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10 Attorneys for Plaintiff,
11 BREANA DAUGHERTY

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN MATEO
14 CIVIL COMPLEX DEPARTMENT

15 SOLARCITY WAGE AND HOUR CASES,

16 Coordination Proceeding
17 Special Title (CRC Rule. 3.550)

18 Coordinated actions:

19 *Irving v. SolarCity Corp.*,
20 San Mateo County Superior Court,
21 Case No. CIV 525975

22 *Thomas v. SolarCity Corp.*,
23 San Diego County Superior Court,
24 Case No. 37-2017-00018317

JUDICIAL COUNCIL COORDINATION
PROCEEDING CASE NO. **JCCP 4945**

(Included actions: Case No. CIV 525975 and
Case No. 37-2017-00018317)

DECLARATION OF SHAUN SETAREH
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Hearing Information

Date: September 13, 2018
Time: 10:00 a.m.
Department: 2

1 **DECLARATION OF SHAUN SETAREH IN SUPPORT OF MOTION FOR**
2 **PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

3 I, SHAUN SETAREH, declare as follows:

4 1. I am an attorney duly licensed to practice law in the State of California and am an
5 attorney of record for Plaintiff BREANA DAUGHERTY (“Plaintiff” or “Daugherty”) in her
6 Lawsuit against Defendant Solarcity Corporation (“Defendant”).

7 2. Except as otherwise indicated, I have personal knowledge of all matters set forth
8 herein and, if called as a witness, could and would competently testify thereto under oath.

9 3. My firm and I, as a partner at Setareh Law Group, are well-experienced class action
10 attorneys. I have considerable experience in class action litigation. I, along with my associates, do
11 not have a conflict of interest with the class. Therefore, we are qualified to serve as class counsel
12 for the settlement class.

13 4. I have been involved in this Action case since its inception in September of 2016.
14 Based on my qualifications (which are set forth below), I am adequate to be appointed as class
15 counsel in this case. For the reasons set forth in detail in the concurrently filed Motion for
16 Preliminary Approval of Class Action Settlement, and supporting Declarations, I concur with my
17 co-counsel that the class action settlement in this case is fair, adequate, and reasonable based on the
18 substantial risks that continued litigation would present.

19 5. To the best of my knowledge, neither Plaintiff nor I have any conflicts of interest
20 with absent class members in this case.

21 6. I have been involved as lead or co-lead class counsel in numerous wage and hour,
22 consumer, and antitrust class action cases. The following is a sampling of class actions in which I
23 have been extensively involved or appointed as class counsel:

24 a. *Troester v. Starbucks Corporation*, et al., In the Supreme Court of the State
25 of California, Case No. S234969 (lead counsel in this case where California Supreme Court
26 clarified and rejected the application of the widely adopted federal *de minimis* doctrine to
27 California’s wage-hour laws).

28 b. *Utne v. Home Depot U.S.A., Inc.*, U.S District Court, Northern District of

1 California, Case No. 16-cv-01854-RS (granting class certification against Home Depot in
2 connection with uncompensated off-the-clock work occurring at the start of all employee shifts and
3 at the end of closing shifts).

4 c. *Padilla v. UPS*, U.S. District Court, Central District of California, Case No.
5 08-CV-1590 (granted final approval in a case involving claims for failure to provide meal periods to
6 part time employees engaged in sort operations and failure to pay final wages in a timely manner to
7 terminated employees).

8 d. *Vang v. Burlington Coat Factory Warehouse Corp.*, U.S. District Court,
9 Central District of California Case No. 09-CV-8061 (granted final approval in a case involving,
10 among other things, vacation pay forfeitures, failures to provide meal and rest periods, and failures
11 to pay overtime wages based on employee misclassification).

12 e. *Garcia v. Am. Gen. Fin. Mgmt. Corp.*, U.S. District Court, Central District of
13 California, Case No. 09-CV-1916 (granted final approval in a case filed on behalf of account
14 managers in case involving, among other things, alleged overtime miscalculations and meal and rest
15 period violations).

16 f. *O'Neill v. Genesis Logistics, Inc.*, U.S. District Court, Northern District of
17 California, Case No. 08-CV-4707 (granted final approval in a case involving claims for failure to
18 provide meal periods to employees who worked as drivers delivering goods to 7-11 stores
19 throughout California and failure to pay final wages in a timely manner to terminated employees).

20 g. *Spokes v. Lush Cosmetics, LLC*, Los Angeles Superior Court, Case No.
21 BC391397 (granted final approval in a case alleged failures to provide meal and rest periods and
22 failure to timely pay all final wages to California sales associates and key holders).

23 h. *Green v. Staples Contract and Commercial, Inc.*, Los Angeles Superior
24 Court, Case No. BC389789 (granted final approval in a case involving claims for unprovided meal
25 and rest periods, inaccurate wage statements, waiting time penalties, and unfair business practices
26 on behalf of truck drivers delivering Staples office supplies in California).

27 i. *Green v. Universal Music Group*, Los Angeles Superior Court, Case No.
28 BC374253 (granted final approval in a case involving misclassification claims of current or former

1 IT Support employees, including engineers, server analysts, desktop support, and technical leads).

2 j. *Jones v. Shred-It USA, Inc.*, U.S. District Court, Central District of
3 California, Case No. 11-CV-00526 (granted final approval in a case brought on behalf of customer
4 service representatives and balers for alleged off-the-clock work and meal and rest period
5 violations).

6 k. *Alvarez v. Gary Grace Enterprises, LP*, Marin Superior Court, Case No. CIV
7 1002553 (granted final approval in a case on behalf of hair salon employees for overtime
8 miscalculation and related claims).

9 l. *Calderon v. GreatCall, Inc.*, San Diego Superior Court, Case No. 37-2010-
10 00093743-CU-OE-CTL (granted final approval in a case on behalf of customer service employees
11 for, among other things, alleged meal and rest period violations and overtime calculation errors).

12 m. *Jones v. Shred-It USA, Inc.*, U.S. District Court, Central District of
13 California, Case No. 11-CV-00526 (granted final approval in a case brought on behalf of customer
14 service representatives and balers for alleged off-the-clock work and meal and rest period
15 violations).

16 n. *Alvarez v. Gary Grace Enterprises, LP*, Marin Superior Court, Case No. CIV
17 1002553 (granted final approval in a case on behalf of hair salon employees for overtime
18 miscalculation and related claims).

19 o. *Calderon v. GreatCall, Inc.*, San Diego Superior Court, Case No. 37-2010-
20 00093743-CU-OE-CTL (granted final approval in a case on behalf of customer service employees
21 for, among other things, alleged meal and rest period violations and overtime calculation errors).

22 p. *Douglas v. California Credit Union*, Los Angeles Superior Court, Case No.
23 BC445050 (granted final approval in a case on behalf of customer service representatives alleging
24 overtime miscalculation claims).

25 q. *Cerdenia v. USA Truck, Inc.*, U.S. District Court, Central District of
26 California, Case No. 10-CV-1489-JVS (granted final approval in an action on behalf of truck
27 drivers for meal and rest period violations, off-the-clock pre- and post-shift work, and unauthorized
28 wage deductions).

s. *Valencia v. SCIS Air Security Corp.*, Los Angeles Superior Court, Case No. BC421485 (granted class certification through contested motion in case on behalf of former security workers based on late final wage payments in violation of Labor Code §§ 201–203; subsequently granted preliminary approval of proposed class action settlement).

7. I received my undergraduate degree at UCLA in 1996 and my law degree from Loyola Law School in 1999. Since being admitted to the State Bar of California in 1999, I have actively practiced civil litigation for the entirety of that time period.

I declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed on Tuesday, August 28, 2018 at Beverly Hills, California.

DocuSigned by:
Shawn Setareh
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SHAUN SETAREH
Declarant