees of Lowe's Home Improvement stores in the State of California.
11 The class was certified by the Court of Appeal and remanded to the trial court for
12 further proceedings. Shortly thereafter, a \$29.5 million settlement was reached and
13 approved without objection.

14 g. *Pardo v. Toyota Motor Sales, et al.* Los Angeles County Superior Court (BC372781).
15 Class action mis-classification of workers with claims for overtime and missed meal
16 and rest breaks. The case settled for \$7.75 million and was approved with no
17 objections.

18 h. *Smith/Ballard v. Wal-Mart Stores, Inc.* United States District Court for the Northern
19 District of California (Case No. 4:06-cv-05411-SBA). Wage and hour class action
20 seeking unpaid vacation and personal time, unpaid wages, and related penalties on
21 behalf of over 245,000 employees. The action was certified and settled for \$86
22 million while Defendant's appeal of the certification was pending in the Ninth Circuit
23 Court of Appeals.

24 i. *Hoyng v. AON*, Los Angeles County Superior Court (BC377184). Wage and hour
25 class action seeking overtime and related compensation for mis-classification on
26 behalf of Relationship and Account Specialists. The case settled for \$10.5 million
27 which was approved with no objections filed.
28

- j. *In RE Bank of America Wage and Hour Employment Practices Litigation*, MDL 2138, United States District Court for the District of Kansas. California state and FLSA wage and hour litigation for various violations including unpaid overtime and “off-the-clock” work. Settled for \$73 million.
- k. *Lemus v. H & R Block Litigation*, United States District Court for the Northern District of California (Case No. 3:09-cv-03179-SI) Class certified, and settlement reached prior to trial. Total settlement of \$35 million.
- l. *Harris v. Vector Marketing Corporation*, United States District Court for the Northern District of California (Case No. 3:08-cv-05198-EMC). Class action case on behalf of approximately 70,000 employees misclassified as “trainees.”
- m. *Bickley v. Schneider National Trucking*, United States District Court for the Northern District of California (Case No. 4:08-cv-05806-JSW). Wage and hour class action on behalf of approximately 6,000 truck drivers. Settled for \$29.5million.
- n. *Roberts v. TJX*, United States District Court for the Northern District of California (Case No. 13-CV-04731-MEJ). Wage and hour violations on behalf of approximately 82,000 employees. Settled for \$8.5 million.
- o. *Oprychal v. New York Life Insurance*, United States District Court for the Central District of California (Case No. 2:07-cv-00518-VBF). Class action for the failure to pay commissions pursuant to a compensation plan. Settled for \$10 million.
- p. *Neuvenheim v. Gamestop Corp.*, United States District Court for the Central District of California (Case No. 2:09-cv-06799-ODW). Class action on behalf of nonexempt employees for wage and hour violations.
- q. *Hightower v. JP Morgan Chase*, United States District Court for the Central District of California (Case No. 2:11-cv-01802-PSG). Class action on behalf of nonexempt employees for wage and hour violations. Settled for \$12 million.

7. On many of the above cases, I was either lead or co-lead counsel including cases in multi-district litigation or coordinated proceedings where I worked collaboratively and

1 cooperatively with co-counsel to bring about an efficient and beneficial resolution for all class
2 members as the above results demonstrate.

3 8. I have argued cases in trial courts as well as before courts of appeal. My writings
4 on legal topics pertaining to litigating wage and hour class and representative actions have
5 appeared in professional publications, and I have been called upon to speak at conferences and
6 seminars for professional organizations, including a recent presentation titled "Planning for and
7 Executing Trial in Class and Collective Wage & Hour Cases."

8 9. I have also been honored as a Super Lawyer in the area of class actions by Los
9 Angeles Magazine for multiple years including 2025. I am also a member of a number of
10 professional organizations, including the Consumer Attorneys of Los Angeles, the Consumer
11 Attorneys of California, the California Employment Lawyers Association, and the American
12 Association for Justice.

13 10. My Partner, Ms. Grombacher, specializes her practice in complex litigation
14 including consumer and employment class actions. She has litigated hundreds of employment
15 and consumer class actions throughout her career which began at Arias, Ozzello & Gignac where
16 she gained extensive experience litigating consumer cases.

17 11. Thereafter, Ms. Grombacher joined Marlin & Saltzman in 2010 where she
18 focused her practice almost exclusively on wage and hour, collective and representative actions
19 including the reported case, *Faulkinbury v. Boyd & Associates*, which clarified the holding in
20 seminal case, *Brinker Restaurant Corp. v. Superior Court*, to establish that legality of certain
21 company policies could be determined on a class-wide basis even if the application of the policies
22 varies by individual.

23 12. Ms. Grombacher has been selected by Super Lawyers Magazine as a "Rising
24 Star" in the field of complex litigation since 2015 and as a Super Lawyer since 2017. She has
25 published articles on the field of class action litigation including "A Class-Action Primer" which
26 appeared in *The Advocate*, which is the Journal of Consumer Attorneys of Southern California.

27 13. Ms. Grombacher has also lectured on various topics involving complex case
28 management and recently spoke at the Beverly Hills Bar Association's Class Action and

1 Complex Case Management Conference. She is also a member of a number of professional
2 organizations, including the Consumer Attorneys of Los Angeles and the American Association
3 for Justice.

4 **PROCEDURAL HISTORY**

5 14. On November 7, 2022, Plaintiff Romo provided a written notice to the California
6 Labor and Workforce Development Agency ("LWDA") and to Defendant of provisions of the
7 Labor Code he contends were violated and the theories supporting his contentions. On the same
8 date, Plaintiff Romo also filed a Class Action Complaint against Defendant in the Los Angeles
9 Superior Court, Case No. 22STCV35379 alleging: (a) failure to provide compliant meal periods;
10 (b) failure to provide compliant rest periods; (c) failure to provide accurate itemized wage
11 statements and failure to maintain accurate records; (d) failure to provide sick pay; (e) failure to
12 timely pay wages during employment; and (f) violations of California Business and Professions
13 Code section 17200, et seq. (Unfair Competition Law).

14 15. As of January 12, 2023, the LWDA did not take any action to investigate or
15 prosecute the matters alleged in Plaintiff Romo's November 7, 2022, written notice.

16 16. On February 17, 2023, Plaintiff Romo filed a First Amended Class Action and
17 Representative Action Complaint additionally alleging civil penalties under PAGA for the
18 California Labor Code violations alleged in the November 7, 2022, Complaint.

19 **PLAINTIFF AND HIS COUNSEL ADEQUATELY REPRESENT THE CLASS**

20 17. Plaintiff Romo retained and is represented by counsel with substantial experience
21 in wage and hour class action litigation. Additionally, there is no evidence of antagonism
22 between Plaintiff Romo's interests and those of the Class Members. Plaintiff Romo has litigated
23 this case in good faith and his interests are aligned with those of the Class Members as they both
24 share a common interest in challenging the legality of Defendant's policies and procedures.

25 **OTHER ACTIONS WITH SIMILAR CLAIMS**

26 18. After making reasonable inquiries, I am not aware of any other class,
27 representative, or other collective action in any other court in this or any other jurisdiction that
28 asserts claims like those asserted in the Action on behalf of a class or group of individuals some

1 or all of whom would also be members of the Class defined in this action.

2 I declare under penalty of perjury that the foregoing is true and correct. Executed on
3 November 20, 2024, at Westlake Village, California.

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8 Marcus J. Bradley, Esq.
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