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Attorneys for Plaintiff and the Class

(Additional Counsel on Next Page)

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC CHAVEZ, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

CONVERSE, INC., a Delaware
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 15-cv-03746-NC

**DECLARATION OF WILLIAM L. MARDER
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: November 20 2020

Time: 1:00 p.m.

Courtroom: 5, 4th Floor

Judge: Hon. Nathanael M. Cousins

Complaint Filed: July 10, 2015

1 Dennis S. Hyun (State Bar No. 224240)
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DECLARATION OF WILLIAM L. MARDER

I, William L. Marder, hereby declare and state as follows:

1. I am an attorney at law duly admitted to practice before all courts in the State of California and am a member of the law firm of the Polaris Law Group, LLP, one of the attorneys of record for Plaintiff Eric Chavez ("Plaintiff"), in the above entitled action.

2. Along with my co-counsel, I have expended considerable time and effort in litigating this case, including reviewing and drafting/revising numerous pleadings, preparing and reviewing discovery, reviewing documents, meeting and conferring with Plaintiff in person and by phone, and researching the issues in this case.

3. After taking into account sharply disputed factual and legal issues involved in this litigation, the risks attending further prosecution, and the substantial benefits to be received pursuant to the compromise and settlement of the litigation, I have concluded that settlement on the terms hereinafter set forth is appropriate and in the best interests of the Parties and that this settlement is fair and reasonable.

4. To date, my firm has incurred approximately 107.4 hours on this case. I have attached a summary of the time I have spent on this matter, as **Exhibit A**, which reflects a breakdown of the hours and activities spent by my firm on this matter.

5. I also anticipate spending an additional 10 hours through the final approval hearing, including attending the final approval hearing, and further conferring with Class Members regarding the case status. Class Counsel has also received a number of calls during the settlement administration process from Class Members with questions about the case and the current settlement, all of which have been responded to by Counsel.

6. My current billing rate is at \$750.00 per hour. I have been approved at my hourly rate of \$700 since 2018, including in cases, *Huertas v. Chevron Stations*, Santa Clara Sup. Ct. Case No. 17CV309996, and *Chavez v. Hugo Boss, Inc.*, Santa Clara Sup. Ct Case No. 18CV322644. In 2020, this Court approved my hourly rate of \$750 in *Ramirez v. Walgreen*, N.D. Cal. Case No. 18-cv-03921-EJD (Dkt. No. 34), Magistrate Judge Beeler in *Reilly v. Recreational Equipment, Inc.*, N.D. Cal. Case No. 3:18-cv-07385-LB (Dkt. No. 61), and the

1 Santa Clara County Superior Court in *Hernandez v. Wells Fargo Bank*, Santa Clara Sup. Ct.
2 Case No. 16CV299319. As such, the total of my firm's attorney's fees through final approval
3 and administration of the settlement is expected to be \$88,050 (117.4 x \$750).

4 7. I have incurred \$1,170.95 in costs. Attached hereto as **Exhibit B** is a true and
5 correct copy of my cost bill.

6 8. My qualifications are as follows: I graduated from UCLA Law School in 1993
7 and was admitted to the California Bar in 1994. Since that time, I have acquired substantial
8 experience in employment litigation. I have represented both plaintiffs and defendants. I
9 estimate that I have handled more than 300 employment cases, litigating cases in state and
10 federal courts.

11 9. I have defended large institutional employers in employment cases. From 1995-
12 1997, as an associate at Bolling, Walter & Gawthrop in Sacramento, I represented the City of
13 Sacramento, Yolo County, the City of Davis, Solano County and other employers in employment
14 litigation in state and federal courts.

15 10. From 1997-2000, I served as a Deputy County Counsel in San Benito, handling
16 all of its employment matters. These matters include advising the county on compliance with
17 wage and hour laws, arbitrations, and litigation.

18 11. From 2002-2006, I was a partner at Paxton O'Brien, LLP in Hollister, an AV
19 rated firm, where I represented numerous plaintiffs and defendants in employment lawsuits.

20 12. In 2006, I co-founded the Polaris Law Group where I spend most of my time
21 handling employment cases. I primarily represent employees.

22 13. I have been the sole trial attorney in two jury trials in which I represented a
23 plaintiff who prevailed on wrongful termination claims brought pursuant to the California Fair
24 Employment & Housing Act, California Government § 12900 *et seq.* These three cases are:
25 Gamayo v. Drobný Law Offices, Sacramento Superior Court Case No.: 34-2008-00005372CU;
26 and Cherub Berlanga v. Willow Grove School District, San Benito County Superior Case No.:
27 CU-09-00100.

28 14. I have been the sole trial attorney in two court trials in which I represented

1 plaintiffs who prevailed on wage and hour claims. These cases are: Smith v. Joyce, Monterey
2 County Superior Court Case No.: M74334; and Nava v. Rodriguez, San Benito County Superior
3 Court Case No.: CU-08-00022.

4 15. I have also been approved as class counsel in numerous cases including *Sison v.*
5 *Headway Technologies*, Case No. 1-13-CV-254591 and *Barrera v. Home Depot*, Northern
6 District of California Case No. C 12 5199 LHK.

7 16. Plaintiff's counsel does not have any relationship with Legal Aid at Work.

8 I declare under penalty of perjury under the laws of the State of California and the United
9 States that the foregoing is true and correct.

10 Executed on October 15, 2020, at Hollister, California.

11 /s/ William S. Marder
12 William L. Marder
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EXHIBIT “A”

<u>Description</u>	<u>Hours</u>
Meeting with client	1.5
Review client documents	0.5
Review and revise Complaint	1.7
Legal research re potential claims and defenses	4.9
Review and revise first amended complaint	2.5
Review Defendant's document production	5.5
Review Defendant's discovery responses	5.5
Meeting with plaintiff re deposition	2.5
Review deposition transcripts of class members	30
Review and revise motion for class certification	5.5
Review ruling on motion for class certification	2.5
Review defendant's motion for summary judgment on regular rate	2.5
Revise plaintiff's motion for summary judgment	4.5
Review motion for summary judgment on de minimis	5.5
Review ruling on cross motions for summary judgment	1.5
Review defendant's motion for summary judgment on penalties	5.5
Revise mediation brief	2.5
Revise motion for preliminary approval	2.5
Draft declaration in support of motion for preliminary approval	2.5
Review and revise settlement agreement	2.5
Review and revise class notice	1.5
Confer with class members re settlement	10
Revise motion for attorneys' fees and final approval	2.5
Draft Declaration in support of motion for final approval.	2.5
Review and revise final judgment	2.5
	Total
	107.4

EXHIBIT “B”

Polaris Law Group LLP
501 San Benito Street, Suite 200
Hollister, CA 95023
831-531-4211

September 29, 2020

Eric Chavez
681 Arnold Drive
Gilroy, CA 95020

In Reference To: v. Converse, Inc.

15-0032

Invoice # 12777

Additional Charges :

	<u>Amount</u>
12/16/2015 Hotel, Parking, Mileage and Meals.	500.00
5/26/2016 Deposition Costs for Eric Chavez by Litigation Services.	670.95
Total additional charges	<u>\$1,170.95</u>
Balance due	<u><u>\$1,170.95</u></u>