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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

CHETERRA YOUNG, an Individual, on
behalf of herself and all others similarly
situated,

Plaintiff,

v.

PFT ALEXANDER, INC., a California
corporation; and DOES 1 through 10,
inclusive,

Defendant.

Case No.: **23STCV07449**

**CLASS AND REPRESENTATIVE
ACTION**

Assigned For All Purposes To:
Hon. Kenneth R. Freeman

**DECLARATION OF DAVID R.
MARKHAM IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Preliminary Approval Hearing:

Date: March 27, 2025

Time: 10:00 a.m.

Dept: 14

Complaint filed: April 5, 2023

Trial Date: None Set

1 I, David R. Markham, declare:

2 1. I am an attorney licensed to practice before all courts of the State of California and a
3 member in good standing of the State Bar of California. I am counsel of record for Plaintiff
4 Cheterra Young in this action. I make this declaration in support of Plaintiff's Motion for
5 Preliminary Approval of Class and Representative Action Settlement. I make this declaration based
6 on my personal knowledge, and if called to testify, I could and would competently testify to the
7 matters contained in this declaration. I join in the description provided by my co-counsel Maggie
8 Realin in her concurrently filed declaration explaining the background and events of this action, the
9 contributions of Plaintiff and counsel to it, and the actions completed by the parties.

10 2. The Markham Law Firm has extensive experience in litigating complex class action
11 cases and representative actions under PAGA. I am The Markham Law Firm's founding partner. I
12 am a graduate of Cornell University and Columbia Law School, and have been practicing law since
13 1976. I have extensive experience in class action litigation, including wage-and-hour, consumer,
14 antitrust, and securities litigation. I have been lead or co-lead class counsel in hundreds of class
15 action cases in federal and state courts in California, and throughout the United States. I was
16 counsel of record in over thirty reported and widely-cited appellate cases. I have conducted trials
17 in over twenty cases, both bench and jury, including class action trials.

18 3. My firm has obtained many large class action settlements which have benefited
19 consumers and employees. Two of those cases alone have resulted in recovery of over a billion
20 dollars for class members. In *Jordan v. California Department of Motor Vehicles*, we obtained a
21 settlement fund of over 665 million dollars for the benefit of new California residents who
22 registered their out-of-state vehicles and were unlawfully charged the \$300 smog impact fee.
23 *Jordan v. California Dep't of Motor Vehicles*, 100 Cal. App. 4th 431, 440, (2002), as modified on
24 denial of reh'g (Aug. 20, 2002). In *Sparks v AT&T et al.*, a settlement fund of \$350 million was
25 obtained for consumers nationwide who had been overcharged for residential telephone equipment.
26 Case No. 96-LM-983, 01-L-1668 (Ill. Cir. Ct., Madison County).

1 4. My firm's settlements in wage and hour cases include *Contreras v. Bank of*
2 *America*, where we reached a settlement fund of over \$16.5 million (San Francisco Superior Court,
3 Case No. CGC-07467749, Sept. 3, 2010). In *Nelson v. St. Paul Fire and Marine Insurance*
4 *Company*, we reached a settlement of \$24.5 million (Case No. 95-G-1088 Brazoria County, Texas,
5 1996). Further, I settled *Zwart v. John Hancock Mutual Life Insurance Company* for \$3 million
6 (Case No. 673902, San Diego Superior Court, 1995). Other California wage and hour settlements
7 in cases where I was lead counsel include *Friend v. Wellpoint/Blue Shield*, Case No. BC345147
8 (Los Angeles Super. Ct., Aug. 22, 2007) which settled for \$6 million, and *Gruender v. First*
9 *American Title Co.*, Case No. 06CC0197 (Orange County Superior Court, 2008), which settled for
10 \$11 million.

11 5. More recent wage and hour settlements that my firm has reached include a
12 \$11,500,000 settlement in *Harrison v. Bank of America*, Case No. 3:19-cv-00316-LB, United States
13 District Court for the Northern District of California, finally approved on November 24, 2021; a
14 \$1,375,000 settlement in *Diaz et al. v. United Parcel Service, Inc.*, United States District Court for
15 the Eastern District of California, Case No. 1:22-cv-00246-CDB, finally approved on December 13,
16 2023; a \$24,000,000 global settlement in *Esteban v. American Airlines*, Case No. 20STCV47361,
17 Los Angeles Superior Court, finally approved on April 26, 2024; a \$2,000,000 settlement in *Stewart*
18 *v. Del Monte*, Case No. 1:22-CV-04919-RMI, United States District Court for the Northern District
19 of California, finally approved on May 29, 2024; a \$975,000 settlement in *Shaw v. Kaiser*, Case No.
20 CVRI2102203, Riverside Superior Court, finally approved on January 19, 2024; a \$4,600,000
21 settlement in *Vasquez v. Bank of America*, Case No. CGC-18-571669, San Francisco Superior
22 Court, finally approved on July 29, 2022; a \$2,900,000 settlement in *Swayzer et al. v. Circle K*,
23 Case No. 34-2018-00234999, Sacramento Superior Court, finally approved on February 18, 2022; a
24 \$750,000 settlement in *Almanzar v. Home Depot*, Case No. 2:20-cv-0699-KJN, Eastern District of
25 California, finally approved on January 3, 2024; a \$750,000 settlement in *Delamora v. Thorpe*
26 *Design, Inc.*, Case No. C22-00931, Contra Costa Superior Court, finally approved on October 2,
27 2023; a \$750,000 settlement in *Antenucci v. Bank of the West*, Case No. CGC-20-583746, San
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1 Francisco Superior Court, finally approved on December 7, 2022; a \$800,000 settlement in
2 *Slaughter v. California C.C.S. P.C., dba Wellpath*, Case No. CIVDS1935187, San Bernardino
3 Superior Court, finally approved on May 6, 2022; a \$1,000,000 settlement in *Kelly v. Simco*
4 *Electronics*, Case No. 20CV370177, Santa Clara Superior Court, finally approved on January 19,
5 2022; a \$5,900,000 settlement in *Hurtubise v. Sutter East Bay Hospitals*, Case No. RG17868819,
6 Sacramento Superior Court, finally approved on December 27, 2021; a \$825,000 settlement in
7 *Fritsch et al. v. Swift Transportation Co.*, Case No. 5:17-cv-02226-VAP-KKx, United States
8 District Court for the Central District of California, finally approved on January 4, 2022; a \$1.62
9 million PAGA-only Settlement in *Moreno, et al. v. Habit Employment, LP, et al.*, Case No. 37-
10 2019-00014576-CU-OE-CTL, San Diego Superior Court, approved on September 10, 2021; a
11 \$2,295,000 settlement in *Veramendi v. Airtouch Cellular Inc., et al.*, Case No. BC647309, Los
12 Angeles Superior Court, finally approved on June 3, 2021; a \$438,000 settlement in *Valdez v. Pro*
13 *Unlimited, Inc., et al.*, Case No. CGC-19-574146, San Francisco Superior Court, finally approved
14 on May 10, 2021, an average settlement share of \$5,511.11 per employee in *Hopstein v. Hewlett*
15 *Packard Enterprise Company (d.b.a. HPE), et al.*, Case No. 17CV305577, Santa Clara Superior
16 Court, finally approved on December 2, 2020; an average settlement share of \$1,139.71 per
17 employee in *Cuevas v. Three Rivers Trucking, Inc.*, Case No. BC655003, Los Angeles Superior
18 Court, finally approved on July 29, 2020; a \$1.2 million class and PAGA representative action
19 settlement in *Hernandez et al. v. SFM, LLC*, Case No. 37-2016-00015169, San Diego Superior
20 Court, finally approved on July 21, 2020 (aff'd March 16, 2022); \$8.7 million settlement in *Evans v.*
21 *Wal-Mart Stores, Inc.*, Case No. 2:10-cv-1224, United States District Court for the District of
22 Nevada, finally approved on July 8, 2020 (Dkt. No. 135); \$35 million settlement in *Merino v. Wells*
23 *Fargo*, Case No. 2:16-cv-07840-ES-MA, United States District Court for the District of New Jersey,
24 finally approved on January 15, 2020 (Dkt. No. 144); an average settlement share of \$1,317.31 per
25 employee in *Angala v. Kaiser Foundation Hospitals*, Case No. HG18899291, Alameda County
26 Superior Court, finally approved on January 13, 2020; \$600,000 settlement in *Hoover v. Sedgwick*
27 *Claims Management Services, Inc.*, Case No. 34-2018-00239159, Sacramento Superior Court,
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1 finally approved on December 6, 2019; \$950,000 settlement in *Bessellieu v. Metro Shore Services,*
2 *LLC, et al.*, Case No. BC6737001, Los Angeles Superior Court, finally approved on May 21, 2019;
3 \$1.6 million settlement in *Jenkins v. The Mentor Network, Inc., et al.*, Case No. 34-2015-00187936,
4 Sacramento Superior Court, finally approved on September 13, 2018; \$27.5 million settlement in
5 *Wells Fargo Wage and Hour Cases*, Case No. JCCP004821, Alameda County Superior Court,
6 finally approved on March 28, 2018; \$2.5 million settlement in *Geilenfeldt v. EDF Renewable*
7 *Energy, Inc.*, Case No. 37-2016-00001369, San Diego Superior Court, finally approved on March 9,
8 2018; \$3 million settlement in *Vangsoulatda v. Blue Shield*, Case No. CGC-14-543296, San
9 Francisco County Superior Court, finally approved on January 25, 2018; \$650,000 settlement in
10 *McCarthy v. Marriott Hotel Services, Inc.*, Case No. 16-cv-293998, Santa Clara Superior Court,
11 finally approved on October 16, 2017; \$4.9 million settlement for insurance adjusters in *Alvarez v.*
12 *Farmers*, case number 3:14-cv-00574-WHO, finally approved on January 18, 2017 by Judge Orrick
13 (Dkt. No. 189); \$3.77 million settlement for California warehouse workers in *Saldana v. Amazon*,
14 case number 3:14-cv-00290-DJH (W.D. Ky.), finally approved on October 31, 2016 (Dkt. No. 228).

15 6. My other recent California wage and hour settlements also resulted in substantial
16 recoveries for class members. For instance, I settled *Kogok v. T-Mobile USA, Inc.*, Case No. 37-
17 2012-00076945 (San Diego Super. Ct. Jan. 2015) for \$2,750,000; *Johnson v. Metlife Ins. Co.*, Case
18 No. 13-cv-128-JLS-RNB (C.D. Cal. Mar. 19, 2015) for \$1,970,000; *Erickson v. Old Republic Title*
19 *Company*, Case No. 13-cv-1210-NLS, (S.D. Cal. Jan. 17, 2014) for \$12,000,000 (co-counsel);
20 *Loeza v. Chase Bank, NA*, Case No. 3:13-cv-95-L-BGS (S.D. Cal. Feb. 10, 2016) for \$970,000 plus
21 payroll taxes; *Campagna et al. v. Language Line Services, Inc.*, Case No. 30-2012-00578934-CU-
22 OE-CXC (Orange County Superior Court, Mar. 14, 2014) for \$900,000; *Anderson et al. v. Oracle*
23 *Corp.*, Case No. CIV469916/JCCP No. 4597 (Alameda Super. Ct., June 2013) for \$850,000;
24 *McDonagh v. Harrah's Las Vegas, Inc, et al.*, Case No. 13-cv-01744 (United States District Court
25 for the District of Nevada, Dec. 13, 2016), for \$850,000.

26 7. I have also been counsel and argued numerous appellate cases in the California
27 Supreme Court and Courts of Appeal, as well as the Ninth Circuit. Among the published decisions
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1 from these cases are: *Daniels v. Philip Morris*, 18 F.Supp.2d 1110 (S.D. Cal. 1998); *Washington*
2 *Mutual Bank v. Super. Ct.*, 24 Cal.4th 906 (2001); *Norwest Mortgage Inc. v. Super. Ct.*, 72
3 Cal.App. 4th 214 (1999); *Taiheiyo Cement Corp. v. Super. Ct.*, 105 Cal.App. 4th 398 (2003);
4 *Ramos v. Countrywide Home Loans*, 82 Cal.App.4th 615; *In re Tobacco II*, 123 Cal.App.4th 617
5 (2004); *In re Steroid Hormone Prod. Cases*, 181 Cal.App.4th 145 (2010).

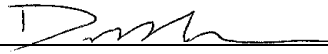
6 8. In total, I prosecuted over 250 wage-and-hour class actions.

7 9. I have no conflicts of interest with the class or with the class representative. I am not
8 related to the representative Plaintiff. I have not previously represented Defendant in any matter. I
9 do not represent opposing factions within the class in that all claims are predicated upon the same
10 theories of liability and benefit all class members equally. In sum, I am well-suited to act as Class
11 Counsel and will continue to vigorously represent the interests of the class.

12 10. Based on my experience as Class Counsel, I believe that the proposed Settlement is
13 fair, reasonable, and adequate for the Class.

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

16 Executed on August 28, 2024 at San Diego, California

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18 By: 
19 David R. Markham
20 Attorney for Plaintiff
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