

Marcus J. Bradley, Esq. (SBN 174156)
Kiley L. Grombacher, Esq. (SBN 245960)
BRADLEY/GROMBACHER, LLP
31365 Oak Crest Drive, Suite 240
Westlake Village, California 91361
Telephone: (805) 270-7100
Facsimile: (805) 270-7589
mbradley@bradleygrombacher.com
kgrombacher@bradleygrombacher.com

Garen Majarian, Esq. (SBN 334104)
Sahag Majarian II, Esq. (SBN 146621)
MAJARIAN LAW GROUP APC
18250 Ventura Boulevard
Tarzana, California 91356
Telephone: (818) 609-0807
Facsimile: (818) 609-0892
garen@majarianlawgroup.com
sahagii@aol.com

Attorneys for Plaintiffs and the Class
(Additional Counsel on Next Page)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

HECTOR J. MEJIA on behalf of himself
and all others similarly situated,

Plaintiff,

v.

WALMART INC., a Delaware
corporation; and DOES 1 through 10,
inclusive,

Defendant.

Case No.: CIVSB-2207614

[Assigned for all purposes to the Hon. David E.
Driscoll, Dept. S22]

**DECLARATION OF MARCUS J. BRADLEY
IN SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: April 16, 2024

Time: 8:30 a.m.

Dept.: S22

1 Larry W. Lee (State Bar No. 228175)
2 Mai Tulyathan (State Bar No. 316704)
3 **DIVERSITY LAW GROUP, P.C.**
4 515 S. Figueroa St., Suite 1250
5 Los Angeles, California 90071
6 (213) 488-6555
7 (213) 488-6554 facsimile
8 lwlee@diversitylaw.com
9 ktulyathan@diversitylaw.com

10 B. James Fitzpatrick (SBN: 129056)
11 Laura L. Franklin (SBN: 282642)
12 **FITZPATRICK & SWANSTON**
13 555 S. Main Street
14 Salinas, CA 93901
15 Telephone: (831) 755-1311
16 Facsimile: (831) 755-1319
17 bjfitzpatrick@fandslegal.com
18 lfranklin@fandslegal.com

19 Dennis S. Hyun (State Bar No. 224240)
20 **HYUN LEGAL, APC**
21 515 S. Figueroa St., Suite 1250
22 Los Angeles, CA 90071
23 (213) 488-6555
24 (213) 488-6554 facsimile

25 Attorneys for Plaintiffs and the Class
26
27
28

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

1. I am an attorney at law duly licensed to practice law before all of the courts of the State of California, and most of the district courts within the Ninth Circuit. I am a partner in the law firm of Bradley/Grombacher, LLP counsel for Plaintiff Hector Mejia now filing this Motion for Final Approval of Class Action Settlement. In my capacity as counsel, I have been actively involved with all aspects of this litigation. Accordingly, I have personal knowledge of all the matters set forth herein, and if called, I could and would competently testify to the following:

2. I have been counsel for Plaintiff and the proposed class throughout this case. I am a partner at Bradley/Grombacher, LLP, which has extensive experience litigating wage and hour class and representative actions as well as complex consumer class actions. Details on the work, experience and accomplishments of the firm can be found at www.bradleygrombacher.com.

4. I have been responsible for all facets of class action employment and other complex litigation, from pre-filing investigation through trial and appeal. Since approximately May 2000, I have spent most of my time representing workers in wage and hour matters. I, along with my current and former partners, have litigated these issues in class actions to favorable

1 settlements that have recouped over \$800,000,000.00 in unpaid wages, including the following
2 more notable cases:

- 3 a. *Gutierrez v. State Farm Mutual*, Los Angeles Superior Court (BC236552). Class
4 action mis-classification case seeking overtime compensation for approximately 2,600
5 insurance claims adjusters employed by State Farm. The class was certified and
6 summary adjudication was granted as to liability in favor of the class. The case settled
7 for \$135 million just prior to trial, with final approval granted with no objections filed.
- 8 b. *Bednar v. Allstate Insurance Company*, Los Angeles Superior Court (BC240813).
9 Class action mis-classification case seeking overtime compensation for approximately
10 1,200 insurance claims adjusters employed by Allstate. The class was certified and
11 summary adjudication was granted as to liability in favor of the class. The case settled
12 for \$120 million just prior to trial, with final approval granted with no objections filed.
- 13 c. *Roberts v. Coast National Insurance*, Orange County Superior Court (01CC08478).
14 Class action mis-classification case seeking overtime compensation for insurance
15 claims adjusters employed by Coast National Insurance. Certification granted, and
16 then the matter was tried before a binding arbitrator. The case settled during the
17 arbitration for an excess of \$18 million.
- 18 d. *CNA Class Action Litigation*, Los Angeles Superior Court Class (JCCP 4230). Class
19 action mis-classification case seeking overtime compensation for insurance claims
20 adjusters employed by Defendant. Case settled for \$33 million, with final approval
21 granted with no objections filed.
- 22 e. *Dotson v. Royal Sun Alliance*, Orange County Superior Court (02CC01787). Class
23 action mis-classification case seeking overtime compensation for insurance claims
24 adjusters employed by Royal Sun Alliance. Case settled for \$12.3 million, with final
25 approval granted with no objections filed.
- 26 f. *Parris v. Lowe's Home Improvement*, Los Angeles County Superior Court
27 (BC260702). Class action seeking payment of "off-the-clock" hours worked by all
28 hourly employees of Lowe's Home Improvement stores in the State of California. The

1 class was certified by the Court of Appeal and remanded to the trial court for further
2 proceedings. Shortly thereafter, a \$29.5 million settlement was reached and approved
3 without objection.

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

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

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

18 j. *In RE Bank of America Wage and Hour Employment Practices Litigation*, MDL 2138,
19 United States District Court for the District of Kansas. California state and FLSA wage
20 and hour litigation for various violations including unpaid overtime and "off-the-
21 clock" work. Settled for \$73 million.

22 k. *Lemus v. H & R Block Litigation*, United States District Court for the Northern District
23 of California (Case No. 3:09-cv-03179-SI) Class certified, and settlement reached
24 prior to trial. Total settlement of \$35 million.

25 l. *Harris v. Vector Marketing Corporation*, United States District Court for the Northern
26 District of California (Case No. 3:08-cv-05198-EMC). Class action case on behalf of
27 approximately 70,000 employees misclassified as "trainees."

28 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. *Opyrchal 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.

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

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

7. I have also been honored as a Super Lawyer in the area of class actions by Los Angeles Magazine for multiple years including 2023. I am also a member of a number of professional organizations, including the Consumer Attorneys of Los Angeles, the Consumer Attorneys of California, the California Employment Lawyers Association, and the American Association for Justice.

1 **FEEES AND COSTS**

2 8. Pursuant to the Settlement Agreement and California case law, Plaintiff Mejia's
3 counsel respectfully requests 35% of the Maximum Settlement Amount, or \$4,200,000.00, in
4 Attorneys' Fees.

5 9. Bradley Grombacher LLP has incurred costs of suit of approximately \$4,000.27
6 as of March 18, 2024. Exhibit 1 is a ledger identifying each individual charge incurred by our
7 firm in this action. The date corresponding to each individual charge may reflect the date the
8 charge was entered into our accounting system, rather than the date when the charge occurred.

9 10. The expenses incurred by our firm consist of: (1) filing fees, court fees, and service
10 of process; (2) mediation fees; and (3) expert costs. We do not bill for mail, copies and postage.

11 11. The charges correspond to the actual costs incurred in this case, rather than a pro-
12 rata or other share of our firm's generalized costs.

13 12. These expenses were necessary to the prosecution and successful resolution of the
14 case.

15 **ADEQUACY AND FAIRNESS**

16 13. Plaintiff Mejia and his counsel are adequate representatives in that they have no
17 conflicts with the class and will adequately represent the class.

18 14. Plaintiff Mejia and his counsel support the settlement as fair, reasonable, and
19 adequate, and in the best interest of the Class Members as a whole.

20 **EXHIBITS**

21 15. Attached as Exhibit 1 to this Declaration is a true and correct copy of a cost bill
22 for the various costs that our firm has incurred in this case, which we ran on March 19, 2024, based
23 on our firm's accounting records.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct and based on my personal knowledge.

26 Executed on March 20, 2024, in Westlake Village, California.

27 
28 Marcus J. Bradley

Exhibit 1

BRADLEY GROMBACHER LLP
Transaction Report
All Dates

Date	Transaction Type	Num	Adj	Name	Memo/Description	Account	Split	Debit	Credit	Balance
04/12/2022	Expense	ORD-000157889	No	LWDA	Walmart (Mejia) - 20220411	ADVANCED COSTS:Court Costs	Mark - VS 4830	75.00		75.00
05/11/2022	Bill	VN197076	No	COMMERCIAL PROCESS	Walmart (Mejia) - 20220411	ADVANCED COSTS:Filing Fees	Accounts Payable	91.30		166.30
05/31/2022	Bill	19019029	No	FIRST LEGAL NETWORK	Walmart (Mejia) - 20220411	ADVANCED COSTS:Filing Fees	Accounts Payable	1,669.76		1,836.06
06/30/2022	Bill	19019512	No	FIRST LEGAL NETWORK	Walmart (Mejia) - 20220411	ADVANCED COSTS:Filing Fees	Accounts Payable	85.86		1,921.92
09/16/2022	Bill	11590464	No	CCALL	CIVSB2207614 / Walmart (Mejia) - 20220411	ADVANCED COSTS:Court Call	Accounts Payable	94.00		2,015.92
07/07/2023	Bill	9150642-1	No	BOSCO LEGAL SERVICES INC	Stipulation / Case #CIVSB 2207614 - Walmart (Mejia) - 20220411 (\$149.95+1556.50 = \$1705.95)	ADVANCED COSTS:Filing Fees	Accounts Payable	149.45		2,165.37
07/07/2023	Bill	9150642-2	No	BOSCO LEGAL SERVICES INC	Proposed Order / Case #CIVSB 2207614 - Walmart (Mejia) - 20220411 (\$149.95+1556.50 = \$1705.95)	ADVANCED COSTS:Filing Fees	Accounts Payable	1,556.50		3,721.87
07/12/2023	Expense	231013238	No	San Bernadino Superior Court	Document - 23 pages x \$0.50 / Walmart (Mejia) - 20220411	ADVANCED COSTS:Court Costs	Kiley - VS 1305	11.50		3,733.37
07/13/2023	Bill	9183239	No	BOSCO LEGAL SERVICES INC	Service Fee Re: Court / Walmart (Mejia) - 20220411	ADVANCED COSTS:Filing Fees	Accounts Payable	59.95		3,793.32
09/20/2023	Expense	9605608	No	BOSCO LEGAL SERVICES INC	Walmart (Mejia) - 20220411	ADVANCED COSTS:Filing Fees	AMEX:CC - 4002(MB)	134.95		3,928.27
11/22/2023	Expense	11768277	No	CCALL	Walmart (Mejia) - 20220411 // This was canceled for Mejia v. Walmart 20220411	ADVANCED COSTS:Court Call	AMEX:CC - 4002(MB)	72.00		4,000.27
11/28/2023	Credit Card Credit	11768277	No	CCALL	Walmart (Mejia) - 20220411 // This was canceled for Mejia v. Walmart 20220411	ADVANCED COSTS:Court Call	AMEX:CC - 4002(MB)		72.00	3,928.27
12/19/2023	Expense		No	CCALL	Walmart (Mejia) - 20220411	ADVANCED COSTS:Court Call	AMEX:CC - 4002(MB)	72.00		4,000.27
Total for Walmart (Mejia) - 20220411								\$ 4,072.27	\$ 72.00	
TOTAL								\$ 4,072.27	\$ 72.00	\$ 4,000.27

Tuesday, Mar 19, 2024 07:02:17 AM GMT-7 - Accrual Basis