

COHELAN KHOURY & SINGER

Isam C. Khoury (SBN 58759)
ikhoury@ckslaw.com
Michael D. Singer (SBN 115301)
msinger@ckslaw.com
Maggie K. Realin (SBN 263639)
mrealin@ckslaw.com
605 C Street, Suite 200
San Diego, CA 92101
Telephone: (619) 595-3001/Facsimile: (619) 595-3000

THE MARKHAM LAW FIRM

David R. Markham (SBN 71814)
dmarkham@markham-law.com
Lisa R. Brevard (SBN 323391)
lbrevard@markham-law.com
888 Prospect Street, Suite 200
La Jolla, CA 92037
Telephone: (619) 399-3995/Facsimile: (619) 323-1684

Attorneys for Plaintiff and the Putative Classes
Additional counsel on the following page

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

ARTEM TOGONIDZE, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

KLA CORPORATION, a California
Corporation; and DOES 1-50, inclusive.

Defendants.

CLASS AND REPRESENTATIVE ACTION

Case No.: 24CV431363

Assigned to the Hon. Theodore C. Zayner

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

Date: January 14, 2026
Time: 1:30 p.m.
Dept.: 19

1 **UNITED EMPLOYEES LAW GROUP**

2 Walter L. Haines (SBN 71075)

3 *whaines@uelglaw.com*

4 8605 Santa Monica Blvd., #63354

5 West Hollywood, CA 90069

6 Telephone: (562) 256-1047/Facsimile: (562) 256-1006

7 **BOKHOUR LAW GROUP, P.C.**

8 Mehrdad Bokhour, Esq., CA Bar No. 285256

9 *mehrdad@bokhourlaw.com*

10 1901 Avenue of the Stars, Suite 520

11 Los Angeles, California 90067

12 Tel: (310) 975-1493; Fax: (310) 675-0861

13 **FALAKASSA LAW, P.C.**

14 Joshua S. Falakassa, CA Bar No. 295045

15 *josh@falakassalaw.com*

16 1901 Avenue of the Stars, Suite 520

17 Los Angeles, California 90067

18 Tel: (818) 456-6168; Fax: (888) 505-0868

19 Attorneys for Plaintiff and the Putative Class

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 Artem
4 Togonidze in this action. I make this declaration in support of Plaintiff's Motion for Preliminary
5 Approval of Class and Representative Action Settlement. I make this declaration based on my personal
6 knowledge, and if called to testify, I could and would competently testify to the matters contained in
7 this declaration.

8 2. I join in the description provided by my co-counsel in their concurrently filed
9 declarations explaining the background and events of this action, the contributions of Plaintiff and
10 Class Counsel to it, the discovery and actions completed by the parties, the *Kullar* analysis, and the
11 fairness and appropriateness of this Settlement.

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

20 4. My firm has obtained many large class action settlements which have benefited
21 consumers and employees. Two of those cases alone have resulted in recovery of over a billion dollars
22 for class members. In *Jordan v. California Department of Motor Vehicles*, we obtained a settlement
23 fund of over 665 million dollars for the benefit of new California residents who registered their out-of-
24 state vehicles and were unlawfully charged the \$300 smog impact fee. *Jordan v. California Dep't of*
25 *Motor Vehicles*, 100 Cal. App. 4th 431, 440, (2002), as modified on denial of reh'g (Aug. 20, 2002). In
26 *Sparks v AT&T et al.*, a settlement fund of \$350 million was obtained for consumers nationwide who
27

1 had been overcharged for residential telephone equipment. Case No. 96-LM-983, 01-L-1668 (Ill. Cir.
2 Ct., Madison County).

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

12 6. More recent wage and hour settlements that my firm has reached include a \$11,000,000
13 settlement in *Robertson v. Amazon*, Case No., 3:14-md-2504-DJH, United States District Court for the
14 Western District of Kentucky, finally approved on December 23, 2024; a \$11,500,000 settlement in
15 *Harrison v. Bank of America*, Case No. 3:19-cv-00316-LB, United States District Court for the Northern
16 District of California, finally approved on November 24, 2021; a \$2,183,000 settlement in *Monroy v.*
17 *Glendale Memorial Hospital*, Los Angeles Superior Court, Case No., 19STCV14743, finally approved
18 on April 3, 2025; a \$1,375,000 settlement in *Diaz et al. v. United Parcel Service, Inc.*, United States
19 District Court for the Eastern District of California, Case No. 1:22-cv-00246-CDB, finally approved on
20 December 13, 2023; a \$24,000,000 global settlement in *Esteban v. American Airlines*, Case No.
21 20STCV47361, Los Angeles Superior Court, finally approved on April 26, 2024; a \$11,132,134
22 settlement in *Robertson v. Amazon*, Case No. 3:14-cv-00290-DJH, United States District Court Western
23 District of Kentucky, finally approved on December 23, 2024; a \$2,000,000 settlement in *Stewart v. Del*
24 *Monte*, Case No. 1:22-CV-04919-RMI, United States District Court for the Northern District of
25 California, finally approved on May 29, 2024; a \$1,000,000 settlement in *Scott v. Sutter*, Case No.
26 CVUJ-2022-1146, Del Norte Superior Court, finally approved on April 25, 2025; a \$775,000 settlement
27 in *Ward v. Sutter*, Case No. 34-2020-00279954-CU-OE-GDS, Sacramento Superior Court, finally

1 approved on January 10, 2025; a \$975,000 settlement in *Shaw v. Kaiser*, Case No. CVRI2102203,
2 Riverside Superior Court, finally approved on January 19, 2024; a \$4,600,000 settlement in *Vasquez v.*
3 *Bank of America*, Case No. CGC-18-571669, San Francisco Superior Court, finally approved on July 29,
4 2022; a \$2,900,000 settlement in *Swayzer et al. v. Circle K*, Case No. 34-2018-00234999, Sacramento
5 Superior Court, finally approved on February 18, 2022; a \$750,000 settlement in *Almanzar v. Home*
6 *Depot*, Case No. 2:20-cv-0699-KJN, Eastern District of California, finally approved on January 3,
7 2024; a \$750,000 settlement in *Delamora v. Thorpe Design, Inc.*, Case No. C22-00931, Contra Costa
8 Superior Court, finally approved on October 2, 2023; a \$750,000 settlement in *Antenucci v. Bank of the*
9 *West*, Case No. CGC-20-583746, San Francisco Superior Court, finally approved on December 7, 2022;
10 a \$800,000 settlement in *Slaughter v. California C.C.S. P.C., dba Wellpath*, Case No. CIVDS1935187,
11 San Bernardino Superior Court, finally approved on May 6, 2022; a \$1,000,000 settlement in *Kelly v.*
12 *Simco Electronics*, Case No. 20CV370177, Santa Clara Superior Court, finally approved on January 19,
13 2022; a \$5,900,000 settlement in *Hurtubise v. Sutter East Bay Hospitals*, Case No. RG17868819,
14 Sacramento Superior Court, finally approved on December 27, 2021; a \$825,000 settlement in *Fritsch et*
15 *al. v. Swift Transportation Co.*, Case No. 5:17-cv-02226-VAP-KKx, United States District Court for the
16 Central District of California, finally approved on January 4, 2022; a \$1.62 million PAGA-only
17 Settlement in *Moreno, et al. v. Habit Employment, LP, et al.*, Case No. 37-2019-00014576-CU-OE-
18 CTL, San Diego Superior Court, approved on September 10, 2021; a \$2,295,000 settlement in
19 *Veramendi v. Airtouch Cellular Inc., et al.*, Case No. BC647309, Los Angeles Superior Court, finally
20 approved on June 3, 2021; a \$438,000 settlement in *Valdez v. Pro Unlimited, Inc., et al.*, Case No. CGC-
21 19-574146, San Francisco Superior Court, finally approved on May 10, 2021, an average settlement
22 share of \$5,511.11 per employee in *Hopstein v. Hewlett Packard Enterprise Company (d.b.a. HPE), et*
23 *al.*, Case No. 17CV305577, Santa Clara Superior Court, finally approved on December 2, 2020; an
24 average settlement share of \$1,139.71 per employee in *Cuevas v. Three Rivers Trucking, Inc.*, Case No.
25 BC655003, Los Angeles Superior Court, finally approved on July 29, 2020; a \$1.2 million class and
26 PAGA representative action settlement in *Hernandez et al. v. SFM, LLC*, Case No. 37-2016-00015169,
27 San Diego Superior Court, finally approved on July 21, 2020 (aff'd March 16, 2022); \$8.7 million

28 Declaration of David R. Markham in Support of Plaintiff's Motion for Preliminary Approval of Class
and Representative Action Settlement

1 settlement in *Evans v. Wal-Mart Stores, Inc.*, Case No. 2:10-cv-1224, United States District Court for
2 the District of Nevada, finally approved on July 8, 2020 (Dkt. No. 135); \$35 million settlement in
3 *Merino v. Wells Fargo*, Case No. 2:16-cv-07840-ES-MA, United States District Court for the District of
4 New Jersey, finally approved on January 15, 2020 (Dkt. No. 144); an average settlement share of
5 \$1,317.31 per employee in *Angala v. Kaiser Foundation Hospitals*, Case No. HG18899291, Alameda
6 County Superior Court, finally approved on January 13, 2020; \$600,000 settlement in *Hoover v.*
7 *Sedgwick Claims Management Services, Inc.*, Case No. 34-2018-00239159, Sacramento Superior Court,
8 finally approved on December 6, 2019; \$950,000 settlement in *Bessellieu v. Metro Shore Services, LLC,*
9 *et al.*, Case No. BC6737001, Los Angeles Superior Court, finally approved on May 21, 2019; \$1.6
10 million settlement in *Jenkins v. The Mentor Network, Inc., et al.*, Case No. 34-2015-00187936,
11 Sacramento Superior Court, finally approved on September 13, 2018; \$27.5 million settlement in *Wells*
12 *Fargo Wage and Hour Cases*, Case No. JCCP004821, Alameda County Superior Court, finally
13 approved on March 28, 2018; \$2.5 million settlement in *Geilenfeldt v. EDF Renewable Energy, Inc.*,
14 Case No. 37-2016-00001369, San Diego Superior Court, finally approved on March 9, 2018; \$3 million
15 settlement in *Vangsoulatda v. Blue Shield*, Case No. CGC-14-543296, San Francisco County Superior
16 Court, finally approved on January 25, 2018; \$650,000 settlement in *McCarthy v. Marriott Hotel*
17 *Services, Inc.*, Case No. 16-cv-293998, Santa Clara Superior Court, finally approved on October 16,
18 2017; \$4.9 million settlement for insurance adjusters in *Alvarez v. Farmers*, case number 3:14-cv-
19 00574-WHO, finally approved on January 18, 2017 by Judge Orrick (Dkt. No. 189); \$3.77 million
20 settlement for California warehouse workers in *Saldana v. Amazon*, case number 3:14-cv-00290-DJH
21 (W.D. Ky.), finally approved on October 31, 2016 (Dkt. No. 228).

22 7. My other recent California wage and hour settlements also resulted in substantial
23 recoveries for class members. For instance, I settled *Kogok v. T-Mobile USA, Inc.*, Case No. 37-2012-
24 00076945 (San Diego Super. Ct. Jan. 2015) for \$2,750,000; *Johnson v. Metlife Ins. Co.*, Case No. 13-
25 cv-128-JLS-RNB (C.D. Cal. Mar. 19, 2015) for \$1,970,000; *Erickson v. Old Republic Title Company*,
26 Case No. 13-cv-1210-NLS, (S.D. Cal. Jan. 17, 2014) for \$12,000,000 (co-counsel); *Loeza v. Chase*
27 *Bank, NA*, Case No. 3:13-cv-95-L-BGS (S.D. Cal. Feb. 10, 2016) for \$970,000 plus payroll taxes;

1 *Campagna et al. v. Language Line Services, Inc.*, Case No. 30-2012-00578934-CU-OE-CXC (Orange
2 County Superior Court, Mar. 14, 2014) for \$900,000; *Anderson et al. v. Oracle Corp.*, Case No.
3 CIV469916/JCCP No. 4597 (Alameda Super. Ct., June 2013) for \$850,000; *McDonagh v. Harrah's*
4 *Las Vegas, Inc, et al.*, Case No. 13-cv-01744 (United States District Court for the District of Nevada,
5 Dec. 13, 2016), for \$850,000.

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

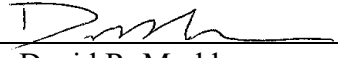
13 9. In total, I prosecuted over 250 wage-and-hour class actions.

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

19 11. Based on my experience as Class Counsel, I believe that the proposed Settlement is fair,
20 reasonable, and adequate for the Class.

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

23
24 Executed on December 17, 2025 at New York, New York.

25
26 By: 
27 David R. Markham
28 Attorney for Plaintiff