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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

RUBEN HERNANDEZ, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

NEOVIA LOGISTICS SERVICES, LLC, a
Delaware Limited Liability Company;
NEOVIA LOGISTICS DISTRIBUTION, LP, a
Delaware Limited Partnership; and DOES 1
through 100,

Defendants.

Case No.: CIVSB 2305867

**DECLARATION OF MARCUS J.
BRADLEY IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: September 11, 2024
Time: 8:30 a.m.
Dept.: S36

Action Filed: March 2, 2023
Trial Date: None Set

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I, Marcus J. Bradley, hereby declare as follows:

1. I am an attorney at Bradley/Grombacher, LLP, counsel of record for Plaintiff MIGUEL MORENO (“Plaintiff Moreno”) in the above-captioned case. The following statements are based on my personal knowledge and review of the files and, if called on to do so, I could and would testify competently thereto.

2. I am submitting this Declaration in support of Plaintiffs' Motion for Preliminary Approval of the proposed Class and Representative Action Settlement.

EXPERIENCE OF COUNSEL

3. I have been counsel for Plaintiff Moreno and the proposed Class throughout this case. I am a partner at Bradley/Grombacher, LLP, which has extensive experience litigating wage and hour class and representative actions as well as complex consumer class actions. Details on the work, experience and accomplishments of the firm can be found at www.bradleygrombacher.com.

4. I personally have represented plaintiffs in consumer and employment class actions since I began practicing law in 1994. In 2000, I joined Mazursky, Schwartz & Angelo as an associate and became a partner in January 2005 at which time the firm was renamed Schwartz, Daniels & Bradley. I remained as a partner handling primarily wage and hour class actions until the dissolution of the firm effective December 31, 2008. In January 2009, I moved my existing practice transferring a number of wage and hour cases to become a partner with the law firm of Marlin & Saltzman, a long-established firm with whom I had been co-counsel on dozens of wage and hour class actions during my tenure at Schwartz, Daniels & Bradley. On September 1, 2016, I formed Bradley/Grombacher LLP along with a former associate at Marlin & Saltzman, Kiley Grombacher.

5. I have been responsible for all facets of employment class action cases and other complex litigation, from pre-filing investigation through trial and appeal. Since approximately May 2000, I have spent most of my time representing workers in wage and hour matters. I, along

1 with my current and former partners, have litigated these issues in class actions to favorable
2 settlements that have recouped over \$800 million in unpaid wages, including the following more
3 notable cases:

- 4 a. *Gutierrez v. State Farm Mutual*, Los Angeles Superior Court (BC236552). Class
5 action mis-classification case seeking overtime compensation for approximately
6 2,600 insurance claims adjusters employed by State Farm. The class was certified,
7 and summary adjudication was granted as to liability in favor of the class. The case
8 settled for \$135 million just prior to trial, with final approval granted with no
9 objections filed.
- 10 b. *Bednar v. Allstate Insurance Company*, Los Angeles Superior Court (BC240813).
11 Class action mis-classification case seeking overtime compensation for
12 approximately 1,200 insurance claims adjusters employed by Allstate. The class was
13 certified, and summary adjudication was granted as to liability in favor of the class.
14 The case settled for \$120 million just prior to trial, with final approval granted with
15 no objections filed.
- 16 c. *Roberts v. Coast National Insurance*, Orange County Superior Court (01CC08478).
17 Class action mis-classification case seeking overtime compensation for insurance
18 claims adjusters employed by Coast National Insurance. Certification granted, and
19 then the matter was tried before a binding arbitrator. The case settled during the
20 arbitration for an excess of \$18 million.
- 21 d. *CNA Class Action Litigation*, Los Angeles Superior Court Class (JCCP 4230). Class
22 action mis-classification case seeking overtime compensation for insurance claims
23 adjusters employed by the defendant. The case settled for \$33 million, with final
24 approval granted with no objections filed.
- 25 e. *Dotson v. Royal & SunAlliance*, Orange County Superior Court (02CC01787). Class
26 action mis-classification case seeking overtime compensation for insurance claims
27 adjusters employed by Royal & SunAlliance. Case settled for \$12.3 million, with
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1 final approval granted with no objections filed.

2 f. *Parris v. Lowe's Home Improvement*, Los Angeles County Superior Court
3 (BC260702). Class action seeking payment of "off-the-clock" hours worked by all
4 hourly employees of Lowe's Home Improvement stores in the State of California.
5 The class was certified by the Court of Appeal and remanded to the trial court for
6 further proceedings. Shortly thereafter, a \$29.5 million settlement was reached and
7 approved without objection.

8 g. *Pardo v. Toyota Motor Sales, et al.*, Los Angeles County Superior Court
9 (BC372781). Class action mis-classification of workers with claims for overtime and
10 missed meal and rest breaks. The case settled for \$7.75 million and was approved
11 with no objections.

12 h. *Smith/Ballard v. Wal-Mart Stores, Inc.*, United States District Court for the Northern
13 District of California (Case No. 4:06-cv-05411-SBA). Wage and hour class action
14 seeking unpaid vacation and personal time, unpaid wages, and related penalties on
15 behalf of over 245,000 employees. The action was certified and settled for \$86
16 million while defendants' appeal of the certification was pending in the Ninth Circuit
17 Court of Appeals.

18 i. *Hoyng v. AON*, Los Angeles County Superior Court (BC377184). Wage and hour
19 class action seeking overtime and related compensation for mis-classification on
20 behalf of Relationship and Account Specialists. The case settled for \$10.5 million,
21 which was approved with no objections filed.

22 j. *In RE Bank of America Wage and Hour Employment Practices Litigation*, MDL
23 2138, United States District Court for the District of Kansas. California state and
24 FLSA wage and hour litigation for various violations including unpaid overtime and
25 "off-the-clock" work. Settled for \$73 million.

26 k. *Lemus v. H & R Block Litigation*, United States District Court for the Northern
27 District of California (Case No. 3:09-cv-03179-SI) Class certified, and settlement
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reached prior to trial. Total settlement of \$35 million.

- l. *Harris v. Vector Marketing Corporation*, United States District Court for the Northern District of California (Case No. 3:08-cv-05198-EMC). Class action case on behalf of approximately 70,000 employees misclassified as “trainees.”
- m. *Bickley v. Schneider National Trucking*, United States District Court for the Northern District of California (Case No. 4:08-cv-05806-JSW). Wage and hour class action on behalf of approximately 6,000 truck drivers. Settled for \$29.5million.
- n. *Roberts v. TJX*, United States District Court for the Northern District of California (Case No. 13-CV-04731-MEJ). Wage and hour violations on behalf of approximately 82,000 employees. Settled for \$8.5 million.
- o. *Opyrchal v. New York Life Insurance*, United States District Court for the Central District of California (Case No. 2:07-cv-00518-VBF). Class action for the failure to pay commissions pursuant to a compensation plan. Settled for \$10 million.
- p. *Neuvenheim v. Gamestop Corp.*, United States District Court for the Central District of California (Case No. 2:09-cv-06799-ODW). Class action on behalf of nonexempt employees for wage and hour violations.
- q. *Hightower v. JP Morgan Chase*, United States District Court for the Central District of California (Case No. 2:11-cv-01802-PSG). Class action on behalf of nonexempt employees for wage and hour violations. Settled for \$12 million.

6. On many of the above cases, I was either lead or co-lead counsel, including cases in multi-district litigation or coordinated proceedings where I worked collaboratively and cooperatively with co-counsel to bring about an efficient and beneficial resolution for all class members as the above results demonstrate.

7. I have argued cases in trial courts as well as before courts of appeal. My writings on legal topics pertaining to litigating wage and hour class and representative actions have appeared in professional publications and I have been called upon to speak at conferences and seminars for professional organizations, including a recent presentation titled “Planning for and

1 Executing Trial in Class and Collective Wage & Hour Cases.”

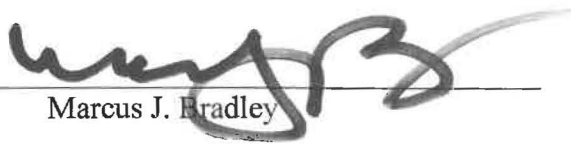
2 8. I have also been honored as a Super Lawyer in the area of class actions by Los
3 Angeles Magazine for multiple years including 2024. I am also a member of a number of
4 professional organizations, including the Consumer Attorneys of Los Angeles, the Consumer
5 Attorneys of California, the California Employment Lawyers Association, and the American
6 Association for Justice.

7 **PLAINTIFF AND HIS COUNSEL ADEQUATELY REPRESENT THE CLASS**

8 9. Mr. Moreno has retained and is represented by counsel with substantial experience
9 in wage and hour class action litigation. Additionally, there is no evidence of antagonism between
10 Plaintiff Moreno’s interests and those of the Class Members. Mr. Moreno has litigated this case
11 in good faith and his interests are aligned with those of the Class Members as they both share a
12 common interest in challenging the legality of Defendant’s policies and procedures.
13

14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct and based on my personal knowledge.

16 Executed on August 19, 2024, in Westlake Village, California.

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