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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF MADERA

ANNETTE DEARING, an individual,
REBECCA TAYLOR, an individual,
JANETTE TELLO, an individual, on behalf of
themselves, and on behalf of all others
similarly situated;

Plaintiff,

vs.

LOVE'S COUNTRY STORES OF
CALIFORNIA, a California corporation; and
DOES 1 through 50,

Defendants.

Case No. MCV090813

**DECLARATION OF HALLIE VON ROCK IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT AND MOTION FOR
ATTORNEYS' FEES, COSTS, AND INCENTIVE
COMPENSATION**

Date: July 27, 2026

Time: 8:30 a.m.

Judge: Hon. Michael J. Jurkovich

Dept.: 17

1 **DECLARATION OF HALLIE VON ROCK IN SUPPORT OF PLAINTIFFS' MOTION FOR**
2 **FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND MOTION FOR**
3 **ATTORNEYS' FEES, COSTS, AND INCENTIVE COMPENSATION**

4 I, Hallie Von Rock, declare as follows:

5 1. I am an attorney licensed to practice law in the State of California and admitted to
6 practice before this Court. I am a partner with Aiman-Smith & Marcy and counsel of record for Plaintiff
7 Janette Tello ("Plaintiff Tello") in this action. I have personal knowledge of the matters stated herein
8 and, if called as a witness, could and would competently testify thereto.

9 2. My firm and I have extensive experience in class action and employment litigation,
10 including wage and hour class actions, and do not have any conflict with the Class. Attached hereto as
11 **Exhibit 1** is a true and correct copy of the firm resume of Aiman-Smith & Marcy, describing Class
12 Counsel's experience.

13 3. On July 23, 2024, Plaintiff Tello filed a putative class action against Defendant Love's
14 Country Stores of California, Inc., in San Bernardino County Superior Court, Case No. CIVVS2400177,
15 asserting wage-and-hour claims arising from Defendant's uniform employment policies and practices
16 applicable to non-exempt employees in California. As part of the proposed global resolution, Plaintiff
17 Tello's claims were consolidated for settlement purposes into this action pursuant to the Second
18 Amended Complaint.

19 4. Plaintiff Tello worked for Defendant as a non-exempt employee in California from
20 approximately July 2013 through April 2024. During her employment, she was paid on an hourly basis
21 and was entitled to legally compliant minimum wages, overtime wages, meal and rest periods, accurate
22 wage statements, and reimbursement of necessary business expenses.

23 5. Prior to filing suit and throughout the litigation, my firm conducted an extensive
24 investigation into Plaintiff Tello's claims, and those of the proposed Settlement Class, including
25 interviews of putative Class Members, review of employment records and policies, legal research,
26 review of documents produced by Defendant, review and production of documents by Plaintiff Tello,
27 and analysis of the risks and potential recovery associated with continued litigation.

28 6. The parties engaged in substantial discovery and exchanged sufficient information to

1 evaluate the strengths and weaknesses of the claims and defenses.

2 7. The settlement was reached after arm's-length negotiations with the assistance of
3 mediator Steven Rottman. Based upon the investigation conducted, discovery obtained, and risks
4 associated with further litigation, it remains my opinion that the settlement is fair, reasonable, adequate,
5 and in the best interests of the Settlement Class and Aggrieved Employees.

6 8. The Settlement Administrator successfully disseminated notice pursuant to the Court's
7 Preliminary Approval Order. The details of the settlement administration are included in the Declaration
8 of Apex Class Action LLC.

9 9. There were no objections or exclusions made to the Settlement. Thus, the reaction of the
10 Settlement Class strongly supports final approval.

11 10. The Settlement provides for an attorney's fee up to one-third of the Gross Settlement
12 Amount, which was identified in the Class Notice. Given the substantial California and Federal authority
13 approving the percentage of the fund method for awarding attorney's fees, Class Counsel believe the
14 Court should employ the percentage of recovery method in this case and award Class Counsel their
15 requested fee of one-third of the Gross Settlement Amount, which totals \$964,466.34.

16 11. While Plaintiffs submit that a lodestar cross-check is not necessary in this case, even if
17 the Court were to employ one, the cross-check supports the requested fees here.

18 12. From the outset of the case to the present, prosecution of this action has involved
19 significant financial risk for Class Counsel. My firm undertook this matter solely on a contingent basis,
20 with no guarantee of recovery. My firm has placed their own resources at risk to prosecute this action
21 with no guarantee of success.

22 13. Practice in wage and hour class action litigation requires knowledge and skill of the
23 constantly evolving substantive law as well as the procedural requirements of class action litigation. The
24 issues presented in the case required more than just a general appreciation of statutory wage and hour
25 laws and class action procedure. My firm has been involved in and appointed as class counsel in other
26 class actions against large institutions and retailers. *See, e.g.,* Exhibit 1. Thus, the complexity and
27 potential duration of the case weigh in favor of awarding the requested attorney's fees.

28 14. Additional work was available to my firm that we had to forgo to devote the time

1 necessary to pursue this litigation.

2 15. In assessing the reasonableness of an attorney's hourly rate, courts consider the
3 prevailing market rate in the community for similar services by lawyers of reasonably comparable skill,
4 experience, and reputation. Class Counsel's rates are based on prevailing fees in this geographical area
5 and have been approved in California and federal courts.

6 16. Our firm regularly does extensive research into hourly rates charged in the Bay Area and
7 California by attorneys with comparable experience to the attorneys in my firm. That research takes the
8 form of review of individual attorney declarations filed in support of fee applications and the orders
9 thereon, review of professional surveys of attorney hourly rates, such as National Law Journal and
10 AmLaw, and review of the *Laffey Matrix*.

11 17. The hourly rates of the attorneys at Aiman-Smith & Marcy are commensurate with rates
12 awarded in California state courts and Northern and Central District courts. *See, e.g., Yo LLC v.*
13 *Krucker*, Santa Clara Superior Ct. No. 17CV306261 (Partner rates of \$1,275 and associate (2020 rate) of
14 \$1,010); *Planned Parenthood Fed'n of Am., Inc. v. Ctr. For Med. Progress*, No. 16-CV-00236-WHO,
15 2020 WL 7626410 (N.D. Cal. Dec. 22, 2020) (Partner rates of \$925-\$1,280 and associate rates of \$675-
16 \$910); *Schneider v. Chipotle Mexican Grill, Inc.* 336 F.R.D. 588 (N.D. Cal. 2020) (Partner rates of
17 \$995-\$1,275 and associate rate of \$695); *Nozzi v. Housing Authority*, 2018 U.S. Dist.LEXIS 26049
18 (C.D. Cal. 2018) (Partner rates of \$1,150 and associate rates of \$750-\$765 approved); *Wit v. United*
19 *Behavioral Health* (N.D. Cal. Jan. 5, 2022) __F.Supp.3d__, 2022 WL 45057 (Partner rates of \$980 -
20 \$1,145 and associate rates of \$595); *Independent Living Center of S. Cal. V. Kent*, 2020 U.S. Dist Lexis
21 13019 (C.D. Cal. 2020) (Partner rates of \$1,025 and associate rates of \$600-\$815 approved); *Hadsell v.*
22 *City of Baldwin Park*, Los Angeles Superior Court No. BC548602 (Partner rates of \$1,100 and associate
23 rates of \$550-\$850 rates approved); *Banas v. Volcano Corp.* (N.D. Cal. 2014) 47 F.Supp.3d 957 (Partner
24 rates of \$1,095 and associate rates of \$620-\$770 approved).

25 18. Accordingly, the following hourly rates for counsel at Aiman-Smith & Marcy are well
26 within the comparable range for attorneys in the Bay Area: Reed W. L. Marcy (28-year Partner) \$1,150;
27 Hallie Von Rock (21-year Partner) \$1,150; and Lisseth Bayona (5-year Associate) \$500. These rates for
28 Class Counsel were recently approved in the matters of *Naro, et al. v. Walgreen Co., et al.*, Northern

District of California, Case Number 4:22-cv-03170-JST (01/08/26 Order, *ECF 77); and *Alfonso Ruiz, et al. v. Automotive Racing Products*, Ventura County Superior Court Case Number 2023CUOE01192 (10/23/2025 Order).

19. The total lodestar, to date, for Aiman-Smith & Marcy is \$279,595. These fees will be combined with co-counsel for the total lodestar of all Class Counsel. Because there were three cases litigated prior to consolidation, the work performed on each case was not duplicative. Rather, it was essential to come to a global resolution of this now consolidated settlement.

20. I have reviewed the detailed, daily contemporaneous time sheets for each of the attorneys at Aiman-Smith & Marcy who have billed for this matter. Each attorney uses their own billing judgment, but I again went through the tasks performed to delete any duplication or for other billing judgment reasons.

21. Following that is a table of the hourly rates and total hours for each attorney in seeking fees for final approval.

Attorney	Rate	Hours	Total
Reed Marcy	\$1,150	35.9	\$41,285
Hallie Von Rock	\$1,150	135.4	\$155,480
Liseth Bayona	\$500	165.2	\$82,600
Total		336.5	\$279,595

22. Additional time will also be spent finalizing the Motion for Final Approval and monitoring class payments following the effective date. Thus, Class Counsel's work has been meaningful, and their hourly rates are commensurate with experience and the prevailing rates among defense and plaintiffs' firms that regularly litigate wage and hour class actions as follows.

23. Class Counsel has kept detailed records of costs expended in this matter, which supports the request for litigation costs under the terms of the settlement to be sought at final approval. The current out-of-pocket litigation costs expended by Aiman-Smith & Marcy are \$6,506.54. My firm's costs are those that are the type typically billed by attorneys to paying clients in the marketplace and include such costs as court costs, filing fees, mediation fees, printing costs, postage, document retrieval

costs, and research specific to this case. A true and correct copy of the index of costs maintained by Aiman-Smith & Marcy is attached hereto as **Exhibit 2**.

24. The requested service awards of \$10,000 for each of the Representative Plaintiffs are intended to compensate them for the critical roles they played in this litigation, and the time, effort, and risks undertaken in helping secure the result obtained on behalf of the Class Members.

25. Plaintiff Tello's participation was invaluable in the litigation, discovery, and settlement process. She spent considerable time providing information to counsel, assisting in the drafting of pleadings and other documents, reviewing discovery requests, producing documents, providing contact information for witnesses, assisting in the preparation of information necessary for mediation, staying updated about the terms of the mediation process, reviewing the Settlement Agreement and Notices, providing declarations for preliminary and final approval, and regularly discussing the facts and proceedings with my firm. She has been an active participant in this litigation from the outset. Throughout the long process of preliminary and final approval, Plaintiff has consistently checked in about the proceedings.

26. The Plaintiffs also faced great risk in challenging Defendant's employment policies and bringing suit against their employer, not least because Plaintiffs faced potential liability for Defendant's costs if Defendant prevailed.

27. Additionally, the notoriety of being a class action or PAGA representative is even more significant today given the accessibility of court documents on-line and PAGA/class action blogs. Further, employers frequently perform background checks of applicants and the fact that an individual has sued a former employer in a representative action will likely be viewed negatively. Thus, the incentive award is necessary to award Plaintiffs for the notoriety and risk taken in their role as class action and PAGA representatives.

28. In addition, in evaluating proposed service awards, the \$30,000 aggregate amount of the proposed service awards is quite modest in comparison to the overall benefits of the settlement and recovery to the class.

29. The modest amount of these requested service awards in relation to the benefit conferred on the absent Class Members weighs in favor of their appropriateness. The service award amounts were

1 included in the Notice sent to Class Members. There were no objections by Settlement Class Members
2 to the service awards.

3 30. For all of these reasons, I believe the proposed Settlement is in the best interests of
4 Plaintiffs, the Settlement Class Members, and the Aggrieved Employees, and respectfully request that
5 the Court grant Final Approval.

6
7 I declare, under penalty of perjury under the laws of the State of California, that the foregoing is
8 true and correct.

9 Executed on June 22, 2026 at Oakland, California.

10 *Hallie Von Rock*

11
12

Hallie Von Rock

Exhibit 1

CURRICULUM VITAE OF AIMAN-SMITH & MARCY

FIRM BIOGRAPHY

Aiman-Smith & Marcy, PC, is a boutique plaintiffs' law firm that has successfully litigated individual, representative, and class action cases for plaintiffs across a broad variety of areas, including unpaid wages, unpaid overtime, missed meal and rest breaks, uniform reimbursement, consumer fraud, securities fraud, employment discrimination, civil rights, sex harassment, wrongful termination, whistleblower retaliation, and others. The firm represents exclusively plaintiffs, in all aspects of litigation, including trial and appeals. Aiman-Smith & Marcy began in 2005, although the principals have worked together since 1997.

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ATTORNEYS

RANDALL B. AIMAN-SMITH (SBN 124599)

Randall Aiman-Smith earned his Juris Doctor degree from University of California, Berkeley School of Law in 1986. While at Berkeley Law, Mr. Aiman-Smith served as a member of the editorial board of the California Law Review and, additionally, on the Moot Court Board. Mr. Aiman-Smith was an adjunct faculty member at University of California Law, San Francisco, for seven years and has been a frequent presenter at continuing educational seminars.

Mr. Aiman-Smith is admitted to practice in state and federal courts in California, including the Northern District, Central District, Ninth Circuit, and the Tenth Circuit Court of Appeals, and the California Supreme Court. Additionally, Mr. Aiman-Smith has been admitted *pro hac vice* in several other jurisdictions.

Over the 30 years that Mr. Aiman-Smith has been practicing law, he has worked exclusively as a litigator in the state and federal trial and appellate courts on behalf of plaintiffs seeking to vindicate their rights under the law. Mr. Aiman-Smith has tried

numerous cases in the state and federal courts and has taken at least 25 cases to judgment or verdict, including serving as lead trial counsel in *Rivero v. City and County of San Francisco* (judgment of \$2.3 million in damages and fees after 15 years of litigation in 2008), *Williams v. Union Pacific Railroad* (individual discrimination verdict of \$1.7 million in 2009); *Aghmane v. Bank of America* (\$1.6 million jury verdict for defamation and blacklisting in 2018), and *Benton v. Telecom Network Specialists* (\$9.5 million total to class in wages, interest, and penalties).

The firm and Mr. Aiman-Smith have also taken numerous matters to the state and federal courts of appeal on behalf of both appellants and respondents resulting in the creation of significant legal precedents favorable to plaintiffs. Published decisions where Mr. Aiman-Smith was counsel of record and had primary responsibility for writing briefs and making oral arguments include: *Bergemann v. United States*, 820 F.2d 1117 (10th Cir. 1987); *Eidsmore v. R.B.B., Inc.*, 25 Cal.App.4th 1989 (1994); *Rivero v. Superior Court (Smith)* (1997) 54 Cal.App.4th 1048; *Rivero v. City and County of San Francisco*, 316 F.3d 857 (9th Cir. 2002); *Bradley v. Networkers International LLC* (2012) 211 Cal.App.4th 1129; and *Benton v. Telecom Network Specialists, Inc.* (2013) 220 Cal.App.4th 701.

Most recently, Mr. Aiman-Smith was lead counsel for plaintiffs in the class action trial in *Benton v. Telecom Network Specialists, Inc.* (lead case *Booker v. Tanintco, Inc.*, Los Angeles Superior Court Case No. BC34926) which resulted in a judgment for plaintiffs of \$9.5 million in March 2021.

Mr. Aiman-Smith has also served as the lead attorney in numerous cases where class certification has been granted over defendants' opposition, including *Nucci v. Rite Aid Corp.* (N.D. Cal. Feb. 3, 2022) 2022 US Dist. LEXIS 142121 (25,000 employee class) and *Brown v. Abercrombie & Fitch Co.* (C.D. Cal. July 16, 2015) 2015 US Dist. LEXIS 176214 (65,000 employee class).

REED W. L. MARCY (SBN 191531)

Reed W. L. Marcy obtained his Bachelor's degree with High Honors in French Literature in 1983 and his Master's degree in French Literature in 1985, both from the University of California, Berkeley. Mr. Marcy graduated from University of California Law, San Francisco, in 1997 and was admitted to practice in California in December 1997. Mr. Marcy was awarded numerous academic honors at UC Law SF, including the American Jurisprudence Award, the David Snodgrass Oral Advocacy Award, the California Computerized Legal Instruction Award, and awards for civil rights and art law. Mr. Marcy was Associate Executive Editor for *Comm/Ent*, the journal of intellectual property law, and published a note on patent law. Mr. Marcy has been a frequent presenter of continuing legal education programs on employment law and legal research

topics through National Business Institute.

Mr. Marcy is admitted to practice in state and federal courts in California, including the Northern District, Central District, Eastern District, Ninth Circuit, and Court of Appeals, along with the California Supreme Court, and has been admitted *pro hac vice* in Ohio and Oklahoma.

Mr. Marcy began working as a law clerk for Randall Aiman-Smith in 1995, while still a law student. After graduation and admission to the Bar in 1997, Mr. Marcy continued working as an attorney for Mr. Aiman-Smith, becoming a partner in Mr. Aiman-Smith's firm in 2002. In 2005, Mr. Marcy and Mr. Aiman-Smith formed Aiman-Smith & Marcy.

Mr. Marcy has abundant experience as a civil litigator, including extensive experience in all phases of employment law and class actions from initial client intake through trial and appeal. Mr. Marcy has been the lead attorney for dozens of employment and consumer class actions and has extensive experience in employment law appellate practice. Published decisions where Mr. Marcy had responsibility for writing briefs and making oral arguments include *Rivero v. City and County of San Francisco*, 316 F.3d 857 (9th Cir. 2002); *Bradley v. Networkers International LLC* (2012) 211 Cal.App.4th 1129; and *Benton v. Telecom Network Specialists, Inc.* (2013) 220 Cal.App.4th 701. Mr. Marcy successfully argued for overturning summary judgment in a defamation and blacklisting action in the Ninth Circuit in *Aghmane v. Bank of America, N.A.*, 696 Fed. Appx. 175 (9th Cir. May 17, 2017) Case Number 15-15482 (unpublished memorandum). The case was successfully tried to a \$1.6 million verdict in February 2018. Mr. Marcy also argued the appeals in *Selkirk v. Grasshopper House, LLC* (2d Dist. Cal. Div. 7, March 16, 2020) and *Ezeokoli v. Uber Techs.* (1st Dist. Cal. Div. 3, January 13, 2021). Mr. Marcy was the supervising attorney in *Carroll v. City and County of San Francisco, et al.* (2019) 41 Cal.App.5th 805 (reversing demurrer and applying continuing violation and continuous accrual doctrine to age discrimination in disability benefits). Most recently, Mr. Marcy was one of the lead counsel for plaintiffs in the class action trial in *Benton v. Telecom Network Specialists, Inc.* (lead case *Booker v. Tanintco, Inc.*, Los Angeles Superior Court Case No. BC34926) and performed the examination and cross-examination of the expert witnesses, which resulted in a judgment for plaintiffs of \$9.5 million in March 2021.

Mr. Marcy is currently the Top 10 Wage & Hour President for 2022 – 2023 for the National Trial Lawyers Association.

HALLIE VON ROCK (SBN 233152)

Ms Von Rock graduated with a Bachelor of Arts degree from University of California, Berkeley with Honors in 1999. Ms Von Rock graduated from University of California Law, San Francisco, in 2004 and was admitted to practice in California in December, 2004. Ms Von Rock was awarded numerous academic honors at UC Law SF, including the Witkin Award for Excellence for Trial Advocacy and CERCLA Outstanding Achievement Awards for Trial Advocacy and for Moot Court. Ms Von Rock was an Editor for West Northwest Environmental Law Journal.

Ms Von Rock is admitted to practice in state and federal courts in California, including the Northern District, Central District, Southern District, and Court of Appeals, along with the California Supreme Court.

Ms Von Rock has worked with Randall Aiman-Smith and Reed Marcy since 1996, while still an undergraduate at University of California, Berkeley. Ms Von Rock began working as a law clerk for Mr. Aiman-Smith and Mr. Marcy during her last year of law school in June 2003 and was hired as an Associate following admission to the California Bar in 2004. Ms Von Rock has been a partner at Aiman-Smith & Marcy since 2012.

During Ms Von Rock's significant litigation experience, she has worked on numerous employment and consumer cases and class action cases. Ms Von Rock has experience in all aspects of litigation and class action work, including trial and appeal. She has been lead counsel in numerous employment and consumer class actions. Published decisions where Ms Von Rock had responsibility for writing briefs include *Bradley v. Networkers International LLC* (2012) 211 Cal.App.4th 1129; and *Benton v. Telecom Network Specialists, Inc.* (2013) 220 Cal.App.4th 701, and the unpublished decision in *Aghmane v. Bank of America, N.A.*, 696 Fed. Appx. 175 (9th Cir. May 17, 2017) Case Number 15-15482. Ms Von Rock was trial counsel in *Aghmane v. Bank of America*, which was successfully tried to a \$1.6 million verdict on defamation and blacklisting in February 2018. Most recently, Ms Von Rock was one of the lead counsel for plaintiffs in the class action trial in *Benton v. Telecom Network Specialists, Inc.* (lead case *Booker v. Tanintco, Inc.*, Los Angeles Superior Court Case No. BC34926) which resulted in a judgment for plaintiffs of \$9.5 million in March 2021.

BRENT A. ROBINSON (SBN 289373) (formerly of Aiman-Smith & Marcy, through March 2025)

Mr. Robinson (formerly with Aiman-Smith & Marcy, through March 2025) graduated with a Bachelor of Arts in English from the University of California, Santa Barbara, and spent a year abroad studying at the University of Leeds in the U.K. He graduated in the top quintile of his law school class at the University of San Francisco

School of Law, where his work garnered the CALI Award for Excellence in Legal Ethics, the California Academy of Appellate Lawyers Award for Best Brief in the Roger J. Traynor Appellate Moot Court Competition, and an award for Outstanding Individual Achievement in Oral Argument at the same competition.

Mr. Robinson has extensive experience litigating the full spectrum of employment claims, including harassment, discrimination, retaliation, disparate impact, wage and hour, and Private Attorneys General Act claims. Mr. Robinson also has experience litigating tort claims including wrongful death and serious personal injury claims.

Mr. Robinson is a member of Aiman-Smith & Marcy's class action litigation group. As part of that team, he fights high-stakes battles against some of the top defense firms and the largest corporations, and has established new law in California. *See, Carroll v. City and County of San Francisco* (2019) 41 Cal.App.5th 805, review and depublication denied (Jan. 29, 2020); *Piplack v. In-N-Out Burgers* (2023) 88 Cal.App.5th 1281, review granted and pending (Jun. 14, 2023). Representative cases include:

- *Aghmane v. Bank of America Corporation N.A.* (N.D.Cal. Case No. 4:13-cv-03698) (2018 \$1.6m jury verdict, plus a finding of liability for punitive damages, and a subsequent confidential settlement);
- *Carroll v. City and County of San Francisco et al.* (San Francisco Super. Ct. Case No. CGC-17-526580; First Dist. Ct. of App. Case Nos. A154569 and A155208; Cal. Supreme Ct. Case No. S259558) (first-chair in class action trial);
- *Rahman/Bautista Diaz v. Gate Gourmet, Inc.* (N.D.Cal. Case No. 3:20-cv-03047-WHO; Los Angeles Super. Ct. Case No. 20STCV34299; C.D.Cal. Case No. 2:20-CV-09454 FLA (MAAx); MDL No. 3012);
- *Piplack et al. v. In-n-Out Burgers* (Orange Co. Super. Ct. Case No. 30-2019-01114510, Fourth Dist. Ct. of App. Case No. G061098, Cal. Supreme Ct. Case No. S279546; Sonoma County Superior Case No. SCV-268956, First Dist. Ct. of App. Case Nos. A165320 and A165403; Cal. Supreme Ct. Case No. S275185; Second Dist. Ct. of App. Case No. B319885);
- *Lewis v. Simplified Labor Staffing Solutions* (Cal. Supreme Ct. Case No. S278457); and
- *Cosio v. IPAA et al.* (San Francisco Super. Ct. Case No. CGC-16-551337; First Dist. Ct. of App. Case No. A153333).

Mr. Robinson is admitted to practice in all California state courts, and in the United States District Courts for the Northern, Eastern, and Central Districts of California.

Mr. Robinson is a member of the California Employment Lawyers Association,

serves on that organization's Reverse Auctions Panel, and is a member of that organization's Wage & Hour Committee. He has also been recognized by Super Lawyers as a Northern California Rising Star for 2022 and 2023.

LISSETH BAYONA (SBN 338135)

Ms Bayona received her J.D. from the University of Southern California (USC) Gould School of Law. While there, she served as a judicial extern to the Honorable Patrick J. Walsh of the United States District Court for the Central District of California, where she drafted a criminal judicial opinion. Also, while at Gould, she served as an extern for the U.S. Attorney's Office for the Central District of California. As a Criminal Division Extern, she had the opportunity to work closely with a trial team of Assistant U.S. Attorneys on a money laundering case.

Ms Bayona is a member of Aiman-Smith & Marcy's class action litigation group. As part of that team, she has successfully fought high-stakes legal battles against well-resourced and highly competent defense firms. *See, e.g., Cal. Labor & Workforce Dev. Agency ex rel. Raymond v. CompuCom Sys.* (E.D.Cal. Mar. 9, 2023, No. 2:21-cv-02327-KJM-KJN) 2023 U.S.Dist.LEXIS 40710.

JOSEPH CLAPP (SBN 99194) *Of Counsel

Mr. Clapp received his Bachelor of Arts degree in Economics from the University of California at Berkeley in 1978. While attending college, he organized the 1,500 workers in Yosemite National Park into a union. In 1981, Mr. Clapp received his J.D. degree from McGeorge School of Law, University of the Pacific, and while attending McGeorge he served as the Comments Editor for the Pacific Law Journal.

Mr. Clapp is admitted to practice in federal and state courts in California, including the U.S. District Court for the Northern District of California, the U.S. District Court for the Eastern District of California, the Ninth Circuit Court of Appeals, and the California Supreme Court.

Mr. Clapp began his career with the trial firm of Herron & Herron in 1982 and remained with that firm for 26 years. Thereafter, he spent a year with the firm of Kumin Sommers before opening his own practice. In 2012, he became “of counsel” to Aiman-Smith & Marcy.

Throughout his career, Mr. Clapp has always fought for those who work for a living. He has litigated all aspects of the employment relationship, and his cases have included wrongful or discriminatory discharges, the failure to pay wages due (e.g., overtime, prevailing wages), substandard working conditions (e.g., meal periods), and the failure to pay earned pensions (ERISA). He has tried numerous cases and has prosecuted numerous appeals in both in state and federal courts. He was lead counsel for two published appellate victories: *George v. California Unemployment Insurance Appeals Board* (2009) 179 Cal.App.4th 1475 (public employee’s retaliation lawsuit survives claim and issue preclusion defenses), and *Walker v. Berkeley Housing Authority*, 951 F.2d 182 (9th Cir. 1991) (biased decision-maker violates public employee’s Due Process rights). Most recently, Mr. Clapp won reversal of summary judgment in *Duffey v. Tender Heart Home Care Agency, LLC*, (2019) 31 Cal.App.5th 232 (temporary agency and care home were plaintiff’s joint employers under the Domestic Workers Bill of Rights). Other published cases include *Rodriguez v. Akima Infrastructure Servs. LLC* (9th Cir. 2019) 747 Fed.Appx. 625 (reversing summary judgment) and *Sucillio v. Perk* (9th Cir. 2022) 25 F.4th 1118.

Mr. Clapp has successfully tried several employment cases to judgment since joining Aiman-Smith & Marcy.

JOHN A. LOFTON (SBN 222259) *Of Counsel

Mr. Lofton graduated from the University of Texas at Austin with honors in 1998, and received his law degree from the University of California at Berkeley (Berkeley

Law) in 2002. He clerked for Chief Justice Veasey of the Delaware Supreme Court in 2001 and co-authored “Computer Security Publications: Information Economics, Shifting Liability and the First Amendment” (Whittier Law Review, Vol. 24, No. 1).

Mr. Lofton joined the California State Bar 2002. Prior to joining Aiman-Smith & Marcy, Mr. Lofton worked as a litigator for several large firms, including litigating employment cases from the defense side. He has been of counsel with Aiman-Smith & Marcy since 2019. His practice focuses on employment and consumer fraud, representing individual employees and consumers as well as litigating on their behalf in class actions and other representative actions.

Since joining Aiman-Smith & Marcy, Mr. Lofton has handled several employment class actions and actions under the Private Attorney General Act (PAGA), including the rare feat of successfully bringing a wage and hour class action within a bankruptcy.

REPRESENTATIVE CASES FOR AIMAN-SMITH & MARCY

A representative list of significant class actions, representative actions, and jury trials in which the attorneys at Aiman-Smith & Marcy have served as lead counsel or co-class counsel includes:

Aghmane v. Bank of America NA, U.S. District Court, Northern District, Case No. No.: C13-03698 DMR (\$1.6 million jury verdict for defamation and blacklisting), *see also*, 696 Fed.Appx. 175 (9th Cir. 2017 (Ninth Circuit Opinion reversing summary judgment on defamation and blacklisting claims)).

Bean v. Hugo Boss Retail, Inc., U.S. District Court, Northern District, Case No. 3:13-cv-05921-RS (employee class action for uniform reimbursement, bag searches, and missed breaks).

Benton, et al. v. Telecom Network Specialists, Inc., Los Angeles County Superior Court, Case No. BC354230, published as (2013) 220 Cal.App.4th 701 (employee class action for overtime, meal and rest breaks; established important principles for class certification of wage and hour cases); (summary judgment awarding \$7.6 million in overtime, meal, and rest break pay and trial awarding \$1.28 million in Labor Code §203 penalties) (total judgment \$9.5 million).

Billingsley v. Ross Dress for Less, Inc., Alameda Superior Court case no. RG17864196 (employee class action for uniform reimbursement).

Booker, et al. v. Tanintco, Inc., Los Angeles County Superior Court, Case No. BC349267 (class action for overtime, meal and rest breaks).

Bradley, et al. v. Networkers International, LLC, San Diego County Superior Court, Case No. GIC 862417, published as (2012) 211 Cal.App.4th 1129 (employee class action for overtime, meal and rest breaks; established important principles for class certification of wage and hour cases).

Brawner v. Bank of America, United States District Court, Northern District of California, Case No. 3:2014cv02702 (employee class action for misclassification as exempt).

Brown v. Abercrombie & Fitch Co., 2014 U.S. Dist. LEXIS 19414, N.D. Cal., February 14, 2014, Case No.: 4:13-CV-05205 YGR (employee class action for uniform reimbursement; 62,000 person class certified), consolidated with *Bojorquez v. Abercrombie & Fitch Co.*, Southern District of Ohio, Case No. 2:16-cv-00551-MHW (250,000 employees) (\$25 million settlement).

Carroll v. City and County of San Francisco, et al. San Francisco Superior Court case no. CGC-17-562580 (employee class action for age discrimination in payment of retirement benefits); published at *Carroll v. City and County of San Francisco* (2019) 41 Cal.App.5th 805 (reversing demurrer on basis of continuing violation and continuous accrual doctrines) (class certified).

Cohen v. FedEx Office and Print Services, Inc., Alameda County Superior Court Case No. RG17810621 (consumer class action under Fair and Accurate Credit Transactions Act).

Cosio v. International Performing Arts Academy, LLC, et al., (San Francisco Superior Court Case No. CGC-16-551337) (consumer class action for violation of Talent Agency Act) (class certified).

Duffey v. Tender Heart Home Care Agency, LLC, Superior Court of Contra Costa County, No. MSC15-02271 (employee claim for overtime against temporary agency and care home as joint employers) published as *Duffey v. Tender Heart Home Care Agency, LLC*, (2019) 31 Cal.App.5th 232 (reversing summary adjudication on the basis of joint employer relationship).

Frye v. Jyve, Inc., San Francisco Superior Court case number CGC-20-582236 (PAGA action for missed breaks against defunct gig company).

Green, et al. v. Presidio International, Inc. dba A|X Armani Exchange, San Francisco Superior Court, Case No. CGC 13-536365 (employee class action for uniform reimbursement, bag searches, and missed breaks).

Guess? Outlet Stores Pricing Cases, Los Angeles County Superior Court Case No. JCCP 4883 (consumer retail pricing class actions).

Hurtado, et al. v. Lowe's HIW, U.S. District Court, Northern District, Case No. CV-11-1996 (consumer class action under Song-Beverly Credit Card Act).

Holmes, et al. v. Big Five Sporting Goods, Los Angeles County Superior Court, Case No. JCCP4667 (consumer class action under Song-Beverly Credit Card Act).

Honrine v. Coast Counties Truck & Equipment Company, Alameda Superior Court, Case No. RG21088933 (PAGA representative action for various Labor Code violations)

Jerominski v. Walgreen Co., consolidated as *In re Walgreen Co. Wage and Hour Class Action*, U.S. District Court, Central District of California, Case No. 11-cv-07664-PSG (FFMx) (40,000 employee class action for bag searches) (\$23 million settlement).

Jones v. Armanino LLP, Alameda County Superior Court, Case No. RG 13-68105 (consumer class action for accounting negligence).

Kulvicki, et al. v. Pick-N-Pull Auto Dismantlers, Alameda County Superior Court, Case No. RG11560441 (employee class action for misclassification).

Lara v. Visual Edge, Inc., et al., Alameda County Superior Court, Case No. RG21105541 (PAGA representative action for various Labor Code violations).

Lemons et al. v. Rite Aid Corp., consolidated with *Ramirez v. Rite Aid Corp.*, U.S. District Court, Northern District of California. case number CV 20-3531-GW (employee class action for off-the-clock security searches).

Mauldin v. Frito Lay, Inc. Alameda Superior Court Case No. RG16811677 (employee class action for overtime).

Mendes, et al. v. B-4 Partners, LLC, et al., Alameda County Superior Court, Case No. RG11603095, consolidated with *Noble v. Greenberg Traurig, LLP*, Alameda County Superior Court, Case No. RG11593201 (consumer class action for securities fraud, Ponzi scheme) (\$83 million settlement).

Milton v. Best Buy Stores, L.P., U. S. District Court, Central District of California, Case No. CV11-6913, consolidated as *Gass, et al. v. Best Buy Stores, L.P.*, U.S. District Court, Central District of California, Case No. CV 11-01507 SJO (JCGx) (consumer class action under the Song-Beverly Credit Card Act).

Naro, et al. v. Walgreen Co, et al., U.S. District Court, Northern District of California, Case No. 4:22-dv-03170-JST (employee class action and PAGA representative action for failure to reimburse for uniforms).

Lewis v. Simplified Labor Staffing Solutions, Cal. Supreme Ct. Case No. S278457 (request for depublication granted).

Lourdes v. Eagle Clean Group, Sacramento Superior Court, Case No. 23CV009072 (Employee Class and PAGA representative action for various Labor Code violations)

McCormick v. CalPers, Sacramento Superior Court, Case No. 23CV006749 (employee class action for discrimination of retirement benefits)

Nakooka v. Dollar Tree Stores, Inc., U.S. District Court, Northern District of California, Case No. 3:17-CV-03955-JD (employee class action for uniform reimbursement).

Nucci, et al. v. Rite Aid Corporation, et al., U.S. District Court, Northern District of California, Case No. 19-CV-01434-LHK (26,000 person employee class action certified for uniform reimbursement).

Ortiz v. CVS Caremark Corporation, et al., U.S. District Court, Northern District of California, Case No. CV 12-05859 EDL; related with *Murphy v. CVS Caremark Corp.*, Los Angeles County Superior Court No. BC464785 (30,000 employee class action for bag searches, off-the-clock work) (\$12.75 million settlement).

Padilla, et al. v. Mygrant Glass Co., Alameda Superior Court, Case No. RG18906877 (employee class action and PAGA action for labor code violations).

Paknad v. Intuitive Surgical, Inc., et al., Santa Clara Superior Court Case No. 19CV350641, 6th District Court of Appeal Case No. H050711 (individual FEHA and retaliation action; petition for extraordinary writ pending).

Palma v. Mercury Insurance Services, LLC, San Bernardino Superior Court, Case No. CIV-DS1911981 (PAGA action for off-the-clock time).

Ping v. See's Candy Shops, Inc. U.S. District Court, Northern District of California Case No.: 3:19-cv-02504-RS (employee class action for uniform reimbursement).

Piplack et al. v. In-n-Out Burgers, Orange Co. Super. Ct. Case No. 30-2019-01114510, Fourth Dist. Ct. of App. Case No. G061098, Cal. Supreme Ct. Case No. S279546; Sonoma County Superior Case No. SCV-268956, First Dist. Ct. of App. Case Nos. A165320 and A165403; Cal. Supreme Ct. Case No. S275185; Second Dist. Ct. of App. Case No. B319885 (PAGA action for failure to reimburse uniform-related expenses)

Price, et al. v. EXI Parsons Telecom, Los Angeles County Superior Court, Case No.

BC351252 (employee class action for overtime, meal and rest breaks).

Rahman v. Gate Gourmet, Inc., U.S. District Court, Northern District of California, case number 3:20-cv-03047-WHO (employee class action for off-the-clock donning and doffing time).

Rivera v. Uniqlo California, LLC, U.S. District Court for the Central District of California, Case No. 17-CV-02848-JAK (JPR) (employee class action for uniform reimbursement).

Robinson, et al. v. Defender Security Company, Alameda County Superior Court, Case No. RG10505016 (employee class action for misclassification and off-the-clock work).

Ruiz v. Automotive Racing, Ventura Superior Court, Case No. 2023CUOE11192 (employee class action for failure to reimburse business expenses and other Labor Code violations)

Saberi, et al. v. Bridgestone Firestone Retail & Commercial Operations, Alameda County Superior Court. Case No. RG08406555 (employee class action for misclassification) (\$14 million settlement).

Sandak v. Comerica, San Francisco Superior Court, Case No. CGC-23-606913 (PAGA representative action for various Labor Code violations)

Smith, et al. v. S.Com, Inc., San Francisco County Superior Court, Case No. CGC-02-412968 (employee misclassification class action)

Westman, et al. v. Rogers Family Funeral Homes, Contra Costa County Superior Court, Case No. C 98-03165 (consumer class action for negligence).

Williams v. Bank of America, N.A., U.S. District Court, Central District of California, Case No. SACV 15-01597 AG (KESx) (employee misclassification class action).

Williams v. Union Pacific Railroad Co., Alameda County Superior Court Case No. RG 06251955 (race discrimination jury verdict of \$1.6 million).

Wright and Raymond v. Compucom Systems, Inc., County of Riverside, Case No. CVRI22005136 (PAGA representative action for various Labor Code violations)

Zimmelman Jewelry v. CrossCheck, Sonoma County Superior Court Case No. SCV 229654 (consumer class action for unfair business practices).

Exhibit 2

Tello v. Love's Country Stores
PAGA Case
Cost Detail

Date	Description	Cost
03/31/24	LexisNexis – March 2024 legal research	\$32.15
04/30/24	LexisNexis – April 2024 legal research	33.25
05/31/24	LexisNexis – May 2024 legal research	4.50
06/30/24	LexisNexis – June 2024 legal research	82.74
07/01/24	UPS – service of Notice to Preserve Evidence	110.13
07/23/24	One Hour Legal – filing fee re Summons and Complaint	1,688.40
07/26/24	LWDA – PAGA filing fee	75.00
09/03/24	Steven J. Rottman – ASM portion of fees for global mediation	2,000.00
09/04/24	One Hour Legal – filing fee re Notice and Acknowledgment of Receipt of Summons & Complaint, CCCS, Notice of Assignment	17.95
09/17/24	Zoom – conference software for client prep	34.86
10/07/24	LexisNexis – September 2024 legal research	33.84
10/31/24	LexisNexis – October 2024 legal research	16.37
11/13/24	One Hour Legal – filing fee re Notice of Posting Jury Fees	59.95
11/13/24	One Hour Legal – advance deposit toward jury fees	150.00
01/31/25	LexisNexis – January 2025 legal research	24.72
02/21/25	San Bernardino Superior Court – fee to download Notice of Posting Jury Fees	3.14
02/28/25	LexisNexis – February 2025 legal research	7.24
03/17/25	San Bernardino County Superior Court – fee to download Order Staying Case Pending Mediation	3.14
04/24/25	One Hour Legal – filing fee re Notice of Change of Address	19.90
04/30/25	LexisNexis – April 2025 legal research	45.02
05/06/25	One Hour Legal – filing fee re Notice of Disassociation of Counsel	19.90
05/31/25	LexisNexis – May 2025 legal research	54.83
06/16/25	Intellius – investigative search re defendant	28.10

06/16/25	Riverside County Superior Court – investigative search re defendant	3.50
08/19/25	One Hour Legal – filing fee re Trial Setting Conference	19.90
08/26/25	One Hour Legal – filing fee re Notice of Remote Appearance by HVR at Trial Setting Conference	84.90
09/16/25	Intelius – investigative search	28.10
09/16/25	Riverside County Superior Court – download court documents	3.50
09/30/25	Berger Consulting Group – Plaintiff Tello’s share of cost for expert used at 06/12/25 mediation	1,188.00
0/30/25	LexisNexis – September 2025 legal research	54.10
10/31/25	LexisNexis – October 2025 legal research	10.71
11/18/25	Riverside County Superior Court – research	39.00
11/19/25	Public Records US – investigative search	5.00
11/30/25	LexisNexis – November 2025 legal research	40.44
12/31/25	LexisNexis – December 2025 legal research	107.90
01/12/26	One Hour Legal – filing fee re Further Joint Trial Setting Conference Statement	54.90
01/31/26	LexisNexis – January 2026 legal research	64.09
02/05/26	One Hour Legal – filing fee re Notice of Remote Appearance	53.45
03/05/26	One Hour Legal – filing fee re Notice of Remote Appearance at 03/26/26 hearing	21.45
04/30/26	LexisNexis – April 2026 legal research	62.62
05/04/26	UPS – overnight delivery to class rep	71.50
05/12/26	One Hour Legal – filing fee re Request for Dismissal	23.90
05/27/26	One Hour Legal – filing fee re Notice of Tentative Ruling re CMC	21.45
	Postage Charges	0.00
	Copier Charges: 12 copies @ \$0.25	3.00
	TOTAL:	\$6,506.54