

1 A I M A N - S M I T H & M A R C Y
PROFESSIONAL CORPORATION

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IN THE SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

29 THE CALIFORNIA LABOR AND)
30 WORKFORCE DEVELOPMENT)
31 AGENCY, a California governmental)
32 agency, *ex rel.* DAVID SANDAK,)

33 Plaintiffs,)

34 v.)

35 COMERICA BANK, a Texas)
36 corporation; COMERICA)
37 INCORPORATED, a Delaware)
38 corporation; COMERICA)
39 MANAGEMENT CO., INC., a)
40 Michigan corporation; and DOES 1-15,)
41 inclusive,)

42 Defendants.)
43)
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45)
46)
47)
48)

Case No.: CGC-23-606913

**Declaration of David Sandak in Support of
Motion for Approval of PAGA Settlement
(Labor Code Sec. 2699(s)(2))**

Date: July 7, 2026

Time: 9:00 a.m.

Judge: Hon. Christine Van Aken

Dept.: 301

1 I, David Sandak, declare:

2 1. I am a named plaintiff in this action, and I have personal knowledge of the following
3 facts.
4

5 2. In 2018, Comerica Bank hired me to manage a retail branch in the San Diego District.
6 Over the next few years, I was assigned to manage different branches in that district and
7 became familiar with Comerica's practices for managing retail branches.
8

9 3. A branch will typically be staffed by a couple of tellers, perhaps two or three bankers,
10 and a branch manager. Some branches are slightly larger. Tellers engage in over-the-counter
11 transactions with customers (*e.g.*, deposits and withdrawals). Bankers prospect for business,
12 seeking to find new customers for Comerica's services or to upsell new services to existing
13 customers. The branch manager performs two functions. First, as a banker, prospecting for
14 business in the same manner as bankers, and second, as the supervisor of the other bankers and
15 tellers in the branch.
16

17 4. On March 29, 2023, while I was still employed, I served through my attorneys my
18 original PAGA notice on Comerica Bank, and I amended it a couple of months thereafter. In
19 June 2023, while I was still employed by Comerica, I filed this PAGA lawsuit alleging that
20 branch managers were misclassified as exempt executive employees. In September, I filed a
21 wage claim with the California Labor Commissioner. In October, Comerica suspended me. In
22 November, I filed a retaliation claim with the Labor Commissioner to protest my suspension.
23 In February 2024, Comerica fired me on what I consider to be trumped-up charges. In May
24 2024, I amended the retaliation claim to protest my termination. The claims before the Labor
25 Commissioner, which are all outside the instant PAGA lawsuit, were added to my individual
26 arbitration before the AAA, and ultimately were resolved in an independent and confidential
27
28

1 settlement.

2 5. In April 2024, I made a demand through my attorneys to arbitrate my status as an
3 "aggrieved employee" under PAGA, as well as my individual claims pending with the Labor
4 Commissioner, with the American Arbitration Association.
5

6 6. I have devoted well over 100 hours to assisting my attorneys in the prosecution of this
7 lawsuit and the arbitration. I have spent countless hours discussing the facts and theories of this
8 case in scores of conversations with my attorneys; I have responded to extensive written
9 discovery in the arbitration; I have reviewed numerous documents with my attorneys; I have
10 prepared for and I sat through two full days of deposition in my arbitration; I have prepared for
11 and I attended a full-day mediation; and I have spent numerous hours discussing issues in the
12 post-mediation negotiations and after settlement while finalizing the settlement documents.
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15 7. I know of no actual or potential conflicts of interest between or among me, other
16 aggrieved employees, my counsel, and ILYM Group, Inc., the proposed Claims Administrator.

17 8. I am not aware of any other pending matter or action asserting claims that will be
18 extinguished or adversely affected by the proposed settlement of my PAGA lawsuit.
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20

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Date: June 2, 2026



24 David Sandak
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PROOF OF SERVICE

I, the undersigned, hereby declare: I am employed in the County of Alameda, California; I am over eighteen years of age and not a party to the within action. I am either admitted to practice before this Court or employed in the office of an attorney admitted to practice in this Court. My business address is 7677 Oakport, Suite 1000, Oakland, California 94621.

On this date, I served the following:

Declaration of David Sandak in Support of Motion for Approval of PAGA Settlement (Labor Code Sec. 2699(s)(2))

addressed as follows:

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MANAGEMENT COMPANY, INC.

1 — [By U.S. Mail]] I caused such envelope, with postage fully prepaid, to be placed in the
2 United States mail at Oakland, California.
3 X [By E-Mail]] I caused such document to be electronically transmitted from Oakland,
4 California, via the Internet, to the email addresses listed above.
5 — [VIA ELECTRONIC SERVICE] I delivered the above-described document(s) via the
6 San Francisco Superior Court's email service provider, File & ServeXpress, LLC, to the
7 persons identified above.

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

8 Dated: June 2, 2026

9 
Joseph Clapp