# DECLARATION OF JEFFREY S. KANE, PH.D.

I, Jeffrey S. Kane, declare as follows:

I am over the age of 18 years. I submit this declaration in response to Counsel's request for a description of the analysis activities that Counsel requested me to perform in regard to the Brinker International Inc. matter.

## 1. Qualifications

I have a Ph.D. from The University of Michigan in Organizational Psychology and an MA from The University of Minnesota in Industrial Relations. I completed extensive graduate coursework in statistics and quantitative methods at both universities. I was a professor of Management and Industrial/Organizational Psychology for 23 years. Since 2006 I have served as president of a consulting firm by the name of Professional Statistical Services providing statistical and quantitative analysis services and expert witness/litigation support services to clients worldwide. I have served as an expert witness on ten cases involving alleged wage and hour infractions over the last 10 years. I have conducted statistical and other analyses of at least 5,000 data sets over the last 55 years.

I was retained by The Ottinger Firm on October 22, 2024 to provide data analysis services in the case of Saldana v. Brinker International, Inc., et al.

## 2. Expert Compensation – During my period of retention by The Ottinger Firm

The rates agreed upon for my services were as follows:

| | | |
|---|---|---|
| (1) | Technical activities including (but not limited to) review of documents and materials, formulation of opinions, conferences with attorneys, data analysis, preparation of reports, responding to Daubert or Frye motions, and preparation for testimony at deposition, mediation, trial, or arbitration: | $350 per hour |
| (2) | Testimony at depositions, mediation, trial, or arbitration: | $750 per hour |
| (3) | Travel to meetings and appearances, all time away from Expert's business address for the purpose of rendering services for Client on the case at hand, up to 8 hours per day: | $250 per hour |

**3. Activity Description**

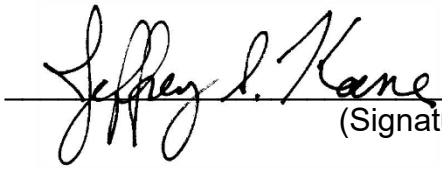
The analysis services I performed during these periods involved analyzing the timeclock/shift length data for 5,404,233 workdays recorded for Brinker employees during the period from 9/14/2020 to 10/16/2024. The activities covered by the first invoice are fully described in Exhibit A, Work Performed Detail.

**4. Fees Charged**

I billed The Ottinger Firm for a total of 57.14 hours in two separate invoices, the first covering 52 hours of my services from 10/16/24 - 11/6/2024 at a charge of $18,200, and the second covering 5.14 hours of my services from 11/7/2024 - 12/15/2024 at a charge of $1,800. These invoices are attached in Exhibit B.

I declare under penalty of perjury under the laws of California the information provided above and in the attached exhibits below are true and correct to the best of my knowledge.

DATED: September 22, 2026



(Signature)

Jeffrey S. Kane, Ph.D.

# Exhibit A

**Details of Work Performed by Jeffrey S. Kane, Ph.D. Pursuant to the Saldana v. Brinker International Inc. Case Billed to The Ottinger Firm by Invoices # 2024-11-12-1 & -2 Dated 11/12/2024**

## Work Performed Detail

| Work Order | Date | Task | Hours/Task | Total Hours/Work Order |
|---|---|---|---|---|
| 1 | 10/29/24 | Number of pay periods during PAGA period | 1.00 | |
| | | Number or unique employee IDs | 0.25 | |
| | | Number of restaurants | 0.25 | |
| | | Number of pay periods where employee worked more than 5 hours but less than 6 hours and did not receive a meal break. | 2.00 | |
| | | Number of pay periods where employee worked more than 6 hours and had a short meal break. | 2.50 | |
| | | Number of pay periods where employee worked more than 6 hours and had a late meal break. | 2.50 | |
| | | Number of pay periods where employee worked more than 10 hours and did not take a second meal break. | 1.50 | |
| | | Number of pay periods where employee worked more than 10 hours but less than 12 and did not take a first or second break. | 2.50 | |
| | | Total | | 12.50 |
| 2 | 11/2/2024 | Number of MPPs per PAGA pay period per employee | 8.00 | |
| | | Total PAGA Pay periods with 1 or more MPPs paid | 8.00 | |
| | | Total | | 16.00 |
| 3 | 11/4/2024 | Total shifts >5 hours during PAGA period | 24.00 | 24.00 |
| 4 | 11/6/2024 | Number of current aggrieved PAGA employees | 1.00 | |
| | | Compute number of PAGA terminations based on no activity for >= 60 days before 10/16/24 | 2.50 | |
| | | Total | | 3.50 |
| 5 | 11/6/2024 | Consolidated count of meal break elections | 1.00 | 1.00 |

| | | | | |
|---|---|---|---|---|
| | | | Grand Total Hours: | 57.00 |
| **Discount:** | | | | -5.00 |
| **Net hours charged to client:** | | | | 52.00 |

**Further Analysis Charged to Client:**

| Work Order | Date | Task | Hours/Task | Total Hours/Work Order |
|---|---|---|---|---|
| | 11/8/2024: | Comparison of number of pay periods with MPP payments to total number of pay periods requiring a meal break | | 8.00 |
| **Discount:** | | | | 2.86 |
| **Net hours charged to client:** | | | | 5.14 |

**Exhibit B**

**Invoices Submitted by Jeffrey S. Kane, Ph.D. to The Ottinger Firm for His Expert Witness Services in the Saldana v. Brinker International, Inc. et al. Case**

# Professional Statistical Services

3712 Westcliff Avenue
Laughlin, NV 89029

| | |
|---|---|
| ***Invoice Number*** | **2024-11-12-1** |
| ***Description*** | Statistical Consulting Services |
| ***Invoice Date*** | November 12, 2024 |
| ***Terms (in days)*** | payment due 5 business days after receipt |
| ***Invoice Due Date*** | November 20, 2024 |

| ***BILL TO:*** | |
|---|---|
| ***Name:*** | **The Ottinger Firm, P.C.** |
| ***Address:*** | 750 N San Vicente Blvd |
| | Ste 07A129 |
| ***City, State:*** | Los Angeles, CA |
| ***Zip Code:*** | 90069 |

| ***Description of Services*** | ***Number of Hours*** | ***Price per Hour*** | ***Total*** |
|---|---|---|---|
| Data Formatting and Analysis on the Saldana v. Brinker Case, 10/16/2024 – 11/6/2024 | 52 | $ 350.00(US) | $18,200.00 (US) |

| | |
|---|---|
| ***Grand Total*** | **$18,200.00 (US)** |
| ***Preferred Methods of Payment:*** | [redacted] |

Thank you for the use of my services.

Jeffrey S. Kane, Ph. D., President
Professional Statistical Services

# Professional Statistical Services

**3712 Westcliff Avenue**

**Laughlin, NV 89029**

| | |
|---|---|
| ***Invoice Number*** | **2024-11-12-2** |
| ***Description*** | Statistical Consulting Services |
| ***Invoice Date*** | November 12,2024 |
| ***Terms (in days)*** | payment due 5 business days after work completion |
| ***Invoice Due Date*** | To be determined |

| ***BILL TO:*** | |
|---|---|
| ***Name:*** | **The Ottinger Firm, P.C.** |
| ***Address:*** | 750 N San Vicente Blvd |
| | Ste 07A129 |
| ***City, State:*** | Los Angeles, CA |
| ***Zip Code:*** | 90069 |

| ***Description of Services*** | ***Number of Hours*** | ***Price per Hour*** | ***Total*** |
|---|---|---|---|
| Additional Data Analysis on the Saldana v. Brinker Case per settlement requirements, 11/7/2024 – 12/15/2024 | 5.14 | $ 350.00(US) | $1,800.00 (US) |

| | |
|---|---|
| ***Grand Total:*** | **$1,800.00 (US)** |
| ***From Retainer:*** | -$1,800.00 |
| ***Amount Due:*** | $0.00 |

***Preferred Methods of Payment:***

No payment due.

Thank you for the use of my services.

Jeffrey S. Kane, Ph. D., President
Professional Statistical Services