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8 *Attorneys for Plaintiffs Norma Santizo*
9 *and Mimi Lee, individually and on behalf*
10 *of all others similarly situated*

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF SAN MATEO

14 NORMA SANTIZO and MIMI LEE,
15 individually and on behalf of all others
similarly situated,

16 Plaintiffs,

17 vs.

18 NEAL'S COFFEE SHOP, INC., a California
19 corporation; SUNIL PRASAD, an individual,
and DOES 1 through 20, inclusive,

20 Defendants.

Case No. 24-CIV-03380
Assigned for All Purposes to
Honorable Nicole S. Healy, Dept. 28

**DECLARATION OF JOHN T. MULLAN IN
SUPPORT OF PLAINTIFFS' UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: August 13, 2025
Time: 2:00 p.m.
Place: Dept. 28
Judge: Honorable Nicole S. Healy

Complaint Filed: June 17, 2024
Trial Date: None Set

1 I, John T. Mullan, declare as follows:

2 1. I am a member in good standing of the bar of the State of California and a partner
3 with the law firm Rudy Exelrod Zieff & Lowe, LLP. My firm and I represent the Plaintiffs in
4 this action. I make these statements based on personal knowledge and would so testify if called
5 as a witness at trial.

6 2. This Declaration is submitted in support of Plaintiffs' Unopposed Motion for
7 Preliminary Approval of Class Action Settlement.

8 **Class Counsel's Background and Experience**

9 3. I received a Bachelor of Arts degree, graduating *Phi Beta Kappa*, from the
10 University of California at Berkeley in 1999. I received a Juris Doctor degree from the
11 University of California at Berkeley (Boalt Hall) in 2002.

12 4. From 2002 to the present I have practiced with Rudy, Exelrod, Zieff & Lowe,
13 LLP. My practice and that of my firm consists of representing plaintiffs in individual and class
14 action employment litigation in state and federal courts. I have litigated numerous class action
15 matters involving a variety of employment law issues, including, but not limited to, violations of
16 wage and hour laws, the Equal Pay Act, the FMLA and the WARN Act.

17 5. My firm was co-lead counsel in *Dudley v. SBC Communications, Inc.*, Case No.
18 BC 306226 (Los Angeles County Superior Court), a family/medical leave class action. A
19 settlement class was certified, and the matter settled for \$6,200,000, plus extensive injunctive
20 relief. In 2006, the court approved the settlement, including \$35,000 service payments to each
21 of the two class representatives and a 30% contingency fee (\$1,860,000) to plaintiffs' counsel.

22 6. My firm served as co-lead counsel in *Giannetto v. Computer Sciences*
23 *Corporation*, Case No. CV 03-8201 (U.S.D.C., C.D. Cal.). The case was filed on behalf of a
24 class of technical support workers with the primary duties of installing and/or maintaining
25 computer software and hardware for CSC and contends that they were improperly classified as
26 exempt from the payment of overtime compensation in violation of the FLSA and/or the state
27 laws of California, Connecticut, Delaware, Maine, Massachusetts, Michigan, North Carolina,
28 and Washington. A settlement class was certified, and the matter settled for \$24,000,000. The

1 Court approved the settlement and awarded 25% of the settlement amount to plaintiffs' counsel
2 as a reasonable fee and a service payment of \$20,000 to named class representative
3 Fred Giannetto and \$10,000 to each of the remaining sixteen class representatives.

4 7. My firm served as co-lead counsel in *Gerlach v. Wells Fargo & Co.*, Civil No. 05-
5 CV-00585-CW (U.S.D.C., N.D. Cal.). This case involved class claims brought on behalf of
6 employees who were misclassified as exempt from overtime pay requirements under the FLSA
7 and the laws of California and, thus, deprived of the benefits of the overtime pay protections
8 mandated by certain state and/or federal laws. In that case, the court certified a settlement class
9 and the matter settled for \$12,800,000. The Court approved the settlement and awarded 25% of
10 the settlement amount to plaintiffs' counsel as a reasonable fee and \$15,000 to the Rule 23 class
11 representative.

12 8. My firm was lead counsel for plaintiffs in *Bell v. Farmers Insurance Exchange*,
13 Case No. 774013-0 (California Superior Court, Alameda County). This action was brought on
14 behalf of a class of approximately 2,400 personal lines insurance claims adjusters misclassified
15 as exempt from California's overtime pay requirements. The Superior Court approved class
16 certification in *Bell*, denied two motions for decertification, granted summary adjudication on
17 plaintiffs' behalf, denied defendant's summary judgment motion, and denied defendant's motion
18 for new trial and for judgment notwithstanding the verdict. The damages case in *Bell* was tried
19 before a jury in a six-day trial. The jury awarded the class \$90,009,208.12 in overtime backpay
20 damages, and the Superior Court awarded maximum prejudgment interest of up to \$34,515,608,
21 issued an injunction requiring that defendant to pay overtime to personal lines claims
22 representatives in the future, awarded class counsel a 25% common fund attorneys' fee award,
23 and awarded service payments of \$50,000 to each of the named class representatives. The
24 judgment was substantially affirmed on appeal. *Bell v. Farmers Ins. Exchange*, 115 Cal.App.4th
25 715, 9 Cal.Rptr.3d 544, 556-557 (Cal. Ct.App.Feb. 9, 2004) ("Bell III"). Subsequently, as class
26 counsel in the Bell case, we oversaw the claims distribution of the Net Settlement Fund provided
27 by the judgment affirmed in Bell III. In addition, my office also served as class counsel with
28 respect to the court approved settlement of \$40,000,000 with Farmers to resolve the post-trial

1 claims of personal lines claims representatives in California for the period from June 26, 2001,
2 through August 31, 2004. The Court also approved 30% of the settlement amount to plaintiffs'
3 counsel as a reasonable fee and awarded service payments of \$50,000 to each of the named class
4 representatives.

5 9. My firm was one of the lead firms in *Rosenburg, et al v. International Business*
6 *Machines Corporation*, Case No. CV 06-00430 PJH (U.S.D.C., N.D. Cal.), a case involving
7 class claims on behalf of a class of current and former IBM technical support workers who were
8 misclassified as exempt from the payment of overtime compensation under the FLSA and the
9 wage and hour laws of the states of California, Colorado, Illinois, Minnesota, New Jersey, and
10 New York. In that case, the court certified a settlement class and the matter settled for
11 \$65,000,000. The Court approved the settlement and awarded 25% of the settlement amount to
12 plaintiffs' counsel as a reasonable fee and \$45,000 to the class representatives.

13 10. My firm was lead counsel for plaintiffs in *Prentice, et al. v. The Fund for Public*
14 *Interest Research, Inc.*, Case No. C-06-7776 SC (U.S.D.C., N.D. Cal), a case involving class
15 claims on behalf of a class of current and former canvassers who were misclassified as exempt
16 and forced to work unpaid training days and more than 40 hours per week without overtime
17 compensation. In that case, the court certified a settlement class and the matter settled for
18 \$2,150,000. The Court approved the settlement and awarded 25% of the settlement amount to
19 plaintiffs' counsel as a reasonable fee and \$10,000 to each of the three class representatives.

20 11. My firm was co-class counsel for the class in *Hoenemier v. Sun Microsystems,*
21 *Inc.*, Case No. 106CV-071531 (California Superior Court, Santa Clara County), a case involving
22 several classifications of technical writers who were classified as exempt from California law
23 regarding overtime and meal periods. The complaint alleged that class members were in fact
24 non-exempt and that Sun was liable for unpaid overtime wages and wages for meal periods that
25 were not provided. The court approved a class action settlement providing for a \$5,000,000
26 settlement fund. The court awarded attorney's fees in the amount of 33.3% of the total
27 settlement fund and service payments of \$32,500 for one of the two class representatives and
28 \$7,500 for the other class representative.

12. My firm was class counsel in *Lee v. Ulta Cosmetics & Fragrance, Inc.*, Case No. 09-04022 (JSW) (U.S.D.C., N.D. Cal.), a case involving “Salon Managers” who had been classified as being exempt from California overtime law during a period of time prior to when their employer changed their classification to non-exempt. The complaint alleged that Salon Managers were exempt during the period when they had been classified as nonexempt and that Ulta Cosmetics & Fragrance was liable for unpaid overtime wages for overtime worked during that period. The court certified a settlement class and finally approved a class action settlement providing for a \$1,477,000 settlement fund for the benefit of 52 class members. On December 17, 2010, Judge White also approved a service payment of \$7,500 for the class representative and \$350,000 in attorney’s fees.

13. My firm and I were class counsel in *Warren v. Paychex, Inc.*, Case No. C-10-02006 (JCS) (U.S.D.C., N.D. Cal.), a case involving “Sales Representatives” who had been classified as being exempt from California and federal overtime law. The complaint alleged that Sales Representatives were misclassified as exempt and that Paychex, Inc. was liable for unpaid overtime wages, missed meal period wages and related penalties. The Court certified a settlement class and finally approved a class action settlement providing for a \$2,500,000 settlement fund for the benefit of approximately 370 class members. On November 4, 2011, Magistrate Judge Spero also approved a service payment of \$15,000 for the class representative and \$625,000 in attorney’s fees.

14. My firm was lead class counsel in *Sabatino v. Weight Watchers North America, Inc.*, Case No. 09-4926 (TEH) (U.S.D.C., N.D. Cal.), a case alleging that Weight Watchers did not pay its California Leaders and Locations Coordinators for all the time they worked in violation of the California Labor Code, failed to reimburse them for certain expenses, and also violated other rights these employees had under California law. The Court certified a settlement class and, on May 23, 2011, finally approved a class action settlement providing for a \$6.2 million settlement. The Court also approved service payments of \$15,000 for each of the three class representatives and \$1,550,000 in attorney’s fees.

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1 15. My firm was lead class counsel in *Vaca v. Tin, Inc. dba Temple-Inland, Inc.*, Case
2 No. 5:12-cv-01425-PSG (U.S.D.C., N.D. Cal.), a case alleging that the employer, a
3 manufacturer of corrugated paper and card-board, had misclassified the plaintiffs as exempt
4 from overtime pay. The Court certified a settlement class and, on December 12, 2013, finally
5 approved a class action settlement providing for a \$2.875 million settlement. The Court also
6 approved service payments of \$5,000 to the class representative and \$718,750 in attorney's fees.

7 16. My firm and I were class counsel in *Connolly v. Weight Watchers North America,*
8 *Inc.*, Case No. 14-cv-01983-TEH (U.S.D.C., N.D. Cal.), a follow-up case to the *Sabatino* case
9 (*supra*), a case alleging that Weight Watchers did not pay its California Leaders and Locations
10 Coordinators for all the time they worked in violation of the California Labor Code, failed to
11 reimburse them for certain expenses, and also violated other rights these employees had under
12 California law. The Court certified a settlement class and, on December 16, 2014, finally
13 approved a class action settlement providing for a \$1,687,500 settlement. The Court also
14 approved service payments of \$12,500 and \$10,000 respectively to the two class representatives
15 and \$421,875.00 in attorney's fees.

16 17. Along with co-counsel, my firm and I were class counsel in *Cancilla v. Ecolab,*
17 *Inc.* CV 12-03001 JD (U.S.D.C., N.D. Cal), a class and FLSA collective action brought on
18 behalf of service specialists alleging that the employer misclassified them, resulting in the
19 employer's failure to compensate them for overtime hours, to provide duty-free meal and rest
20 breaks, and to comply with various other wage and hour laws. The Court certified a settlement
21 class and granted final approval of a class action settlement providing for a \$7.5 million
22 settlement in 2015. The Court also approved an award of \$1,875,000 in attorney's fees.

23 18. Along with co-counsel, my firm and I were class counsel in *Woodruff v.*
24 *Broadspectrum Downstream Services, Inc., formerly Timec Company, Inc.*, Case No. 3:14-CV-
25 04105-EMC (U.S.D.C., N.D. Cal.), a case involving "off-the-clock" claims for oil and gas
26 refinery workers throughout California. The Court certified a settlement class and finally
27 approved a class action settlement providing for a \$3,450,000 settlement fund for the benefit of
28 approximately 1,100 class members. On May 4, 2017, Judge Chen also approved a service

1 payment of \$10,000 for the class representative, \$945,677.50 in attorney's fees, and costs in the
2 amount of \$54,467.36.

3 19. Along with co-counsel, my firm and I were class counsel in *Spicher v. Aidells*
4 *Sausage Company, Inc.* 3:15-cv-05012-WHO (U.S.D.C., N.D. Cal), a class action brought on
5 behalf of primarily part-time food Product Demonstrators. Plaintiffs alleged "off-the-clock" and
6 meal period violations, and failure to comply with various other wage and hour laws. On
7 May 31, 2017, the Court certified a settlement class and granted final approval of a class action
8 settlement providing for a \$2,375,000 settlement. The Court approved service payments of
9 \$15,000 and \$10,000 for the two class representatives, and also approved an award of
10 \$593,750.00 in attorney's fees.

11 20. Along with co-counsel, my firm and I were class counsel in *McDonald v. CP*
12 *OpCo, LLC, et al.*, CV 4:17-cv-04915-HSG (U.S.D.C., N.D. Cal), a class action brought on
13 behalf of former employees of a nationwide party rental supplies company. Plaintiffs alleged
14 WARN Act violations arising from a mass layoff. On May 31, 2017, the Northern District
15 Court certified a settlement class and granted final approval of a class action settlement
16 providing for a \$3,000,000 million settlement. The Court approved a service payment of
17 \$10,000 for the class representative, and also approved an award of \$900,000.00 in attorney's
18 fees.

19 21. My firm and I were class counsel in *Hirsch v. WW North America Holdings, Inc.*,
20 Case No. 19-cv-09782-DSF (U.S.D.C., C.D. Cal.), a class action brought on behalf of California
21 WW Leaders and Locations Coordinators alleging that WW failed to reimburse them for certain
22 expenses. The Court certified a settlement class and, on February 12, 2021, finally approved a
23 class action settlement providing for a \$750,000 settlement. The Court also approved a service
24 payment of \$5,000 to the class representative and \$185,426.10 in attorney's fees.

25 22. My firm and I were class counsel in *Denise Winget v. Sutter Health*, Case No.
26 RG21092676 (California Superior Court, Alameda County), a class action brought on behalf of
27 California healthcare workers alleging that Sutter Health had misclassified them, failed to pay
28 overtime, and missed meal and rest breaks, as well as related claims including a PAGA claim.

1 On March 20, 2024, Court granted final approval of a \$4,000,000 class action settlement,
2 including a service payment of \$10,000 to the class representative and \$1,333,333 in attorney's
3 fees.

4 23. I have been a contributor to the Fair Labor Standards Act treatise published by the
5 American Bar Association Section of Labor and Employment Law, and I am the Compensation
6 Chapter Editor for The Rutter Group's Employment Litigation California Practice Guide. I am
7 co-author of The Recorder's 2012 publication, "California Employment Law Forms," and a co-
8 author of The Recorder's 2016 publication, "California Business Litigation" (Employment Law
9 Chapter). I am the author of The Value of Overtime: Rethinking the Use of the Fluctuating
10 Workweek Methodology to Calculate Damages in Fair Labor Standards Act Misclassification
11 Cases, published in Bender's California Labor and Employment Bulletin. I have been
12 recognized as a Northern California Super Lawyer since 2013. Prior to that, I was recognized as
13 a "Rising Star for Northern California" by Super Lawyers.

14 I declare under penalty of perjury, under the laws of the State of California, that the
15 foregoing is true and correct. Executed this 22nd day of July 2025.

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19 JOHN T. MULLAN
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