

1 DAVID J. GALLO (*California Bar No. 127722*)

2 **LAW OFFICES OF DAVID J. GALLO**

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7 Attorneys for Plaintiff

8 **SUPERIOR COURT OF CALIFORNIA**

9 **COUNTY OF SAN FRANCISCO**

10 PAUL REEB, individually and on
11 behalf of others similarly
12 situated,

13 Plaintiff,

14 v.

15 AIR EDUCATION, INC., a
16 Delaware corporation, and
17 DOES 1 through 50,

18 Defendants.

Case Number:

CGC-25-630919

CLASS ACTION

(Plaintiff Class,

Cal.Code Civ.Proc., § 382)

**DECLARATION OF DAVID J.
GALLO, ESQ., IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF PROPOSED CLASS-
ACTION AND PAGA SETTLEMENT**

HEARING:

Date: 17 AUGUST 2026

Time: 11:00 a.m.

Place: Dept. 613

ACTION FILED:

03 NOVEMBER 2025

TRIAL DATE:

Not set.

28 **DECLARATION OF DAVID J. GALLO, ESQ., IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF PROPOSED CLASS-ACTION AND
PAGA SETTLEMENT – PAGE 1**

1 I, DAVID J. GALLO, hereby declare:

2 1. All of the facts set forth in this Declaration are within my personal
3 knowledge true and correct (except as to any matters which may be contained
4 herein which are expressly stated to be based upon information and belief;
5 however, I believe that any and all matters stated herein to be based upon
6 information and belief are true).

7 2. I am an attorney licensed to practice before, *inter alia*, the above-
8 captioned court.

9 3. I am engaged in the representation of the Plaintiff / proposed class
10 representative in the above-captioned civil action.

11 4. My investigation of AEI did not reveal any tangible assets.

12 5. Exhibit “G” to the accompanying Memorandum is a screen shot from
13 the California Secretary of State’s Business Search website.

14 6. The place AEI has listed with the Secretary of State as AEI’s
15 “Principal Office” – 220 CUPERTINO WAY, SAN MATEO, CA 94403 – appears
16 to be a modest single-family residence:

17 [https://www.google.com/maps/@37.5381204,-122.2884573,3a,90y,1
35.94h,86.93t/data=!3m7!1e1!3m5!1sGqdAaUnNzyUS1OJmItVO5
w!2e0!6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1
%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26
h%3D600%26pitch%3D3.067425618069791%26panoid%3DGqdAa
UnNzyUS1OJmItVO5w%26yaw%3D135.94279350004095!7i13312
!8i6656?entry=tту&g_ep=EgoyMDI2MDcyMS4wIKXMDSOASAFQ
Aw%3D%3D](https://www.google.com/maps/@37.5381204,-122.2884573,3a,90y,135.94h,86.93t/data=!3m7!1e1!3m5!1sGqdAaUnNzyUS1OJmItVO5w!2e0!6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D3.067425618069791%26panoid%3DGqdAaUnNzyUS1OJmItVO5w%26yaw%3D135.94279350004095!7i13312!8i6656?entry=tту&g_ep=EgoyMDI2MDcyMS4wIKXMDSOASAFQAww%3D%3D)

25 7. The “Mailing Address” AEI has listed with the Secretary of State –
26 548 MARKET ST PMB 335427, SAN FRANCISCO, CA 94104 – appears to be a
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1 mailbox-only address (according to my understanding that “PMB” stands for
2 “private mail box”).

3 8. The proposed settlement now before the Court was negotiated at
4 arm’s length and is not the product of any collusion.

5 9. I am of the view that the proposed settlement is fair, adequate and
6 reasonable.

7 10. I hold a baccalaureate degree in Finance, from the University of
8 Texas at Austin, Undergraduate College of Business (which was conferred upon
9 me in May of 1983).

10 11. I hold a Doctorate in Jurisprudence from the University of Texas at
11 Austin School of Law (which was conferred upon me in December of 1985).

12 12. I sat for the Texas bar examination in February of 1986, and was
13 admitted to the State Bar of Texas in May of 1986.

14 13. I sat for the California bar examination in February of 1987, and was
15 admitted to the State Bar of California in June of 1987.

16 14. The State Bar of California has designated me as a Legal Specialist
17 in Civil Trial Advocacy; I am informed and believe there are only approximately
18 fifty-five (55) attorneys who are currently so designated, out of the total
19 membership of the State Bar of California.

20 [https://apps.calbar.ca.gov/attorney/LicenseeSearch/AdvancedSearch](https://apps.calbar.ca.gov/attorney/LicenseeSearch/AdvancedSearch?LastNameOption=b&LastName=&FirstNameOption=b&FirstName=&MiddleNameOption=b&MiddleName=&FirmNameOption=b&FirmName=&CityOption=b&City=&State=&Zip=&District=&County=&LegalSpecialty=102&LanguageSpoken=&PracticeArea=)
21 [h?LastNameOption=b&LastName=&FirstNameOption=b&FirstN](https://apps.calbar.ca.gov/attorney/LicenseeSearch/AdvancedSearch?LastNameOption=b&LastName=&FirstNameOption=b&FirstName=&MiddleNameOption=b&MiddleName=&FirmNameOption=b&FirmName=&CityOption=b&City=&State=&Zip=&District=&County=&LegalSpecialty=102&LanguageSpoken=&PracticeArea=)
22 [ame=&MiddleNameOption=b&MiddleName=&FirmNameOption=](https://apps.calbar.ca.gov/attorney/LicenseeSearch/AdvancedSearch?LastNameOption=b&LastName=&FirstNameOption=b&FirstName=&MiddleNameOption=b&MiddleName=&FirmNameOption=b&FirmName=&CityOption=b&City=&State=&Zip=&District=&County=&LegalSpecialty=102&LanguageSpoken=&PracticeArea=)
23 [b&FirmName=&CityOption=b&City=&State=&Zip=&District=&C](https://apps.calbar.ca.gov/attorney/LicenseeSearch/AdvancedSearch?LastNameOption=b&LastName=&FirstNameOption=b&FirstName=&MiddleNameOption=b&MiddleName=&FirmNameOption=b&FirmName=&CityOption=b&City=&State=&Zip=&District=&County=&LegalSpecialty=102&LanguageSpoken=&PracticeArea=)
24 [ounty=&LegalSpecialty=102&LanguageSpoken=&PracticeArea=](https://apps.calbar.ca.gov/attorney/LicenseeSearch/AdvancedSearch?LastNameOption=b&LastName=&FirstNameOption=b&FirstName=&MiddleNameOption=b&MiddleName=&FirmNameOption=b&FirmName=&CityOption=b&City=&State=&Zip=&District=&County=&LegalSpecialty=102&LanguageSpoken=&PracticeArea=)

25 15. I also hold a separate board certification from the National Board of
26 Trial Advocacy as a Specialist in Complex litigation (which includes, and
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1 primarily is, class-action litigation).

2 16. I have served as sole counsel or lead counsel in a number of cases
3 wherein I achieved spectacular results for my clients through settlement, but
4 where the terms of the settlement agreement included a confidentiality clause.

5 17. I have served as sole counsel or lead counsel in a number of mass
6 fiduciary litigation cases, such as Title 11 cases involving millions of dollars in
7 assets, wherein I served as case counsel to the Title 11 Debtor.

8 18. I have tried numerous jury trials during my forty (40) years of
9 practice.

10 19. As far back as 2001, I have been found to be, "... an experienced class
11 action litigator ... [who] can adequately conduct class action litigation." (The
12 quotation is from the order granting contested motion for class certification which
13 was entered 22 October 2001 in the below-identified Livingston Class Action.)
14 My experience in class action litigation includes, but is not limited to, the
15 following:

16 a. In November of 2000, I served as chief trial counsel to a group of
17 approximately eighty (80) investors in a contested evidentiary
18 "fairness hearing" re: approval of a proposed settlement of a non-opt-
19 out defendant-class action wherein the plaintiff sought avoidance of
20 liens securing approximately \$448,000,000.00 in debt securities
21 (consolidated with a contested confirmation trial), in "*In re: Baptist*
22 *Foundation of Arizona, Inc., et al.*", Case Nos.: 99-13275 through 99-
23 13364-ECF-GBN (Jointly Administered Under Case No.: 99-13275-
24 ECF-GBN), in the United States Bankruptcy Court for the District
25 of Arizona;

26 b. I served as sole Class Counsel to the Plaintiff Class (numbering
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1 approximately 450 members) in that certain civil action
2 **(hereinafter the “Cram Class Action”)** styled, “Joel M. Cram, *et*
3 *al.* v. LjL Transportation, Inc., *et al.*”, Case Number GIC 753653, in
4 Department 60 of the Superior Court of California for the County of
5 San Diego (certified 1 December 2000, by the Hon. William C. Pate);

6 c. I served as sole Class Counsel to the Plaintiff Class (numbering
7 approximately 1,750 members) in that certain civil action
8 **(hereinafter the “Grant Class Action”)** styled, “Grant, *etc.* v.
9 American Golf Corporation, *etc.*, *et al.*”, Case Number INC 018386,
10 in the Superior Court of California for the County of Riverside (Indio
11 Branch) (certified 8 February 2001, by the Hon. Lawrence W. Fry);
12 **I successfully tried the Grant Class Action to judgment** in July
13 of 2001, and obtained judgment for the Plaintiff Class (granting
14 some, but not all relief requested) under the California Unfair
15 Competition Law, Sections 17200, *et seq.*, of the Business and
16 Professions Code;

17 d. I served as sole Class Counsel to the Plaintiff Class in that certain
18 civil action **(hereinafter the “Livingston Class Action”)** styled,
19 “Livingston, *et al.* v. Chester, *etc.*”, Case Number GIC 768263, in
20 Department 68 of the Superior Court of California for the County of
21 San Diego (certified 22 October 2001, by the Hon. Sheridan E. Reed);
22 **I successfully tried the Livingston Class Action to judgment**
23 in October of 2002, and obtained judgment for the Plaintiff Class;

24 e. I served as sole Class Counsel to the Plaintiff Class (numbering
25 approximately 450 members) in that certain Title 11 case
26 **(hereinafter the “Bankruptcy-Court Class Action”)** styled, “*In*
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1 *re: Calvin Lee Steria*", Case No. 01-07354-A-7, in the United States
2 Bankruptcy Court for the Southern District of California (certified
3 12 December 2001, by the Hon. Louise DeCarl Adler);

4 f. I served as sole Class Counsel to the Plaintiff Class (numbering
5 approximately 800 members) in that certain civil action
6 **(hereinafter the "Comfort Keepers Class Action")** styled, "Crist
7 B. Thomas, *etc. v. Antin Sachs, Inc., et al.*", Case Number GIC
8 843081, in Department 65 of the Superior Court of California for the
9 County of San Diego (certified 3 February 2006, by the Hon. Joan M.
10 Lewis);

11 g. I served as sole Class Counsel to the Plaintiff Class in that certain
12 civil action **(hereinafter the "O'Neal Class Action")** styled,
13 "O'Neal, *etc., et al. v. Brenner Associates, Inc., et al.*", Case Number
14 GIC 872155, in Department 63 of the Superior Court of California for
15 the County of San Diego (certified for settlement purposes on 29
16 February 2008, by the Hon. Luis R. Vargas);

17 h. I served as sole Class Counsel to the Plaintiff Class in that certain
18 civil action **(hereinafter the "EDS Class Action")** styled, "Cram,
19 *et al., etc. v. Electronic Data Systems Corporation*", Civil Action
20 Number 07-CV-1842 LAB (NLS), in the United States District Court
21 for the Southern District of California (certified for settlement
22 purposes on 20 January 2009, by the Hon. Larry Allan Burns);

23 i. I served as first-listed Class Counsel in that certain civil action
24 **(hereinafter the "Regis Class Action")** styled, "Mook, *etc. v. Regis*
25 *Corporation*", Case Number 30-2009-00278779-CU-OE-CXC, in
26 Department CX-103 of the Superior Court of California for the
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County of Orange (certified for settlement purposes on 23 November 2010, by the Hon. Ronald L. Bauer);

j. I served as first-listed Class Counsel to the Plaintiff Collective Action Group in that certain civil action (**hereinafter the “County of Los Angeles Class Action”**) styled, “Marie J. Ali, *etc.* v. County of Los Angeles, *etc.*”, Civil Action No. CV08-07627 CAS (FFMx), in the United States District Court for the Central District of California (Western Division) (certified 13 April 2009, by the Hon. Christina A. Snyder);

k. I served as sole Class Counsel to the Plaintiff Class in that certain civil action (**hereinafter the “IHSS Class Action”**) styled, “Woodruff, *etc.* v. County of San Diego In-Home Supportive Services Public Authority, *etc.*”, Case Number 37-2008-00096957-CU-OE-CTL, in Department 62 of the Superior Court of California for the County of San Diego (certified 29 January 2010, by the Hon. Ronald L. Styn) (The IHSS Class Action was summarily adjudicated in favor of the defendant as to all certified claims.);

l. I served as sole Class Counsel to the Plaintiff Class in that certain civil action (**hereinafter the “TEA Class Action”**) styled, “Ashley v. Tactical Engineering & Analysis, Inc.”, Case Number 37-2010-00098712-CU-BT-CTL, in Department 65 of the Superior Court of California for the County of San Diego (certified for settlement purposes on 13 April 2012, by the Hon. Joan M. Lewis).

m. I served as first-listed Class Counsel to the Plaintiff Classes in that certain civil action (**hereinafter the “Evans Tire Class Action”**) styled, “John Descano, *etc.* v. Evans Tire & Service Centers, Inc.”,

Case No. 37-2011-00094991-CU-BT-CTL, in Department 61 of the Superior Court of California for the County of San Diego (certified 14 June 2012, by the Hon. John S. Meyer).

- n. I served as sole Class Counsel in that certain civil action **(hereinafter the “Michaels Class Action”)** styled, “Rea, *etc.*, *et al.* v. Michaels Stores, Inc.” Case Number 30-2011-00507932-CU-OE-CXC, in Department CX-104 of the Superior Court of California for the County of Orange (certified on 3 December 2013, by the Hon. Kim G. Dunning);¹
- o. I served as sole Class Counsel to the Plaintiff Class in that certain civil action **(hereinafter the “RGIS Class Action”)** styled, “Cross, *etc.*, *et al.* v. RGIS, LLC”, Case Number 37-2013-00044583--CU-OE-CTL, in Department 71 of the Superior Court of California for the County of San Diego (certified for settlement purposes on or about 5 November 2014, by the Hon. Ronald S. Prager).
- p. Following a successful appeal, I prevailed in a motion to certify a new and different Plaintiff Class in the above-identified IHSS Class Action. **I successfully tried the second IHSS Class Action to judgment,** successfully defended the judgment on appeal, and thereafter obtained a writ of mandate compelling the County of San Diego to pay the judgment in its entirety (after the County had refused to pay the judgment, claiming it was not a budgeted expenditure).

¹ The Michaels Class Action was subsequently transferred to a federal court (*see, Rea v. Michaels Stores, Inc.*, 742 F.3d 1234 (9th Cir. 2014)), and was later decertified by the federal court.

20. I have dedicated a substantial portion of my practice since 2000 to the prosecution of civil actions against California employers who fail to comply with overtime laws. I have tried at least four (4) unpaid-overtime cases to verdict and judgment within the past several years (including the Livingston Class Action, an individual action, a 24-plaintiff group action, and a four-plaintiff bellwether trial), and I obtained substantial jury verdicts, judgments, and recoveries in all of them.

21. I have successfully settled numerous unpaid-overtime class action cases within the past several years (including the Cram Class Action, the Comfort Keepers Class Action, and the O'Neal Class Action, the EDS Class Action, the Ali Class Action, the TEA Class Action, the Evans Tire Class Action, and the RGIS Class Action), and I obtained substantial recoveries for the plaintiff classes in each of these cases.

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 24th day of July, 2026, within San Diego County, California.

/s/ David J. Gallo
DAVID J. GALLO

[DECL GALLO iso PRELIMINARY APPROVAL.wpd]

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Blair Senesi, Esq.: bsenesi@littler.com

/s/ David J. Gallo
DAVID J. GALLO

**DECLARATION OF DAVID J. GALLO, ESQ., IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF PROPOSED CLASS-ACTION AND
PAGA SETTLEMENT – PAGE 10**