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Attorneys for Plaintiffs Virginia Brew, Tony Grosbeier, Courtney Tolbert, D C Snyder, and Timothy Mellen

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN MATEO

VIRGINIA BREW, TONY GROSBEIER,
COURTNEY TOLBERT, D C SNYDER,
AND TIMOTHY MELLEEN on behalf of
themselves and all similarly situated persons,
and the general public,

Plaintiffs,

vs.

ROCKET MORTGAGE, LLC.; and DOES 1
through 25, inclusive,

Defendants.

CASE NO. 24-CIV-00893

*[Assigned for all purposes to the
Honorable Nancy L. Fineman, Dept. 4]*

**DECLARATION OF BRANDON
BROUILLETTE IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT; CLASS
REPRESENTATIVE ENHANCEMENT
AWARDS; SETTLEMENT
ADMINISTRATOR'S EXPENSES;
ATTORNEYS' FEES AND COSTS; AND
JUDGMENT THEREON**

Hearing Date: February 4, 2025

Time: 2:00 p.m.

Dept: 4

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1. I am an attorney duly licensed to practice in California and before this Court, and I a partner with Crosner Legal, P.C., counsel of record for Plaintiffs Kailee Whittaker and Armando Lemus in the above-captioned matter. If called to testify as to the facts within, I would and could competently do so.

3. On June 21, 2022, my firm filed a PAGA representative complaint on Mr. Snyder’s behalf against Rocket Mortgage LLC and other entities, alleging PAGA claims for *inter alia* failure to pay wages, including overtime wages, meal and rest break violations, inaccurate wage statements, waiting time penalties, failure to reimburse expenses, and unfair competition. That action was titled D C Snyder v. Rocket Mortgage, LLC, et al. Los Angeles Superior Court Case No. 22STCV20293 (“Snyder Action”).

5. On March 7, 2024, the Parties participated in global mediation with Steve Mehta, Esq., a respected wage and hour class action mediator, which did not result in a settlement but assisted in managing the Parties' respective expectations and helped bridge the gap toward the eventual settlement.

6. In or around March 2024, Mr. Snyder also retained attorneys Matthew Righetti and John Glugoski of Righetti Glugoski, P.C. and Reuben D. Nathan of Nathan & Associates, APC to represent his interests in the Action.

1 7. On June 11, 2024, Mr. Snyder joined this action, through the filing of the First
2 Amended Complaint, filed by his attorneys on his behalf, and on behalf of Virginia Brew, Tony
3 Grosbeier, Courtney Tolbert, and Timothy Mellen.

4 8. On June 12, 2024, the Snyder Action was dismissed without prejudice.

5 **ATTORNEY’S FEES AND COSTS**

6 9. Over the two plus years Crosner Legal has represented Plaintiff D C Snyder
7 with respect to his PAGA claims. Our efforts included: (1) extensive pre-lawsuit investigation
8 of the claims of Plaintiff and other aggrieved employees, including legal research, research into
9 similar claims and claims against other employers in the same industry, and attempts to locate and
10 contact other Rocket Mortgage employees; (2) drafting a PAGA notice letter; (3) drafting the
11 initial complaint and related documents; (4) case management, including communications with
12 defense counsel, meeting and conferring/preparing case management statements, etc.; (5) drafting
13 a first amended complaint; (6) propounding initial and subsequent written discovery, meet and
14 confer letters, and informal discovery conference statements; (7) lengthy discussions with defense
15 counsel regarding settlement/mediation and informal discovery needed for meaningful settlement
16 discussions; (8) engaging in substantial informal discovery, including propounding informal
17 discovery “requests” and reviewing documents and other information produced; (9) drafting a
18 mediation brief; (10) attending an all-day mediation; (11) consulting on the MOU to assist in
19 finalizing the settlement; and (12) extensive communications among co-counsel and with the
20 Plaintiff regarding case status, case investigation and document review, mediation, and settlement
21 terms. A true and correct summary of Crosner Legal’s work performed and time expended on this
22 matter is summarized below:

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Tasks	Brandon Brouillette	Jamie Serb	Kiara Bramasco	Totals
Pleadings and Law and Motion	4.5	1.9	8.9	15.3
Discovery and Post-Filing Investigation	35.8	-	-	35.8
Court Appearances	1.5	-	-	1.5
Case Management; Litigation Strategy & Analysis	4.6	-	-	4.6
Mediation and Settlement	15.2	-	-	15.2
Total Hours	67.7	1.9	8.9	78.5 hours
Hourly Rate	\$750	\$750	\$650	-
Lodestar	\$50,775	\$1,425	\$5,785	\$57,985

10. I am a graduate of Loyola Law School, Los Angeles, from which I received a *juris doctorate* degree in 2009. Prior to attending law school, I attended the University of Southern California, from which I received a *bachelors of science* in Business Administration in 2006.

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

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

13. In particular, I have served as class counsel in several certified class action cases, including:

- 1 a. *Party City Wage and Hour Cases*, JCCP4781 (class counsel for certified class of non-
2 exempt hourly employees who worked for Defendants in California)
- 3 b. *Lewis v. Express Messenger Systems*, Los Angeles Superior Court Case No. BC501521
4 (class counsel for certified class of last-mile delivery drivers who were alleged to be
5 misclassified as independent contractors)
- 6 c. *Ramirez-Vivar v. Grifols Diagnostic Solutions, Inc., et al.*, Alameda County Superior
7 Court, Case No. RG21099519 (class counsel for certified classes of non-exempt hourly
8 employees who worked for Defendants in California)
- 9 d. *Jones v. LA Live*, Los Angeles County Case No. BC687908 (class counsel for certified
10 issue classes consisting of hourly employees who worked at Staples Center and Nokia
11 Theater)
- 12 e. *Bonner et al. v. Providence Health System – Southern California et al.*, Los Angeles
13 County Case No. 21STCV09585 (class counsel for certified class on non-exempt
14 hourly employees who were subject to Defendant's rounding practices)

15 14. The following is a representative sample of settlements in wage and hour class
16 action and PAGA representative cases in which I was listed as an attorney of record and either
17 managed, or co-managed with attorneys at my firm and other co-counsel:

- 18 f. *Cruz v. Walmart*, Los Angeles County Super. Ct. Case No. 18STCV03128 (\$15 million
19 global PAGA settlement on behalf of hourly employees statewide for alleged Labor
20 Code violations.)
- 21 g. *Vorise v. 24 Hour Fitness USA, Inc.*, Contra Costa County Super. Ct., Case No. C 15-
22 02051 (\$11 million global PAGA settlement on behalf of over 36,000 employees for
23 Labor Code violations.)
- 24 h. *Gross v. Sodexo*, Kern County Super Ct., Case No. BCV-18-101746 Capstone (\$4.75
25 million class and PAGA settlement on behalf of class of non-hourly employees for
26 Labor Code violations.)
- 27 i. *Campbell v. AEG* (\$1.8M class and PAGA settlement on behalf of group of hourly
28 employees who worked at concert venues in California for alleged Labor Code

- violations)
- j. *Fiebelkorn v. AEG*, et al. Los Angeles Superior Court Case No. BC717337 (\$1.75M class settlement on behalf of group of hourly employees who worked at Oakland Coliseum for alleged Labor Code violations)
- k. *Amaro v. Anaheim Arena Management*, Orange County Superior Court Case No. 30-2017-00917542 (\$2,212,500 class and PAGA settlement on behalf of group of hourly employees who worked at Honda center in Anaheim California for alleged Labor Code violations)
- l. *Espindola v. Panda Express*, San Bernardino Superior Court Case No. CIVDS1931455 (\$3.125M class and PAGA settlement on behalf of hourly employees statewide for alleged Labor Code violations)
- m. *Gold v. Benihana*, San Diego Court Superior Court Case No. 37-2016-00022320-CU-OE-NC (\$2.25M class and PAGA settlement on behalf of hourly employees statewide for alleged Labor Code violations)
- n. *Party City Wage and Hour Cases*, JCCP4781 (\$6.5M class and PAGA settlement on behalf of hourly employees statewide for alleged Labor Code violations)
- o. *Lewis v. Express Messenger Systems*, Los Angeles County Super Court Case No. BC501521 (\$10.5M class and PAGA settlement on behalf of a statewide group of independent contractor last-mile delivery drivers alleged to be misclassified)
- p. *Flores v. Tesla*, Alameda County Superior Court Case No. RG18907072 (\$4M class and PAGA settlement on behalf of statewide group of hourly employees for alleged Labor Code violations)
- q. *Ruiz v. Disney Stores*, San Bernardino Superior Court Case No. CIVDS2016983 (\$2M class and PAGA settlement on behalf of statewide group of hourly employees who worked at retail stores in California for alleged Labor Code violations)
- r. *Ramirez v. Yin Management*, Sacramento County Superior Court Case No. 34-2021-00301530 (\$1.8M class and PAGA settlement on behalf of statewide group of hourly employees who worked at Defendant's McDonald's franchises in California for alleged

1 Labor Code violations).

2 s. *Suhartono v. RRG Besh*, Los Angeles County Superior Court Case No. 19STCV22184
3 (\$2.25 class and PAGA settlement on behalf of statewide group of hourly employees
4 who worked at Defendant's McDonald's franchises in California for alleged Labor
5 Code violations).

6 t. *Gomes v. Kura Sushi*, Los Angeles County Superior Court Case No. 19STCV18977
7 (\$1.75M class and PAGA settlement on behalf of statewide group of hourly employees
8 who worked at Defendant's restaurants in California for alleged Labor Code violations)

9 u. *Saldana v. Hydrochem*, Contra Costa Superior Court Case No. CIVMSC19-02624
10 (\$1.38M class and PAGA settlement on behalf of statewide group of hourly employees
11 for alleged Labor Code violations).

12 15. The principal owner and founder of Crosner Legal P.C., Zachary Crosner, is a 2010
13 graduate of University of San Diego School of Law. He has some thirteen years of experience as a
14 practicing attorney, all of which have focused on litigation of employment, labor law, consumer,
15 and class action claims. Following graduation, he immediately began working for a nationally
16 recognized plaintiff-side complex litigation firm, CaseyGerry, where he had the fortune of working
17 directly with past presidents of the consumer attorneys and recipients of trial attorneys of the year
18 awards. He also worked for former CAALA and CLAY trial attorney of the year recipient, attorney
19 Conal Doyle, as his sole associate attorney. During his tenure at these firms, he focused on
20 advocating for the rights of consumers and employees in class action litigation, civil rights and
21 employment litigation, catastrophic injuries, insurance bad faith, and appellate litigation.

22 16. In 2013, he founded the law firm of Crosner Legal, P.C., which until recently had
23 focused almost exclusively on wage and hour class actions and other labor and employment law
24 cases representing plaintiffs. The law firm is currently responsible as lead counsel or co-lead
25 counsel for prosecuting well over fifty (50) wage and hour class actions and/or PAGA representative
26 actions in both federal and state courts throughout California.

27 17. Mr. Crosner currently is an executive board member of the Wage and Hour
28 Committee and the Legislative Committee for the California Employment Lawyers Association; a

1 member of the Grassroots Advocacy Team for the National Employment Lawyers Association;
2 Wage and Hour Committee member and Class Action Committee member for the National Trial
3 Lawyers; a member of the American Association for Justice; and a member of the Pound Civil
4 Justice Institute. He also was selected by Super Lawyers as a “Southern California Rising Star” for
5 employment and labor law for 2018-2023.

6 18. Jamie Serb graduated from the University of California, San Diego in 2004 and
7 graduated from California Western School of Law in 2013, and has been a member of the California
8 Bar since 2013. She gained extensive experience in wage and hour litigation, beginning work as a
9 class action attorney in 2015 at the Mara Law Firm, PC (previously Turley & Mara Law Firm,
10 APLC; Turley Law Firm, APLC). She joined Crosner Legal on January 4, 2021 as an associate
11 attorney. She has handled wage and hour class actions and PAGA lawsuits for over six (6) years
12 and has assisted in obtaining millions of dollars for employees during her years of practice.

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

18 20. Crosner Legal, P.C. has obtained several multi-million dollar wage and hour class
19 action settlements while serving as lead class counsel in recent years, including but not limited to a
20 \$1.9 million wage and hour class action settlement in 2015 (*Smith v. Lux Retail North America, Inc.*,
21 Case No. 3:13-cv-01579-WHA (N.D. Cal.)); a \$4.1 million wage and hour class action settlement
22 in 2016 (*Aguirre v. Mariani Nut Company, Inc. et al.*, Case No. 34- 2016-00190252 (Sacramento
23 Cty. Super Ct.)); a \$1.35 million wage and hour class action settlement in 2017 (*Montelone v. Ocean*
24 *Cities Pizza, Inc.*, Case No. 56-2014-00458249 (Ventura Cty. Super. Ct.)), a \$1.8 million wage and
25 hour class action settlement in 2018 (*Latham v. K.W.P.H. Enterprises, Inc. dba American*
26 *Ambulance*, Case No. 17C-0162 (Kings Cty. Super Ct.)), a \$1.3 million wage and hour class action
27 settlement in 2019 (*Means, et al. v. AirGas USA, LLC*, Case No. 17-CV-2160 JGB (C.D. Cal.)), a
28 \$1.5 million wage and hour settlement in 2020 (*Babouchian, et al. v. Wyndham Vacation*

1 *Ownership, et al.*, Case No. CV18-14601 (San Diego Cty. Super. Ct.), a \$1.15 million wage and
2 hour class action settlement in 2020 (*Buford v. Medical Solutions LLC*, Case No. 4:18-CV-04864-
3 YGR (N.D.Cal.)); a \$7.25 million wage and hour class action settlement in 2020 in *Avina, et al. v.*
4 *First Alarm Security & Patrol, Inc.*, Case No. 18CV323753 (Santa Clara Cty. Super Ct.); a \$2.2
5 million wage and hour class action settlement in 2021 (*Ghorchian, et al. v. West Hills Hospital, et*
6 *al.*, Case No. LS029737 (Los Angeles Cty. Super. Ct.)); a \$2.85 million dollar wage and hour
7 settlement in 2021 (*Valencia v. The Original Mowbray's Tree Service, Inc.*, Case No.
8 CIVDS1825518 (San Bernardino Cty. Super. Ct.)); a \$1 million wage and hour class action
9 settlement in 2022 (*Duong v. Loan Factory, Inc.*, Case No. 21CV382467 (Santa Clara Cty. Super.
10 Ct.)), a \$1.4 million wage and hour class action settlement in 2023 in *Correa, et al. v. FedEx Supply*
11 *Chain, Inc.*, Case No. CIVDS2023369 (San Bernardino Cty. Super. Ct.), a \$2.38 million wage and
12 hour class action settlement in 2023 in *Michel, et al. v. Valley Thrift Store, Inc.*, Case No.
13 21STCV00925 (Los Angeles Cty. Super. Ct.); a \$2.5 million wage and hour class action settlement
14 in 2023 in *Jajuga v. Pilot Travel Centers*, Case No. CIVDS1931464 (San Bernardino Cty. Super.
15 Ct.); \$1.015 million wage and hour class action settlement in 2023 in *Gotishan v. Kyo Autism*
16 *Therapy*, Case No. CGC-21-596378 (San Francisco Cty. Super. Ct); and a \$1.15 million wage and
17 hour PAGA settlement in 2023 in *Vaughn v. Public Health Foundation Enters., Inc.*, Case No.
18 21STCV18512 (Los Angeles Cty. Super. Ct.); a \$1.5 million wage and hour class action settlement
19 in *McKinnie v. Iron Mountain*, Case No. 21STCV05707 (Los Angeles Cty. Super. Court); a \$1.3
20 million wage and hour class action settlement in *Ellsworth, et al. v. Hallcon*, Case No.
21 20STCV06618 (Los Angeles Cty. Super. Court); a \$1.925 million wage and hour class settlement
22 in 224 in *Lo v. Cyberpower, Inc.*, Case No. 21STCV31479 (Los Angeles Cty. Super. Ct); and a
23 \$1.19 million dollar wage and hour class action settlement in 2024 in *Herrera v. Signature Flight*
24 *Support LLC*, Case No. 22STCV18367 (Los Angeles Cty. Super. Ct.).

25 21. Based upon the qualifications and experience set forth above, the following hourly
26 rates are reasonable for attorneys practicing in this area of the law in California: Zachary M.
27 Crosner \$800/hour, Jamie K. Serb and Brandon Brouillette, \$750/hour, and Kiara Bramasco
28 \$650/hour.

1 22. Plaintiffs request the Court apply the above hourly billing rates in this case, as these
2 rates are reasonable in the California legal market for attorneys handling wage and hour class
3 actions. I have personal knowledge of the hourly rates charged by a number of plaintiff-side wage
4 and hour class action firms in the Bay Area, Los Angeles and San Diego markets, for partner-level
5 attorneys with experience comparable to mine and to that of my colleagues. These rates have
6 range from \$650 to \$850 per hour for calendar years 2017-2021. Some examples include attorney
7 Matthew Matern of Matern Law Group in Los Angeles, with approximately 26 years of
8 experience \$850/hour (2018); Craig Ackermann of Ackermann & Tilajef, PC with approximately
9 25 years of experience \$850/hour (2021), Michael Malk of Malk APC in Los Angeles, with
10 approximately 16 years of experience \$650/hour (2018), Michael Singer and Isam Khoury of
11 Cohelan Khoury & Singer in San Diego, 35 years and 45 years of experience respectively, both
12 \$825/hour (2018), Jason Ehrlich of McCormack & Ehrlich LLP in San Francisco, with
13 approximately 17 years of experience \$750/hour (2017), and James Kawahito of Kawahito Law
14 Group in Los Angeles, with approximately 16 years of experience \$750/hour (2020).

15 23. The requested rates also comport with the adjusted Laffey Matrix, which provides
16 that reasonable hourly rates for attorneys with 10+ years of experience, such as myself and Mr
17 Crosner, is over \$800. The adjusted Laffey Matrix may be found at
18 <http://www.laffeymatrix.com/sec.html>. Similarly, the December 8, 2008 article, “Billable Hours
19 Aren’t the Only Game in Town Anymore,” NATIONAL LAW JOURNAL, which set forth the
20 following hourly billing rates as reported by Sheppard, Mullin, Richter & Hampton, a leading firm
21 in the defense of wage-and-hour class actions that I have opposed when litigating wage-and-hour
22 class actions: Partners: \$475-\$795; Associates: 1st Year - \$275, 2nd Year - \$310, 3rd Year - \$335,
23 4th Year - \$365, 5th Year - \$390, 6th Year - \$415, 7th Year - \$435, 8th Year - \$455.36

24 24. After the analysis above, Crosner Legal’s lodestar is \$57,985.00, based on 78.5
25 attorney hours spent litigating this case through the filing of this motion.

26 25. As noted, Crosner Legal has represented Plaintiff for over two years with respect to
27 this matter and has expended a significant amount of time and resources in that representation.
28 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 these cases in general.

26. This case posed considerable contingent risk, for the reasons addressed above; if there had been recovery then Crosner Legal would not have received any fees for the time invested litigating the case. Throughout the pendency of this case, the firm has received no compensation or reimbursement for its efforts representing Plaintiffs and the Class.

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