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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

DAMONTAE LEVINGSTON, KEVIN
PEARSON, MARK GUTIERREZ, and
PAUL RODRIGUEZ, as individuals and
on behalf of all others similarly situated,

Plaintiffs,

v.

COMMERCE DISTRIBUTION
COMPANY LLC., a California Limited
Liability Company; SMART & FINAL
LOGISTICS LLC, a Delaware limited
liability company; SMART & FINAL
STORES, LLC, a California limited
liability company, and SMART & FINAL
LLC, a Delaware limited liability company
and DOES 1 through 50, inclusive,

Defendants.

CASE NO. 22STCV05730

*[Case assigned for all purposes to the Hon.
Randolph M. Hammock, Dept. 49]*

**DECLARATION OF KYLE NORDREHAUG
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: April 5, 2023
Time: 8:30 a.m.
Dept.: 49

Action Filed: February 15, 2022
Trial Date: None Set

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DECLARATION OF KYLE NORDREHAUG IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS
SETTLEMENT

I, Kyle Nordrehaug, declare:

1. I am a partner of the law firm of Blumenthal Nordrehaug Bhowmik De Blouw LLP ("BNBD"), counsel for Plaintiff Mark Gutierrez. As such, I am fully familiar with the facts, pleadings and history of this matter. The following facts are within my own personal knowledge, and if called as a witness, I could testify competently to the matters stated herein.

2. This declaration is being submitted in support of Plaintiffs' Motion for Preliminary Approval of Class Settlement. The settlement reached between Plaintiffs Damontae Levingston, Kevin Pearson, Mark Gutierrez, and Paul Rodriguez (collectively, "Plaintiffs"), individually and on behalf of all members of the Class, on the one hand, and Defendants Smart & Final Logistics, LLC, Commerce Distribution Company, LLC, and Smart & Final Stores, LLC (collectively "Defendants"), on the other hand, is set forth in the Stipulation of Settlement ("Settlement Agreement" or "Settlement") submitted with this motion.

Experience of BNBD

3. Over the course of the litigation, my firm has worked actively on this matter. The firm credentials are reflected in the BNBD Resume, a true and correct copy of which is attached hereto as Exhibit #1. Some of the major cases our firm has undertaken are also set forth therein. BNBD has represented hundreds of thousands of employees in hundreds of legal matters, including PAGA lawsuits and hundreds of employment class actions. BNBD's practice is devoted almost entirely to the prosecution of wage and hour class action and PAGA action matters. The attorneys at BNBD have been appointed lead counsel in hundreds of contested motions for class certification including many consolidated wage and hour matters. The attorneys at my firm have extensive experience in cases involving labor code violations and

1 overtime claims. BNBD has litigated similar overtime cases against other employers on behalf
2 of employees, including cases against Cigna, HealthNet, Securitas, Okta, See's Candies, Walt
3 Disney Resorts, El Pollo Loco, Panda Express, Universal Protection, Mattress Firm, Total Renal,
4 Liberty Mutual, Union Bank, Apple, Coventry Health Care, Qualxserv, Union Bank, Marriott,
5 Kaiser / Permanente, Walgreens, and California State Automobile Association. My firm has
6 been approved as class counsel by state and federal courts in California in contested class
7 certification motions, including approvals in this Court. It is this level of experience which
8 enabled the firm to undertake the instant matter and to successfully combat the resources of the
9 defendants and their capable and experienced counsel. On account of the concerted and
10 dedicated effort this case demanded in order to properly handle and prosecute, BNBD was
11 precluded from taking other cases, and in fact, had to turn away other potential fee generating
12 cases.

13
14 4. Blumenthal Nordrehaug Bhowmik De Blouw LLP was responsible for handling
15 the briefing and argument that resulted in the landmark ruling of *Sakkab v. Luxottica Retail N.*
16 *Am., Inc.*, 803 F.3d 425 (9th Cir. 2015). There, Blumenthal Nordrehaug Bhowmik De Blouw
17 LLP overcame opposition by Littler Mendelson and amici Curiae briefs submitted by Mayer
18 Brown LLP to persuade the Ninth Circuit of the importance of the substantive rights of the State
19 of California under the California Private Attorney General Act of 2004 ("PAGA"). BNBD took
20 the lead on this case where the ruling was the reaffirmation of the PAGA statute and the *Iskanian*
21 rule. BNBD also has recently engaged in noted appellate work on the subject of class actions in
22 the California Court of Appeals resulting in the opinions handed down in *Securitas Sec. Services*
23 *USA, Inc. v. Superior Court*, 234 Cal. App. 4th 1109, 184 Cal. Rptr. 3d 568 (2015) (class or
24 representative action waiver in an employment-related arbitration agreement was
25 unenforceable); *Altman v. Solarcity Corp.*, No. D067582, 2016 Cal. App. Unpub. LEXIS 3536
26 (Ct. App. May 13, 2016) (same). In 2015, Blumenthal Nordrehaug Bhowmik De Blouw LLP
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received an award from the Daily Journal for Top Appellate Reversal, and I received an award from the Daily Journal as Top Labor & Employment Attorney in 2016.

5. District Judge Irma Gonzales in a consolidated class action representing hundreds of armed forces officers held that Blumenthal Nordrehaug Bhowmik De Blouw LLP was "qualified counsel with extensive experience in class action litigation." *McPhail v. First Command Fin. Planning, Inc.*, 247 F.R.D. 598, 611 (S.D. Cal. 2007). Examples of other contested actions where class certification was granted Blumenthal Nordrehaug Bhowmik De Blouw LLP and was appointed lead class counsel in wage and hour class actions in Federal Court include *Schulz v. Qualxserv, LLC*, 2012 U.S. Dist. LEXIS 58561 (S.D. Cal. 2012); *Dobrosky v. Arthur J. Gallagher Serv. Co., LLC*, No. EDCV 13-0646 JGB (SPx), 2014 U.S. Dist. LEXIS 106345 (C.D. Cal. July 30, 2014); *Culley v. Lincare Inc.*, No. 2:15-cv-00081-MCE-CMK, 2016 U.S. Dist. LEXIS 105704 (E.D. Cal. Aug. 10, 2016); *Nelson v. Avon Prods.*, No. 13-cv-02276-BLF, 2015 U.S. Dist. LEXIS 51104 (N.D. Cal. Apr. 17, 2015); *Orozco v. Illinois Tool Works*, U.S.D.C. Case No. 14-cv-02113-MCE, 2016 U.S. Dist. LEXIS 158115 (E.D. Cal. February 17, 2017); *Metrow v. Liberty Mutual*, U.S.D.C. Case No. EDCV 16-1133 JGB (C.D. Cal. May 1, 2017). Some examples of heavily contested State Court wage and hour class actions where class certification was obtained and BNBD was appointed lead class counsel include *El Pollo Loco Wage and Hour Cases*, Orange County Superior Court, JCCP Case No. 4957 (July 30, 2018); *Torrento v. Lucile Packard Children's Hospital*, Santa Clara County Superior Court Case No. 2016-1-CV-291035 (July 17, 2018); *Salem v. Alliance*, San Bernardino Superior Court, Case No. CIVRS1401129 (March 8, 2016); *Rivers v. Veolia*, Sonoma County Superior Court Case No. SCV 255350 (March 9, 2016); *Mathies v. Union Bank*, San Francisco Superior Court Case No. CGC-10-498077 (Sept. 11, 2013); *Jefferson v. Bottling Co, LLC*, Orange County Superior Court Case No. 30-2009-00180102-CU-OE-CXC (Sept. 7, 2010); *Rangel v. Balboa Ambulance Co.*, 37-2008-00095700-CU-BT-CTL (Fe. 11, 2010); *Tan v. CSAA*, Orange County Superior Court, Case No. 30-2008-00231219 (Nov. 23, 2009).

1
2 The Settlement Is Fair, Reasonable and Adequate:

3 6. On July 20, 2020, Plaintiff Gutierrez provided notice to Defendant Smart & Final
4 Stores LLC and to the LWDA of Defendant Smart & Final Stores LLC's alleged Labor Code
5 violations and his intent to seek civil penalties under PAGA.

6 7. On August 4, 2022, Plaintiff Gutierrez filed a class action complaint in Los
7 Angeles County Superior Court, case number 22STCV25180, alleging that Defendant Smart &
8 Final Stores LLC failed to: (i) comply with California's Unfair Competition laws; (ii) pay all
9 minimum wages; (iii) pay all overtime wages owed; (iv) provide all meal periods; (v) authorize
10 and permit all rest periods; (vi) furnish accurate itemized wage statements; (vii) reimburse
11 necessary business expenses; (viii) pay all final wages upon separation of employment; (ix)
12 reimburse all necessary business expenses; and (x) pay all sick pay wages. On October 12, 2022,
13 Plaintiff Gutierrez filed a second, representative action complaint against Defendant Smart &
14 Final Stores LLC in Los Angeles County Superior Court, case number 22STCV33312, alleging
15 a single cause of action for civil penalties under PAGA premised upon the same underlying
16 Labor Code violations.
17

18 8. On or about January 31, 2023, the Plaintiffs filed a consolidated Second Amended
19 Complaint (SAC) in the *Levingston* matter against Smart & Final Logistics, LLC, Commerce
20 Distribution Company, LLC and Smart & Final Stores, LLC, naming all Plaintiffs as named
21 parties in the action, consolidated all legal and factual allegations in the various actions, and
22 alleging that Defendants: (i) failed to pay wages for all hours worked, including overtime; (ii)
23 failed to provide meal periods, or premium pay for non-compliant meal periods; (iii) failed to
24 authorize and permit all rest periods, or pay premium pay for non-complaint rest periods; (iv)
25 failed to furnish accurate itemized wage statements; (v) failed to pay all wages owed upon
26 termination; (vi) failed to reimburse reasonable and necessary business expenses; (vi) failed to
27 provide accrued sick leave; and derivative claims for (vii) PAGA and (viii) violations of
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1 California Business and Professions Code §§ 17200 *et seq.* (the “Action”). Defendants deny
2 Plaintiffs’ claims.

3 9. On November 7, 2022, the Parties attended mediation with Jeffrey Ross, Esq., an
4 experienced and well-respected wage and hour mediator, who made a mediator’s proposal for a
5 class-wide resolution of all claims at issue that was accepted on behalf of the Parties and the
6 Settlement Class members. Before attending mediation, Defendants provided Plaintiffs with
7 timekeeping and payroll data for a random sampling of approximately 10% of the Settlement
8 Class members, consisting of electronic timekeeping and payroll records, key policy documents,
9 and workweek data spanning the entire Class Period. Plaintiffs then retained an expert with a
10 Ph.D. in economics to analyze the data and create a class-wide exposure model for the claims at
11 issue. After the Parties accepted the mediator’s proposal, the Parties negotiated and executed the
12 long-form Settlement Agreement that is now before this Court for preliminary approval.

13
14 10. As a material term of the Settlement reached during the Parties’ November 7,
15 2022 mediation, on January 31, 2023, Plaintiffs filed the operative SAC in the instant action,
16 consolidating all legal and factual allegations and causes of action alleged in Plaintiffs’
17 respective actions, naming Defendants Smart & Final Logistics, LLC and Smart & Final Stores,
18 LLC as additional named defendants in the instant action, and naming Plaintiff Pearson, Plaintiff
19 Rodriguez, and Plaintiff Gutierrez as additional named plaintiffs in the instant action.

20 11. In this case, the Settlement reached in the total non-reversionary amount of Five
21 Million Dollars, and Zero Cents (\$5,000,000.00) as the Gross Settlement Amount is the product
22 of substantial effort by the Parties and counsel should be approved as fair, reasonable and
23 adequate. The Settlement was the result of arms-length negotiations during mediation and
24 extensive follow up thereafter between experienced counsel. The Settlement was only reached
25 after extensive factual and legal investigation and research, careful evaluation of the respective
26 parties' strengths and weaknesses, and diligent negotiation efforts. The Settlement amount is a
27 negotiated compromise which took into account risks related to liability, damages, and all the
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1 defenses asserted by Defendants. The risk that class certification would not be granted was an
2 extremely important consideration, as the denial of class certification would mean that the class
3 would receive nothing. The fear of retaliation and blacklisting makes it unlikely that absent class
4 certification, individuals would come forward to assert their rights individually. Although I am
5 of the opinion that a class can be certified, I also believe in the fairness of the settlement that is
6 based on factoring in the uncertainty and risks to Plaintiffs involved in not prevailing on one or
7 more of the causes of action or theories alleged, the possibility of non-certification and potential
8 for appeals. Based on the foregoing data and our own independent investigation and evaluation,
9 I am of the opinion that the settlement with the Defendants for the consideration and on the terms
10 set forth in the Settlement is fair, reasonable, and adequate and is in the best interest of the class
11 in light of all known facts and circumstances, including the risk of significant delay, the defenses
12 asserted by Defendants, and numerous potential appellate issues.

14 12. From the inception of the case, Class Counsel has zealously represented the
15 interests of the Class. The settlement was obtained for the benefit of the Class, as opposed to the
16 individual Class Representatives. Class Counsel have been approved as class counsel in a
17 number of prior cases, have litigated numerous other class action cases, and are competent to
18 represent the Class.

19 13. Plaintiffs and Plaintiffs' counsel are adequate representatives in that they have no
20 conflicts with the class and will adequately represent the Class.

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

24 Executed this 7th day of March, 2023, at San Diego, California.

26 
27 Kyle Nordrehaug
28

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FIRM RESUME

Areas of Practice: Employee, Consumer and Securities Class Actions, Wage and Hour Class Actions, Civil Litigation, Business Litigation.

ATTORNEY BIOGRAPHIES

Norman B. Blumenthal

Partner, Blumenthal Nordrehaug Bhowmik De Blouw LLP (2018 to present)

Practice Areas: Consumer and Securities Class Action, Civil Litigation, Wage and Hour Class Actions, Transactional Law

Admitted: 1973, Illinois; 1976, California

Biography: Law Clerk to Justice Thomas J. Moran, Illinois Supreme Court, 1973-1975, while on Illinois Court of Appeals. Instructor, Oil and Gas Law: California Western School of Law, 1981; University of San Diego School of Law, 1983. Sole Practitioner 1976-1987. Partner, Blumenthal & Ostroff, 1988-1995. Partner, Blumenthal, Ostroff & Markham, 1995-2001. Partner, Blumenthal & Markham, 2001-2007. Partner, Blumenthal & Nordrehaug, 2007. Partner, Blumenthal, Nordrehaug & Bhowmik, 2008-2018. Partner, Blumenthal Nordrehaug Bhowmik De Blouw LLP, 2018 - present.

Member: San Diego County, Illinois State and American Bar Associations; State Bar of California.

Educated: University of Wisconsin (B.A., 1970); Loyola University of Chicago (J.D., 1973);

Summer Intern (1971) with Harvard Voluntary Defenders

Kyle R. Nordrehaug

Partner, Blumenthal Nordrehaug Bhowmik De Blouw LLP (2018 to present)

Practice Areas: Consumer and Securities Class Actions, Wage and Hour Class Actions, Civil Litigation

Admitted: 1999, California

Biography: Associate, Blumenthal, Ostroff & Markham, 1999-2001. Associate, Blumenthal & Markham, 2001-2007. Partner, Blumenthal & Nordrehaug, 2007. Partner, Blumenthal, Nordrehaug & Bhowmik, 2008-2017

Member: State Bar of California, Ninth Circuit Court of Appeals, Third Circuit Court of Appeals

Educated: University of California at Berkeley (B.A., 1994); University of San Diego School of Law (J.D. 1999)

Awards: Top Labor & Employment Attorney 2016; Top Appellate Reversal - Daily Journal 2015; Super Lawyer 2015-2018

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Practice Areas: Civil Litigation; Consumer Class Actions, Wage and Hour Class Actions

Admitted: 2006, California

Educated: University of California at San Diego (B.A., 2002); University of San Diego School of Law (J.D. 2006)

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Practice Areas: Civil Litigation; Consumer Class Actions, Wage and Hour Class Actions

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Educated: University of California, San Diego (B.A. 1998); Loyola Law School (J.D. 2001)

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Practice Areas: Civil Litigation; Wage and Hour Class Actions

Admitted: 2016, California

Educated: Arizona State University; University of San Diego School of Law

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Associate Attorney

Practice Areas: Civil Litigation; Wage and Hour Class Actions

Admitted: 2020, New Mexico

Educated: University of Southern California; California Western School of Law

REPORTED CASES

Sakkab v. Luxottica Retail N. Am., Inc., 803 F.3d 425 (9th Cir. 2015) (The panel reversed the district court's order granting Luxottica Retail North America, Inc.'s motion to compel arbitration of claims and dismissing plaintiff's first amended complaint, in a putative class action raising class employment-related claims and a non-class representative claim for civil penalties under the Private Attorney General Act.);

Securitas Security Services USA, Inc. v. Superior Court, 234 Cal. App. 4th 1109 (Cal. Feb. 27, 2015) (Court of Appeal concluded the trial court correctly ruled that *Iskanian* rendered the PAGA waiver within the parties' dispute resolution agreement unenforceable. However, the Court of Appeal then ruled the trial court erred by failing to invalidate the non-severable class action waiver from the agreement and remanded the entire complaint, including class action and PAGA claims, be litigated in the Superior Court);

Sussex v. United States Dist. Court for the Dist. of Nev., 781 F.3d 1065 (9th Cir. 2015) (The panel determined that the district court clearly erred in holding that its decision to intervene mid-arbitration was justified under *Aerojet-General*. Specifically, the panel held that the district court erred in predicting that an award issued by the arbitrator would likely be vacated because of his "evident partiality" under 9 U.S.C. § 10(a)(2).);

Provost v. YourMechanic, Inc., 2020 Cal. App. Lexis 955 (Oct. 15, 2020) (Court of Appeals affirmed denial of arbitration of PAGA claim, and held in a case of first impression, that there was no additional standing rules for PAGA claim brought by independent contractor);

In re Tobacco Cases II, 41 Cal. 4th 1257 (2007); Washington Mutual Bank v. Superior Court, 24 Cal. 4th 906 (2001); Rocker v. KPMG LLP, 148 P.3d 703; 122 Nev. 1185 (2006); PCO, Inc. v. Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP, 150 Cal. App. 4th 384 (2007); Hall v. County of Los Angeles, 148 Cal. App. 4th 318 (2007); Coshov v. City of Escondido, 132 Cal. App. 4th 687 (2005); Daniels v. Philip Morris, 18 F.Supp 2d 1110 (S.D. Cal.1998); Gibson v. World Savings & Loan Asso., 103 Cal. App. 4th 1291 (2003); Jordan v. Department of Motor Vehicles, 75 Cal. App. 4th 445 (1999); Jordan v. Department of Motor Vehicles, 100 Cal.App. 4th 431 (2002); Norwest Mortgage, Inc. v. Superior Court, 72 Cal.App.4th 214 (1999); Hildago v. Diversified Transp. Sya, 1998 U.S. App. LEXIS 3207 (9th Cir. 1998); Kensington Capital Mgal. v. Oakley, Inc., 1999 U.S. Dist LEXIS 385; Fed.Sec.L.Rep. (CCH) P90, 411 (1999 C.D. Cal.); Lister v. Oakley, Inc., 1999 U.S. Dist. LEXIS 384; Fed. Sec. L. Rep. (CCH) P90,409 (C.D Cal. 1999); Olszewski v. Scripps Health, 30 Cal. 4th 798 (2003); Steroid Hormone Product Cases, 181 Cal. App. 4th 145 (2010); Owen v. Macy's, Inc., 175 Cal. App. 4th 462 (2009); Taiheiyo Cement Corp. v. Superior Court, 117 Cal. App. 4th 380 (2004); Taiheiyo Cement Corp. v. Superior Court, 105 Cal.App. 4th 398 (2003); McMeans v. Scripps Health, Inc., 100 Cal. App. 4th 507 (2002); Ramos v. Countrywide Home Loans, 82 Cal.App. 4th 615 (2000); Tevssier v. City of San Diego, 81 Cal.App. 4th 685 (2000); Washington Mutual Bank v. Superior Court, 70 Cal. App. 4th 299 (1999); Silvas v. E*Trade Mortg. Corp., 514 F.3d 1001 (9th Cir. 2008); Silvas v. E*Trade Mortg. Corp., 421 F. Supp. 2d 1315 (S.D. Cal. 2006); McPhail v. First Command Fin. Planning, Inc., 2009 U.S. Dist. LEXIS 26544 (S.D. Cal. 2009); McPhail v. First Command Fin. Planning, Inc., 251 F.R.D. 514 (S.D. Cal. 2008); McPhail v. First Command Fin. Planning, Inc., 247 F.R.D. 598 (S.D. Cal. 2007); Barcia v. Contain-A-Way, Inc., 2009 U.S. Dist. LEXIS 17118 (S.D. Cal. 2009); Barcia v. Contain-A-Way, Inc., 2008 U.S. Dist. LEXIS 27365 (S.D. Cal. 2008); Wise v. Cubic Def. Applications, Inc., 2009 U.S. Dist. LEXIS 11225 (S.D. Cal. 2009); Gabisan v. Pelican Prods., 2009 U.S. Dist. LEXIS 1391

(S.D. Cal. 2009); La Jolla Friends of the Seals v. Nat'l Oceanic & Atmospheric Admin. Nat'l Marine Fisheries Serv., 630 F. Supp. 2d 1222 (S.D. Cal. 2009); La Jolla Friends of the Seals v. Nat'l Oceanic & Atmospheric Admin. Nat'l Marine Fisheries Serv., 2008 U.S. Dist. LEXIS 102380 (S.D. Cal. 2008); Louie v. Kaiser Found. Health Plan, Inc., 2008 U.S. Dist. LEXIS 78314 (S.D. Cal. 2008); Weltman v. Ortho Mattress, Inc., 2010 U.S. Dist. LEXIS 20521 (S.D. Cal. 2010); Weltman v. Ortho Mattress, Inc., 2008 U.S. Dist. LEXIS 60344 (S.D. Cal. 2008); Curry v. CTB McGraw-Hill, LLC, 2006 U.S. Dist. LEXIS 5920; 97 A.F.T.R.2d (RIA) 1888; 37 Employee Benefits Cas. (BNA) 2390 (N.D. Cal. 2006); Reynov v. ADP Claims Servs. Group, 2006 U.S. Dist. LEXIS 94332 (N.D. Cal. 2006); Kennedy v. Natural Balance Pet Foods, Inc., 2010 U.S. App. LEXIS 248 (9th Cir. 2010); Kennedy v. Natural Balance Pet Foods, Inc., 2008 U.S. Dist. LEXIS 38889 (S.D. Cal. 2008); Kennedy v. Natural Balance Pet Foods, Inc., 2007 U.S. Dist. LEXIS 57766 (S.D. Cal. 2007); Sussex v. Turnberry/MGM Grand Towers, LLC, 2009 U.S. Dist. LEXIS 29503 (D. Nev. 2009); Picus v. Wal-Mart Stores, Inc., 256 F.R.D. 651 (D. Nev. 2009); Tull v. Stewart Title of Cal., Inc., 2009 U.S. Dist. LEXIS 14171 (S.D. Cal. 2009); Keshishzadeh v. Gallagher, 2010 U.S. Dist. LEXIS 46805 (S.D. Cal. 2010); Keshishzadeh v. Arthur J. Gallagher Serv. Co., 2010 U.S. Dist. Lexis 116380 (S.D. Cal. 2010); In re Pet Food Prods. Liab. Litig., MDL Docket No. 1850 (All Cases), 2008 U.S. Dist. LEXIS 94603 (D.N.J. 2008); In re Pet Food Prods. Liab. Litig., 629 F.3d 333 (3rd Cir. 2010); Puentes v. Wells Fargo Home Mortgage, Inc., 160 Cal. App. 4th 638 (2008); Rezec v. Sony Pictures Entertainment, Inc., 116 Cal. App. 4th 135 (2004); Badillo v. Am. Tobacco Co., 202 F.R.D. 261 (D. Nev. 2001); La Jolla Friends of the Seals v. Nat'l Oceanic & Atmospheric Admin., 2010 U.S. App. Lexis 23025 (9th Cir. 2010); Dirienzo v. Dunbar Armored, Inc., 2011 U.S. Dist. Lexis 36650 (S.D. Cal. 2011); Rix v. Lockheed Martin Corp., 2011 U.S. Dist Lexis 25422 (S.D. Cal. 2011); Weitzke v. Costar Realty Info., Inc., 2011 U.S. Dist Lexis 20605 (S.D. Cal. 2011); Goodman v. Platinum Condo. Dev., LLC, 2011 U.S. Dist. LEXIS 36044 (D. Nev. 2011); Sussex v. Turnberry/MGM Grand Towers, LLC, 2011 U.S. Dist. LEXIS 14502 (D. Nev. 2011); Smith v. Kaiser Foundation Hospitals, Inc., 2010 U.S. Dist. Lexis 117869 (S.D. Cal. 2010); Dobrosky v. Arthur J. Gallagher Serv. Co., LLC, No. EDCV 13-0646 JGB (SPx), 2014 U.S. Dist. LEXIS 106345 (C.D. Cal. July 30, 2014); Metrow v. Liberty Mut. Managed Care LLC - Class Certification Granted, Metrow v. Liberty Mut. Managed Care LLC, No. EDCV 16-1133 JGB (KKx), 2017 U.S. Dist. LEXIS 73656 (C.D. Cal. May 1, 2017); Nelson v. Avon Products, Inc., Class Certification Granted, U.S. District Court for The Northern District of California, Case No. 13-cv-02276-BLF, 2015 U.S. Dist. LEXIS 51104 (N.D. Cal. Apr. 17, 2015); Orozco v. Illinois Tool Works Inc., Class Certification Granted, 2017 U.S. Dist. LEXIS 23179 (E.D. Cal. Feb. 16, 2017); Rieve v. Coventry Health Care, Summary Judgment *Sua Sponte* Granted for Plaintiff, Rieve v. Coventry Health Care, Inc., 870 F. Supp. 2d 856 (C.D. Cal. 2012)

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