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Attorneys for Plaintiff CYNTHIA PORRAZ,
individually, and on behalf of other similarly
situated employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF FRESNO**

CYNTHIA PORRAZ, individually, and on
behalf of other similarly situated employees,

Plaintiff,

vs.

QUALITY GROUP HOMES, INC.; and
DOES 1 through 25, inclusive,

Defendants.

Case No.: 24CECG01665
[Consolidated with Case No. CECG02628]

Honorable Kristi Culver Kapetan
Department 501

**DECLARATION OF BENNETT BERGER IN
SUPPORT OF PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: July 22, 2026
Time: 3:27 p.m.
Dept: 501

Complaint Filed: April 16, 2024
Trial Date: Not Set

1 **DECLARATION OF BENNETT BERGER**

2 I, Bennett Berger, declare:

3 1. I make this declaration in the above-entitled action, in support of Plaintiff's motion for
4 preliminary approval of class action and PAGA settlement agreement. I am over the age of 18 and have
5 personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would
6 testify competently to such facts under oath.

7 2. I have been retained by Plaintiff's counsel, Blackstone Law, APC (Blackstone), in the
8 above-entitled action as a data analysis expert to analyze a set of timekeeping and payroll records to
9 determine the exposure for various claims including unpaid minimum wages, unpaid overtime wages,
10 meal periods, rest periods, reimbursements, and related derivative penalties.

11 3. I received my Bachelors of Art in Business Management Economics from the University
12 of California, Santa Cruz in 2011. During my education I put an emphasis in finance and studied topics
13 including statistical analysis, information systems management and corporate finance.

14 4. I am a partner at Berger Consulting Group, LLC ("BCG") and have provided data
15 analysis and damage exposure for over 3,000 cases. I have reviewed and analyzed data provided in
16 numerous formats for multiple business types, including but not limited to retail, hospitals, logistics,
17 finance, hospitality, technology, and manufacturing. My curriculum vitae is attached hereto as Exhibit
18 1. BCG was founded in 2013 and has been hired to provide expert analysis for more than 10,000 cases.
19 BCG provides data and statistical analysis based on timekeeping records and other types of employee
20 data.

21 5. I testified as an expert witness in the following:

- 22 1. *Turner v Charter Communications – AAA Case No. 01-22-0001-5254 – Deposition –*
23 *February 16, 2023*
- 24 2. *Harper v Charter Communications – AAA Case No. 01-19-0004-5743 – Deposition –*
25 *September 28, 2021*
- 26 3. *Feltzs v Cox Communications – Case No. 8:19-CV-02002-JVS-JDE – Second*
27 *Deposition – September 22, 2021*
- 28 4. *Domingo v Prime Healthcare Paradise Valley – Case No. 37-2019-00023576-CU-OE-*
CTL – Trial – August 11, 2021

5. *Domingo v Prime Healthcare Paradise Valley – Case No. 37-2019-00023576-CU-OE-CTL – Deposition – July 28, 2021*
6. *Ward v Sutter Valley Hospitals – Case No. 2:19-CV-00581-KJM-AC – Deposition – June 16, 2021*
7. *Sanchez v ARB, Inc. – Case No. 30-2016-00837130-CU-OE-CXC – Deposition – March 31, 2021*
8. *Feltzs v Cox Communications – Case No. 8:19-CV-02002-JVS-JDE – Deposition – March 5, 2021*
9. *Libreros v LLR, Inc dba Lularoe – Case No. RIC1714426 – Deposition – January 15, 2021*
10. *Hankey v The Home Depot USA – Case No. 2:19-cv-00413-JAM-CKD – Deposition – November 13, 2020*
11. *Mkhitarian v Bank of the West, – Case No. BC691989 – Deposition – September 17, 2020*
12. *Santos v United Parcel Services, Inc. – Case No. 3:18-cv-03177-EMC – Deposition – September 1, 2020*
13. *Cessna v Southern California Edison Company – Case No. BC689081 – Deposition – July 29, 2020*
14. *Gamboa v PAFCO - Case No. CIVDS1605273 – Deposition - July 18, 2019*
15. *Fuller v TWC - Case No. 3:17-cv-01513-DMS-AGS - Deposition - June 20, 2019*
16. *Avila v Simply Right - Case No. BC538100 - Deposition - October 16, 2018*
17. *Pineda v Lithographix - Case No. BC612372 - Deposition - February 9, 2018*
18. *Cacho v Eurostar - Case No. BC558689 - Deposition - February 17, 2017*
19. *Barajas v WHM - Case No. BC491045 - Deposition - November 28, 2016*

6. Blackstone provided the Excel file titled Porraz_MediationProduction_000001 containing timekeeping records and payroll records for 256 employees ranging from April 16, 2020 through October 15, 2025. It is my understanding this is the full dataset that was agreed upon by both Plaintiff and Defendant in order to assess the damages in this matter and represents 100% of the class during the aforementioned time period. The records contained 22,795 total workweeks which extrapolates out to 24,022 workweeks through January 21, 2026.

7. The timekeeping records were analyzed for shift length distributions as well as meal break violations. The records showed an 81.7% meal break violation rate resulting in an exposure of

1 \$1,985,669. We didn't see any meal break premiums paid.

2 8. Given that rest breaks are not required to be recorded by an employer, and based on the
3 information regarding Defendant's alleged rest break practices, I was advised to calculate a 100% rest
4 break violation rate for shifts greater than or equal to 3.5 hours (resulting in exposure of \$2,547,959).

5 9. Based on the information provided to me regarding Plaintiff's experiences working for
6 Defendant and their observations and understandings of Defendant's practices and policies that
7 pertained to the employees, I calculated an estimated one hour of unpaid off-the-clock work per
8 workweek (resulting in exposure of \$640,850).

9 10. I was advised that Plaintiff's claim for unreimbursed business expenses arose out of
10 Plaintiff and other employees' need to use personal cell phones for work related purposes without
11 receiving any amount of reimbursement. Based thereon, I was asked to calculate \$30 per month in
12 unreimbursed business expenses (resulting in exposure of \$182,340).

13 11. The paystubs provided were analyzed to calculate the average rate of pay of \$26.59 per
14 hour. The paystubs were also used to calculate underpaid overtime wages on a pay period by pay period
15 basis. An approximate \$23,991 of overtime was underpaid from not including bonus payments into the
16 regular rate of pay.

17 12. It's estimated there are 161 former employees in the 3-year class period. Waiting time
18 penalties assume each of these 161 employees are entitled to penalties and are calculated at 30 days
19 per employee multiplied by the average hourly base rate of \$26.59 multiplied by 7.9 hours per day.
20 This results in \$1,013,408 of exposure for waiting time penalties.

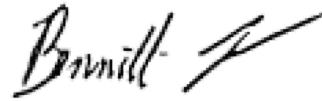
21 13. Wage statement penalties assume each of the 169 employees and 10,766 pay periods in
22 the 1-year statute of limitations have a violation and therefore are entitled to penalties. Wage statement
23 penalties are calculated at \$50 for the initial penalty and \$100 for each subsequent penalty with a
24 maximum of \$4,000 per employee and result in an exposure of \$676,000.

25 14. The number of pay periods in the PAGA period have been extrapolated to mediation to
26 estimate 10,777 pay periods in the PAGA period. Assuming 1 violation per pay period and assessing a
27 \$100 penalty amount results in \$1,077,700 in PAGA penalties.

28 15. I may be asked to develop additional analysis, observations, and queries in connection

1 with any data counsel for Plaintiffs provides after the date this declaration is signed. If requested, I
2 could conduct the same or similar analyses as described in this declaration. At that time, if appropriate,
3 I can prepare a supplement to this declaration.

4 I declare under penalty of perjury of the laws of United States of America in the state of
5 California that the foregoing is true and correct. Executed on June 3, 2026 in Frisco, Texas.

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Bennett Berger
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Exhibit 1

Bennett Berger



6121 Brentway Rd. Frisco, TX 75034 • Phone: 818-635-6613 • E-Mail: BergerBennett@gmail.com

Experience

Partner / Senior Data Analyst - Berger Consulting Group

June 2013 - Current

- Analyze small and large data sets for wage and hour class action lawsuits. Review data for patterns; group data using Pivot Tables and other complex equations in Excel to help identify relationships between sets of data.
- Use Excel extensively to write equations and macros to aid in quantitative damage models. Worked on over 3,000 wage and hour cases since 2013 in industries such as retail, healthcare, logistics, finance, hospitality, technology, and manufacturing.
- Perform data conversion using multiple commercial OCR software programs to transform small to large volumes of PDF images into searchable text format.
- Write case analysis summaries, detailed reports and declarations explaining the data and exposure models.
- Provide expert testimony of my findings.

Co-Founder / President - SD3D

January 2013 - 2023

- Extensive 3D printing knowledge of mechanics and materials as well as 3D design and 3D scanning. Robust knowledge of 3D printing file preparation software.
- Build Excel spreadsheets for cost analysis of 3D printing versus other manufacturing methods.
- Design the sales and marketing material for the business, along with developing the overall brand and sales strategies.
- Responsible for SD3D's finances, financial projections and investor relations.

Account Executive - Corporate Strategies Inc.

December 2011 - January 2013

- Market and analyze employee benefits for small group clients.
- Compose spreadsheets comparing current verses renewal and proposed insurance plans.
- Execute daily HR tasks for groups- enrollments, terminations, coverage changes, order ID cards, etc.
- Communicate to business owners as well as employees about their plan benefits and cost comparisons.
- Prepare proposals for individual health insurance clients.
- Organize current life insurance summaries and formulate new products ideas and changes.

Education

University of California, Santa Cruz

September 2007 - March 2011

Bachelors of Arts in Business Management Economics

Computer Skills

-Excel, PowerPoint, Word, Outlook, Omnipage PDF converter, ABBYY FineReader PDF converter, Adobe Acrobat Pro

Expert Testimony

Berger Consulting Group

- Turner v Charter Communications - AAA Case No. 01-22-0001-5254 - Deposition - February 16, 2023
- Harper v Charter Communications - AAA Case No. 01-19-0004-5743 - Deposition - September 28, 2021
- Feltzs v Cox Communications - Case No. 8:19-CV-02002-JVS-JDE - Second Deposition - September 22, 2021
- Domingo v Prime Healthcare Paradise Valley - Case No. 37-2019-00023576-CU-OE-CTL - Trial - August 11, 2021
- Domingo v Prime Healthcare Paradise Valley - Case No. 37-2019-00023576-CU-OE-CTL - Deposition - July 28, 2021
- Ward v Sutter Valley Hospitals - Case No. 2:19-CV-00581-KJM-AC - Deposition - June 16, 2021
- Sanchez v ARB, Inc. - Case No. 30-2016-00837130-CU-OE-CXC - Deposition - March 31, 2021
- Feltzs v Cox Communications - Case No. 8:19-CV-02002-JVS-JDE - Deposition - March 5, 2021
- Libreros v LLR, Inc dba Lularoe - Case No. RIC1714426 - Deposition - January 15, 2021
- Hankey v The Home Depot USA - Case No. 2:19-cv-00413-JAM-CKD - Deposition - November 13, 2020
- Mkhitarian v Bank of the West, - Case No. BC691989 - Deposition - September 17, 2020
- Santos v United Parcel Services, Inc. - Case No. 3:18-cv-03177-EMC - Deposition - September 1, 2020
- Cessna v Southern California Edison Company - Case No. BC689081 - Deposition - July 29, 2020
- Gamboa v PAFCO - Case No. CIVDS1605273 - Deposition - July 18, 2019
- Fuller v TWC - Case No. 3:17-cv-01513-DMS-AGS - Deposition - June 20, 2019
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- Pineda v Lithographix - Case No. BC612372 - Deposition - February 9, 2018
- Cacho v Eurostar - Case No. BC558689 - Deposition - February 17, 2017
- Barajas v WHM - Case No. BC491045 - Deposition - November 28, 2016