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and all others similarly situated

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

PHILLIP BERNAL, TRUHILL NOEL,
KHYELL MARTIN, DAMIEN
MCNORTON, WADDIE EARNEST,
GILBERT ESTRADA, CARMEN
HERNANDEZ, and WENDY
QUINTERO, individually, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

EXPRESS MESSENGER SYSTEMS,
INC., dba ONTRAC, a Minnesota
Corporation, ONTRAC LOGISTICS,
INC., a Delaware Corporation, and DOES
2-10, Inclusive,

Defendants.

Case No. CIVSB2319614

ASSIGNED FOR ALL PURPOSES TO:

Hon. Joseph Ortiz

Department S-17

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF BRANDON
BROUILLETTE IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT AND REQUEST FOR
ATTORNEY'S FEES AND COSTS**

Date: July 21, 2026

Time: 1:30 p.m.

Dept.: S-17

Complaint filed: August 15, 2023

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Attorneys for Plaintiff CARMEN HERNANDEZ and WENDY QUINTERO

1 I, Brandon Brouillette, declare:

2 1. I am an attorney licensed to practice before all of the courts of the State of
3 California, and I am a partner with Crosner Legal, PC, co-counsel of record for Plaintiffs in this
4 action. I submit this declaration in support of Plaintiffs' Motion for Final Approval of Class and
5 Representative Action Settlement. I have personal knowledge of all facts stated herein, and if
6 called as a witness, I could and would competently testify thereto.

7 **Settlement was Reached through Arms-Length Negotiations**

8 2. On March 25, 2025, the Parties mediated the case with Kevin Barnes, a respected
9 professional neutral with extensive class action/wage and hour experience as a litigator and
10 mediator. Chad Saunder and I appeared at the mediation on behalf of Crosner Legal, PC,
11 accompanied by our co-counsel and attorney representatives from their respective firms. Before
12 and during the mediation, Plaintiffs and their counsel analyzed, researched, and investigated the
13 potential issues, including matters related to the calculation of penalties, trial, and appellate issues
14 and risks. During mediation, the Parties vigorously debated the likelihood of Plaintiffs' ability to
15 proceed on a class basis and representative basis as to the PAGA claims, the legal grounds for
16 Plaintiffs' claims and Defendant's defenses, and the Parties' data analyses and conclusions based
17 on data provided by Defendant. After a contentious day of negotiations, the Parties reached
18 agreement and subsequently formalized their tentative settlement in the Settlement Agreement
19 now before the Court for approval.

20 3. In my opinion, the negotiated settlement is fair, adequate, and reasonable. The
21 settlement provides substantial monetary benefits to the Class, and as to the PAGA portion-- to
22 the LWDA and aggrieved employees.

23 **Qualifications of Counsel**

24 4. Crosner Legal, PC and its attorneys are well qualified and have extensive
25 experience litigating wage-and-hour class actions and representative PAGA actions like the
26 instant action. Since its inception the firm has successfully prosecuted numerous class action and
27 representative PAGA cases—including several through contested certification—often resulting in
28 large seven and eight figure settlements.

1 5. Zach Crosner is a 2010 graduate of University San Diego School of Law, and has
2 some 14 years of experience as a practicing attorney, all of which have focused on litigation of
3 employment, labor law, consumer, and class action claims. Following graduation, he immediately
4 began working for a nationally recognized plaintiff's complex litigation firm, CaseyGerry, where
5 he had the fortune of working directly with past presidents of the consumer attorneys and
6 recipients of trial attorneys of the year awards. He also worked for former CAALA and CLAY
7 trial attorney of the year recipient, attorney Conal Doyle, as his sole associate attorney. During his
8 tenure at these firms, he focused on advocating for the rights of consumers and employees in class
9 action litigation, civil rights and employment litigation, catastrophic injuries, insurance bad faith
10 and appellate litigation.

11 6. In 2013, he founded the law firm of Crosner Legal, P.C. which since its inception
12 has focused almost exclusively on plaintiff-side class actions lawsuits representing employees,
13 consumers and other victims. Currently, over ninety percent (95%) of his practice is dedicated
14 exclusively to the prosecution of class actions and representative action lawsuits, and his law firm
15 is currently responsible as lead counsel or co-lead counsel for prosecuting over one hundred (100)
16 active wage and hour class actions and/or PAGA representative actions, as well as a multitude of
17 consumer and privacy class actions, in both federal and state courts throughout California. He has
18 been a direct participant in over one hundred (100) class action and/or representative action
19 settlements where he has been approved as adequate lead counsel.

20 7. Mr. Crosner currently is an executive board member of the Wage and Hour
21 Committee and the Legislative Committee for the California Employment Lawyers Association; a
22 member of the Grassroots Advocacy Team for the National Employment Lawyers Association;
23 Wage and Hour Committee member and Class Action Committee member for the National Trial
24 Lawyers; a member of the American Association for Justice; and member of the Pound Civil
25 Justice Institute. He was selected for 2018-23 by Super Lawyers as a "Southern California Rising
26 Star" for employment and labor law.

27 8. I am a graduate of Loyola Law School, Los Angeles, from which I received a *juris*
28 *doctorate* degree in 2009. Prior to attending law school, I attended the University of Southern

1 California, from which I received a *bachelors of science* in Business Administration in 2006.

2 9. I have been a Partner at Crosner Legal since February 1, 2023. Prior to joining
3 Crosner Legal, I was a Senior Associate and Team Director of a Wage and Hour Litigation Team
4 at Capstone Law APC, which I originally joined as an associate attorney in May 2016.

5 10. Since being admitted to the California State Bar in 2010, my entire legal career has
6 been dedicated to protecting employee and consumer rights through the prosecution of class
7 action and representative actions filed on behalf of plaintiffs in class actions and statewide
8 representative actions. Throughout my career I have managed or co-managed more than 100
9 class action and PAGA representative cases, from initial filing of the complaint through final
10 resolution.

11 11. In particular, I have served as class counsel in several certified class action cases,
12 including: *Party City Wage and Hour Cases*, JCCP4781 (class counsel for certified class of non-
13 exempt hourly employees who worked for Defendants in California); *Lewis v. Express Messenger*
14 *Systems*, Los Angeles Superior Court Case No. BC501521 (class counsel for certified class of
15 last-mile delivery drivers who were alleged to be misclassified as independent contractors);
16 *Ramirez-Vivar v. Grifols Diagnostic Solutions, Inc., et al.*, Alameda County Superior Court, Case
17 No. RG21099519 (class counsel for certified classes of non-exempt hourly employees who
18 worked for Defendants in California); *Jones v. LA Live*, Los Angeles County Case No. BC687908
19 (class counsel for certified issue classes consisting of hourly employees who worked at Staples
20 Center and Nokia Theater); *Ruby Bonner v. Providence Health System—Southern California*, Los
21 Angeles County Case No. 21STCV09585 (class counsel for certified class of non-exempt
22 employees).

23 12. The following is a representative sample of settlements in wage and hour class
24 action and PAGA representative cases in which I was listed as an attorney of record and either
25 managed, or co-managed with attorneys at my firm and other co-counsel: *Cruz v. Walmart*, Los
26 Angeles County Super. Ct. Case No. 18STCV03128 (\$15 million global PAGA settlement on
27 behalf of hourly employees statewide for alleged Labor Code violations.); *Vorise v. 24 Hour*
28 *Fitness USA, Inc.*, Contra Costa County Super₃ Ct., Case No. C 15-02051 (\$11 million global

1 PAGA settlement on behalf of over 36,000 employees for Labor Code violations.); *Gross v.*
2 *Sodexo*, Kern County Super Ct., Case No. BCV-18-101746 Capstone (\$4.75 million class and
3 PAGA settlement on behalf of class of non-hourly employees for Labor Code violations.);
4 *Campbell v. AEG* (\$1.8M class and PAGA settlement on behalf of group of hourly employees
5 who worked at concert venues in California for alleged Labor Code violations); *Fiebelkorn v.*
6 *AEG*, et al. Los Angeles Superior Court Case No. BC717337 (\$1.75M class settlement on behalf
7 of group of hourly employees who worked at Oakland Coliseum for alleged Labor Code
8 violations); *Espindola v. Panda Express*, San Bernardino Superior Court Case No.
9 CIVDS1931455 (\$3.125M class and PAGA settlement on behalf of hourly employees statewide
10 for alleged Labor Code violations); *Gold v. Benihana*, San Diego Court Superior Court Case No.
11 37-2016-00022320-CU-OE-NC (\$2.25M class and PAGA settlement on behalf of hourly
12 employees statewide for alleged Labor Code violations); *Party City Wage and Hour Cases*,
13 JCCP4781 (\$6.5M class and PAGA settlement on behalf of hourly employees statewide for
14 alleged Labor Code violations); *Lewis v. Express Messenger Systems*, Los Angeles County Super
15 Court Case No. BC501521 (\$10.5M class and PAGA settlement on behalf of a statewide group of
16 independent contractor last-mile delivery drivers alleged to be misclassified); *Flores v. Tesla*,
17 Alameda County Superior Court Case No. RG18907072 (\$4M class and PAGA settlement on
18 behalf of statewide group of hourly employees for alleged Labor Code violations); *Ruiz v. Disney*
19 *Stores*, San Bernardino Superior Court Case No. CIVDS2016983 (\$2M class and PAGA
20 settlement on behalf of statewide group of hourly employees who worked at retail stores in
21 California for alleged Labor Code violations); *Ramirez v. Yin Management*, Sacramento County
22 Superior Court Case No. 34-2021-00301530 (\$1.8M class and PAGA settlement on behalf of
23 statewide group of hourly employees who worked at Defendant's McDonald's franchises in
24 California for alleged Labor Code violations); *Suhartono v. RRG Besh*, Los Angeles County
25 Superior Court Case No. 19STCV22184 (\$2.25 class and PAGA settlement on behalf of
26 statewide group of hourly employees who worked at Defendant's McDonald's franchises in
27 California for alleged Labor Code violations); *Gomes v. Kura Sushi*, Los Angeles County
28 Superior Court Case No. 19STCV18977 (\$1.75M class and PAGA settlement on behalf of

1 statewide group of hourly employees who worked at Defendant's restaurants in California for
2 alleged Labor Code violations); *Saldana v. Hydrochem*, Contra Costa Superior Court Case No.
3 CIVMSC19-02624 (\$1.38M class and PAGA settlement on behalf of statewide group of hourly
4 employees for alleged Labor Code violations).

5 13. Kiara Bramasco received her undergraduate degree, magna cum laude, from
6 Loyola Marymount University in Political Science, and then received her JD from Loyola Law
7 School in 2018. She then spent several years with well-known plaintiff's firm Moss Bollinger,
8 first as a law clerk and then as an associate, where her practice focused on employment law,
9 particularly wage and hour class action and PAGA litigation. She joined Crosner Legal in 2021.

10 14. Branden Hamilton obtained her undergraduate degree from UCLA in 2004, and
11 her law degree from George Washington University in 2007. She has been affiliated with my
12 firm since 2017 and became Of Counsel with Crosner Legal in 2019, and her practice focuses
13 almost exclusively on wage and hour class and representative actions. She has spent her entire
14 career representing plaintiffs in employment litigation, including several years as an associate at
15 well-known plaintiff's firm Carlin & Buchsbaum.

16 15. Chad Saunders is a former partner with Crosner Legal, and he has more than 10
17 years' experience handling plaintiff-side employment class actions and individual cases,
18 including wage and hour disputes and discrimination claims. Before and during his time with
19 Crosner Legal his practice focused on class and collective actions as well advocating on behalf of
20 employees who have not been provided with reasonable accommodations for their mental and
21 physical disabilities. He received his J.D. from New College of California School of Law in 2008,
22 and a B.A. in Philosophy from the University of Maryland Baltimore County in 2001.

23 16. Crosner Legal, P.C. has obtained several multi-million dollar wage and hour class
24 action settlements while serving as lead class counsel in recent years, including but not limited to
25 a \$1.9 million wage and hour class action settlement in 2015 (*Smith v. Lux Retail North America,*
26 *Inc.*, Case No. 3:13-cv-01579-WHA (N.D. Cal.)); a \$4.1 million wage and hour class action
27 settlement in 2016 (*Aguirre v. Mariani Nut Company, Inc. et al.*, Case No. 34- 2016-00190252
28 (Sacramento Cty. Super Ct.)); a \$1.35 million wage and hour class action settlement in 2017

1 (*Montelone v. Ocean Cities Pizza, Inc.*, Case No. 56-2014-00458249 (Ventura Cty. Super. Ct.)), a
2 \$1.8 million wage and hour class action settlement in 2018 (*Latham v. K.W.P.H. Enterprises, Inc.*
3 *dba American Ambulance*, Case No. 17C-0162 (Kings Cty. Super Ct.)), a \$1.3 million wage and
4 hour class action settlement in 2019 (*Means, et al. v. AirGas USA, LLC*, Case No. 17-CV-2160
5 JGB (C.D. Cal.)), a \$1.5 million wage and hour settlement in 2020 (*Babouchian, et al. v.*
6 *Wyndham Vacation Ownership, et al.*, Case No. CV18-14601 (San Diego Cty. Super. Ct.)), a
7 \$1.15 million wage and hour class action settlement in 2020 (*Buford v. Medical Solutions LLC*,
8 Case No. 4:18-CV-04864-YGR (N.D.Cal.)); a \$7.25 million wage and hour class action
9 settlement in 2020 in *Avina, et al. v. First Alarm Security & Patrol, Inc.*, Case No. 18CV323753
10 (Santa Clara Cty. Super Ct.); a \$2.2 million wage and hour class action settlement in 2021
11 (*Ghorchian, et al. v. West Hills Hospital, et al.*, Case No. LS029737 (Los Angeles Cty. Super.
12 Ct.)); a \$2.85 million dollar wage and hour settlement in 2021 (*Valencia v. The Original*
13 *Mowbray's Tree Service, Inc.*, Case No. CIVDS1825518 (San Bernardino Cty. Super. Ct.)); a \$1
14 million wage and hour class action settlement in 2022 (*Duong v. Loan Factory, Inc.*, Case No.
15 21CV382467 (Santa Clara Cty. Super. Ct.)), a \$1.4 million wage and hour class action settlement
16 in 2023 in *Correa, et al. v. FedEx Supply Chain, Inc.*, Case No. CIVDS2023369 (San Bernardino
17 Cty. Super. Ct.), a \$2.38 million wage and hour class action settlement in 2023 in *Michel, et al. v.*
18 *Valley Thrift Store, Inc.*, Case No. 21STCV00925 (Los Angeles Cty. Super. Ct.); a \$2.5 million
19 wage and hour class action settlement in 2023 in *Jajuga v. Pilot Travel Centers*, Case No.
20 CIVDS1931464 (San Bernardino Cty. Super. Ct.); \$1.015 million wage and hour class action
21 settlement in 2023 in *Gotishan v. Kyo Autism Therapy*, Case No. CGC-21-596378 (San Francisco
22 Cty. Super. Ct); and a \$1.15 million wage and hour PAGA settlement in 2023 in *Vaughn v.*
23 *Public Health Foundation Enters., Inc.*, Case No. 21STCV18512 (Los Angeles Cty. Super. Ct.); a
24 \$1.5 million wage and hour class action settlement in *McKinnie v. Iron Mountain*, Case No.
25 21STCV05707 (Los Angeles Cty. Super. Court); a \$1.3 million wage and hour class action
26 settlement in *Ellsworth, et al. v. Hallcon*, Case No. 20STCV06618 (Los Angeles Cty. Super.
27 Court); a \$1.925 million wage and hour class settlement in 224 in *Lo v. Cyberpower, Inc.*, Case
28 No. 21STCV31479 (Los Angeles Cty. Super. Ct); a \$1.19 million dollar wage and hour class

1 action settlement in 2024 in *Herrera v. Signature Flight Support LLC*, Case No. 22STCV18367
2 (Los Angeles Cty. Super. Ct.); a \$2.65 million wage and hour class action settlement in 2024 in
3 *Shilevinatz v. Airport Terminal Services*, Case No. CIVSB2229072 (San Bernardino Cty. Super
4 Ct.); a \$1 million wage and hour class action settlement in 2025 in *Hernandez v YZER, LLC*, Case
5 No. 23CV025345 (Alameda Cty. Superior Ct); a \$1.2 million PAGA-only settlement in 2025 in
6 *Denault v. Lewis Management Corp.*, Case No. CIVSB2107487 (San Bernardino Cty. Super.
7 Ct.); a \$3.9 million wage and hour class action settlement in 2025 in *Bolanos et al. v. Newport*
8 *Fab*, Case No. 30-2022-01280696-CU-OE-CXC (Orange Cty. Super. Ct.); and a \$5,093,537.50
9 wage and hour class action settlement in 2025 in *Deaver, et al. v Blue Diamond Growers*, Case
10 No. 34-2022-00316490-CU-OE-GDS (Sacramento Cty. Super. Ct.). a \$5,600,000 wage and hour
11 class action settlement in 2025 in *Goodwin et al. v Save Mart*, Case No. STK-CV-UOE-2023-
12 0002062 (San Joaquin Cty. Super. Ct.); a \$1,300,000 wage and hour class action settlement in
13 2025 in *Perez v Qantas Airways Ltd*, Case No. 23STCV18974 (Los Angeles Cty. Super. Ct.); a
14 \$1,650,000 wage and hour class action settlement in 2025 in *Williams et al v. Bluetriton Brands*
15 Case No. CIVSB2325920 (San Bernardino Cty. Super. Ct.); and a \$2,038,000 PAGA settlement
16 in 2026 in *Zermeno, et al. v Remington Lodging, et al.*, Case No. RG20069869 (Alameda Cty.
17 Super. Ct.).

18 17. Based upon the qualifications and experience set forth above, the following hourly
19 rates are reasonable for attorneys practicing in this area of the law in California: Zachary M.
20 Crosner \$950/hour, Brandon Brouillette \$900/hour, Chad Saunders \$800/hour, Kiara Bramasco
21 \$650/hour, Branden Hamilton \$650/hour.

22 18. I request the Court apply the above hourly billing rates in this case, as it reasonable
23 in the California legal market for attorneys handling wage and hour class and PAGA actions. I
24 have personal knowledge of the hourly rates charged by a number of plaintiff-side wage and hour
25 class action firms in major California legal markets for partner-level attorneys with experience
26 comparable to mine. These rates have ranged from \$750 to \$950 per hour.

27 19. The requested rates also comport with the adjusted Laffey Matrix, which provides
28 that reasonable hourly rates for attorneys with 10+ years of experience, such as Mr. Crosner, Mr.

Saunders, and myself, are well over \$800/hour. The adjusted Laffey Matrix may be found at <http://www.laffeymatrix.com/see.html>.

20. The below table is a true and correct summary of Crosner Legal's work performed and hours expended on this matter. After the analysis above, Crosner Legal's lodestar is \$79,535.00, based on 97.1 attorney hours spent litigating this case through the filing of this motion. Further, we will almost certainly spend additional time addressing settlement administration matters, responding to class member questions, etc.

Tasks	Zachary Crosner	Brandon Brouillette	Chad Saunders	Branden Hamilton	Kiara Bramasco
Pre-filing Case Investigation	3.4	0.0	0.0	5.2	5.8
Pleadings and Law and Motion	4.4	2.4	16.2	4.6	4.1
Discovery and Post-Filing Investigation	1.5	1.1	2.4	0.0	0.0
Court Appearances	0.0	0.0	0.0	0.0	0.0
Case Management; Litigation Strategy & Analysis	3.7	5.2	9.6	0.0	0.0
Mediation and Settlement	5.8	11.2	10.5	0.0	0.0
Total Hours	18.8	19.9	38.7	9.8	9.9
Hourly Rate	\$950	\$900	\$800	\$650	\$650
Lodestar	\$17,860.00	\$17,910.00	\$30,960.00	\$6,370.00	\$6,435.00

Total Hours: 97.1 Total Lodestar: \$79,535

21. Crosner Legal has represented Plaintiffs for some two plus years with respect to this matter and has expended a significant amount of time and resources in that representation. The firm agreed to litigate this case on a purely contingent basis and in so doing assumed considerable risk of non-payment for its fees and costs, as discussed above, and as is the case with

1 these cases in general.

2 22. This case posed considerable contingent risk, for the reasons addressed above; if
3 there had been recovery then my firm would not have received any fees for the time invested
4 litigating the case. Throughout the pendency of this case, my firm has received no compensation
5 or reimbursement for its efforts to date.

6 23. Crosner Legal assumes a great deal of contingent risk in every wage and hour class
7 action it undertakes. Attorneys at the firm have been involved in a number of cases where
8 plaintiffs and their counsel invested hundreds of hours to time and tens of thousands in costs with
9 no return. For example, in a matter alleging misclassification on behalf of a putative class of
10 assistant managers at major restaurant chain, after three years of exceptionally adversarial
11 litigation and the investment of over 1,000 hours of attorney time and over \$100,000 in costs, the
12 trial court denied plaintiffs' motion for class certification. In another misclassification case on
13 behalf of assistant managers at large restaurant chain, the parties reached a settlement after three
14 years of litigation, secured preliminary approval and completed the notice process to the
15 settlement class, only to have the defendant file for bankruptcy a few days before the final
16 approval hearing. Lastly, in a matter against a large regional bank seeking expense
17 reimbursement of behalf of outside salespersons, after more than a year of combative litigation
18 and shortly before plaintiff's class certification motion was due, the defendant was taken over by
19 federal regulators. In each of these instances the plaintiff's firm received nothing despite the
20 investment of hundreds of hours of attorney time and thousands of dollars in out-of-pocket costs.

21 **Crosner Legal's Costs and Expenses are Reasonable**

22 24. A true and correct itemization of the costs and expenses incurred by Crosner Legal
23 is set forth below:

24

Expense Category	Amount
Court Filing Fees/ Service of Process/Attorney Service	\$1,044.34
Postage/Overnight/Fax	\$81.64
PAGA Filing Fee	\$75.00
Photocopying	(waived)
Legal Research	(waived)

28

Total Costs and Expenses	\$1,200.98
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25. These costs and expenses are reasonable in amount and all were necessary for the successful litigation of this matter. I therefore respectfully request the Court approve them.

26. In compliance with California Rules of Professional Conduct section 1.5.1, Plaintiffs entered into a Joint Prosecution Agreement with their counsel of record. The JPA governs the division of responsibilities and attorneys' fees among counsel, and Plaintiffs provided informed written consent after full disclosure.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 15th day of June at Los Angeles, California.



Brandon Brouillette