

C. Michael Alder, Esq. (SBN 170381)
cmalder@alderlaw.com
Elana R. Levine (State Bar No. 234155)
llevine@alderlaw.com
ALDERLAW, PC
12800 Riverside Drive, 2nd Floor
Valley Village, CA 91607
Tel: (310) 275-9131
Fax: (310) 275-9132

V. JOSHUA SOCKS (SBN 303443)
josh@sempervirenslaw.com
ELIZABETH R. MALAY (SBN 336745)
liz@sempervirenslaw.com
SEMPERVIRENS LAW LLP
835 Fifth Ave.
San Rafael, CA 94901

Attorneys for Plaintiff and the Proposed Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO-UNLIMITED JURISDICTION**

VALENTINA MONTAGNA, on behalf of
herself and behalf of all others similarly
situated,

Plaintiff,

v.

FOX CORPORATION, TUBI, INC., AND
DOES 1 to 100, inclusive,

Defendants

CASE NO.: CGC-25-622792
[Case Assigned for All Purposes to the Hon.
Jeffrey S. Ross, in Department 613]

CLASS ACTION

DECLARATION OF C. MICHAEL ALDER
IN SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS, COLLECTIVE, AND
PAGA SETTLEMENT SETTLEMENTS

Date: February 20, 2026
Time: 10:00 a.m.
Dept: 613

DECLARATION OF MICHAEL ALDER

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

01/13/2026
Clerk of the Court

BY: SANDRA SCHIRO
Deputy Clerk

1 I, C. MICHAEL ALDER, declare as follows:

2 1. I am an attorney licensed to practice law before all courts of the State of California,
3 and am the principal and founding partner of AlderLaw PC, as Class and Collective Counsel for
4 Class Representative Valetina Montagna ("Plaintiff" or "Ms. Montagna"), the class, the collective,
5 and all aggrieved employees in the above-captioned action.

6 2. The following is within my personal knowledge with the exception of those
7 matters that are alleged based on information and belief as to which I believe them to be true and
8 if called to testify thereto I could and would competently do so.

9 3. My firm was associated into the case on or about October 24, 2024, by
10 Sempervirens Law LLP, formerly Collier Socks LLP, after they conducted years of litigation in a
11 related matter against Defendants Fox and Tubi. Sempervirens Law LLP, formerly Collier Socks
12 LLP, and AlderLaw PC agree to a fee split of 60 % of attorneys' fees for AlderLaw PC and 40 %
13 for Sempervirens Law LLP. The matter involved allegations of systemic gender discrimination in
14 pay, promotion, and hiring decisions that resulted in women being paid less than similarly situated
15 men, passed over for promotions, and denied equitable hiring opportunities. I have been the
16 supervising and lead attorney on this case since its inception. Since inception, attorney Elana
17 Levine, from my firm was also designated as lead counsel from my office to oversee and litigate
18 this matter. Ms. Levine continued working on this case through the date of settlement and the
19 filing of the motion for preliminary approval. On or about October 15, 2025, Ms. Levine went on
20 a personal medical leave of absence and remains on leave to date. I hereby submit this declaration
21 on behalf of myself and Ms. Levine during her medical absence from the firm.

22 4. My office took the risk of handling this matter on a contingency basis. My office
23 has been working on this matter for over a year. During the time, we have incurred substantial
24 costs and have not been paid a penny in attorney's fees for the extremely time-consuming efforts
25 undertaken. I believe that we have achieved an excellent outcome for Plaintiff, and I believe that
26 we should now be compensated for that effort and achievement.

5. The Settlement Agreement provides for a Gross Settlement Amount of \$4,600,000.00 to settle disputed claims of discrimination in hiring, pay and promotions, and derivative claims, including under the fair Employment and Housing Act ("FEHA"), the Equal Pay Act, Title VII of the Civil Rights Act of 1964, and several other California statutes, including the Private Attorneys General Act ("PAGA"), asserted on behalf of the Settlement Class against Defendants Fox and Tubi. I believe the settlement is advantageous to the class and aggrieved employees. The Settlement Class consists of all women jointly employed by Defendants in the United States as Covered Employees at the Senior Vice President level or below between August 29, 2020, to February 27, 2025. The parties conducted significant research into a skilled class and representative action mediator. The parties ultimately agreed on Antonio Piazza, a highly respected mediator with experience in class actions and complex litigation. The road towards compromise has been extremely adversarial, and included a two-day in-person mediation, which took place on December 16 and 17, 2024. I attended one full day of mediation and Ms. Levine attended both days. While the Parties were unable to reach agreement during the in-person mediation, the Parties' settlement discussions continued for nearly a year and, eventually, resulted in the Settlement Agreement. Plaintiff's counsel and Defendants' were able to secure a reasonable and fair recovery of \$4,600,000.00 for the Settlement Class for their damages.

6. Despite the Parties' strongly divergent views, through a thorough, arms-length negotiation process, the Parties were able to negotiate a fair settlement, considering the uncertainty and risk of further litigation, along with its unavoidable delays and difficulty. The Settlement Agreement resulted in a favorable resolution of the class, collective, and representative claims. Class and Collective Counsel calculated a maximum lost wages exposure of approximately \$22 million. (See Malay Decl. at Ex. C, October 9, 2025; Declaration of Elana Levine ["Levine Decl."], at ¶ 8.) Class Members receive on average roughly \$5,060.99 and Collective Action Plaintiffs receive about \$5,320.97, meaning members of both receive roughly \$10,381.96. (CPT Decl. at ¶¶ 18-19.) The Gross Settlement Amount is roughly 21% of the \$22,000,000 maximum exposure and constitutes a fair, adequate, and reasonable compromise in light of the litigation risks. However,

1 when the equal pay and discrimination claim exposure is reduced to 25%, given the unique and
2 substantial litigation risks, this Settlement represents roughly 84% of Plaintiff's realistic maximum
3 exposure, a reasonable result under all circumstances.

4 7. The Settlement Class consists of all women jointly employed by Defendants in the
5 United States as Covered Employees at the Senior Vice President level or below between August
6 29, 2020, to February 27, 2025. Specifically, Plaintiff contends that Defendants engaged in
7 discriminatory practices that resulted in women being paid less than similarly situated men, passed
8 over for promotions, and denied equitable hiring opportunities. Claims for disparate treatment
9 based on gender aim to close the persistent wage gaps for women and people of color through
10 enhanced transparency, broader definitions, stronger and consistent enforcement, and they aim to
11 shift the burden to employers to address systemic and unfair disparities and provide fundamental
12 economic access to justice.

13 8. I attended Louisiana State University and received my J.D. in 1992. I became a
14 member of the Louisiana State Bar in 1992 and the California State Bar in June 1994. I have
15 actively and continuously practiced law since then. I am admitted to practice in all state courts in
16 California, in the United States District Court of California and Louisiana (Central, Northern,
17 Southern, and Eastern), and in the Ninth Circuit Court of Appeals.

18 9. I have actively litigated in excess of 2,000 cases in the areas of employment law,
19 civil rights, personal injury, products liability, insurance bad faith, medical malpractice, consumer
20 rights, representative actions, and both wage and consumer class and representative actions. I have
21 represented plaintiffs in cases of varied complexity, from the very simple to convoluted complex
22 class action and representative matters, and have been on the winning side of appellate matters,
23 creating significant case law for the Plaintiff's bar on several different cases. During my career, I
24 have settled and received verdicts and awards on over 99% of the cases I have litigated, including
25 many eight figure resolutions totaling more than \$3.1 billion in verdicts and settlements for
26 plaintiffs. Over the course of my career, I have been involved in more than 130 trials and in 2025
27 alone, I completed more than 10 trials for plaintiffs, winning nine of them.

1 10. I am an active member of various bar associations, including the Consumer
2 Attorneys Association of Los Angeles (CAALA) since 2000 and I served as the President in 2012
3 and sat on the Board of Governors for 25 years. I am also a member of Consumer Attorneys of
4 California (CAOC). I have been a member of the American Board of Trial Advocates (ABOTA)
5 since 2003. In addition, I have been an active member of the LATLC since 2000.

6 11. I have had many accomplishments as a trial lawyer and have been regularly
7 recognized for the verdicts and settlements I have obtained for my clients. In 2014, I received the
8 Clay Award and was named the personal injury "California Attorney of the Year" by California
9 Lawyer. In 2012, I had 3 verdicts listed in Verdict Search's "Top 100 Verdicts" of the year. I was
10 the youngest lawyer to ever be named Consumer Attorney Association of Los Angeles' (CAALA)
11 "Trial Lawyer of the Year." I am a 3-time nominee for California's Trial Lawyer of the Year and
12 am one of the youngest recipients of Daily Journal's Top 100 Lawyers in California (2011). In
13 2005, I was declared one of the Daily Journal's Top 20 under 40. I have been consistently
14 recognized by Super Lawyers since 2004. I am also the founder and past president of the Los
15 Angeles Trial Lawyers' Charities (LATLC) and a founder of the American Museum of Tort Law.
16 In 2020, I also co-founded Z.A. Lawyers with my wife, Gina Zapanta, to help injured workers.
17 Since 2015, I have been on the Board of Trustees for the Pro Bono Inner City Law Center.

18 12. I am regularly asked to speak at seminars on trial strategy. I have published articles
19 regarding trial strategy, I regularly host my own seminars for other attorneys in the legal field, and
20 have written a book on litigation. I also maintain a free database accessible to any attorney
21 representing plaintiffs, with over 6,000 expert deposition to assist attorneys with discovery, litigation
22 preparation, and trial strategy. I also have a significantly large attorney social media following that
23 consists primarily of other attorneys that look to me or reach out to me for advice on their litigation
24 and trials.

1 13. I have been an adjunct law professor at Loyola Law School in Los Angeles on
2 Advanced Litigation Skills and have lectured to law students at the law schools of Loyola,
3 Southwestern, USC, UCLA, Chapman, Pepperdine, and Louisiana State University.

4 14. Through my various professional activities and significant involvement in the legal
5 community, I have developed professional relationships with numerous employment and
6 plaintiff's rights law practitioners in the State of California, as co-counsel and as opposing counsel.
7 In these capacities, I have become familiar with the customary hourly billing rates charged by
8 plaintiff's side law practitioners in Southern California.

9 15. I am generally familiar with rates charged by attorneys in the Southern California
10 area whose training and experience are similar to mine, and my rate is competitive in that market.
11 Generally, rates of similarly trained and experienced attorneys for complex civil litigation, such as
12 employment law and civil rights cases, vary from \$425.00 to \$1,400.00 per hour in the Southern
13 California area. There are exceptions at both ends of that range. My current hourly rate of
14 \$1,400.00 per hour is commensurate with my level of experience and success in litigating
15 employment and complex class action and representative matters.

16 18. Based on the prior approvals of my hourly rate and experience, my familiarity with
17 prevailing market rate for work of similar complexity, performed by attorneys of similar skill and
18 experience, I believe my currently hourly \$1,400.00 per hour and Ms. Levine's rate of \$900 are
19 more than reasonable and commensurate with that of similarly qualified attorneys in the same
20 geographical area.

21 19. Ms. Levine joined my firm in or about two years ago. She is a trial attorney at my
22 law firm. I have worked alongside Ms. Levine on matters, including the present one, observing her
23 experience and skill in handling these matters. My firm regularly bills Ms. Levine's work at the
24 hourly rate of \$900. Based on other declarations submitted by Ms. Levine in numerous other matters
25 for attorneys' fees, my work history with her, and having hired her myself, I am informed on her
26 experience and background. Ms. Levine attended law school at Southwestern University Law School
27
28

1 and graduated in 2004. Ms. Levine was admitted to practice before all courts of the State of
2 California on December 2, 2004. In addition to the California State Courts, Ms. Levine was
3 admitted to practice law in the Federal Northern, Southern, Eastern, and Central Districts of
4 California. She is a highly experienced litigator with a background in complex and highly contentious
5 litigation, specifically in single and multiple plaintiff employment cases, as well as in representative
6 and class action matters. Since 2005, she has litigated hundreds of representative and/or wage and
7 hour or consumer class actions and has been confirmed as lead class counsel in contested
8 certification matters. Ms. Levine is also a frequent contributor to numerous legal publications on a
9 range of topics, including, but not limited to: Professional Responsibility; California employment law
10 and FLSA issues; the interplay between Employment Law and Workers Compensation; issues
11 concerning the nuisances in the law within a pandemic; issues involving the struggles unique to
12 women in the legal community. She has also conducted several seminars and conference with topics
13 on emerging areas of complex litigation and employment law.

14 20. In my office, Senior Trial Attorneys bill at the rate of at least \$700 per hour, with
15 Ms. Levine being one of my most experienced trial attorneys at the firm for years. Having hired
16 Ms. Levine myself, I am familiar with her background, experience, and skill level, and based on my
17 experience working with her for about four years, I believe that her billing rate of \$900 is
18 reasonable and appropriate. I reviewed Ms. Levine's activities and estimated times for all activities
19 on this matter through the firm's file keeping system, known as Filevine, and email
20 correspondence (Outlook), which I have full access to. Ms. Levine's estimated number of hours
21 spent on litigating this matter is 320 hours and 28 hours in the related litigation. The time and
22 activities are maintained for each matter in the regular course of business by the firm and are
23 nearly contemporaneous in time of when the activities are actually performed. I am informed and
24 believe that the Filevine and Outlook email system accurately reflect the tasks performed for this
25 matter, the time spent on those tasks, and the resulting attorneys' fees associated with those tasks.
26 The amounts listed above in this paragraph were used in calculating the lodestar amount of fees
27

1 owed to Plaintiff's, the plaintiff classes,' and aggrieved employees' counsel.

2 21. I also reviewed my own activities through Filevine and Outlook correspondence,
3 as well, as texts and call logs. I expended 70 hours on this matter and 5 on the related litigation.

4 22. All of the time attributed to Ms. Levine and I on Filevine and Outlook was actually
5 performed by us, and the time indicated is the actual time spent on each task rounded up to the
6 nearest one-tenth of an hour, unless I reduced the amount of actual time billed, typically for
7 myself. Similarly, I have reviewed the activities as I would for any motion for attorneys' fees
8 performed by staff and attorneys who are no longer with the firm. I am and have always been the
9 owner of the firm and have always been directly involved in the litigation of this matter at the time
10 all such tasks were completed.

11 23. In recording time spent working on this case, every single case activity and expense
12 is recorded in the Filevine case file management system. In Filevine, every time a case file is
13 accessed, a case activity entry is automatically made, with the initials of the person accessing the
14 file. It is the firm's policy and practice that all events not automatically generated by the system be
15 input in the ordinary course of business as close to the event as reasonably practicable. This
16 includes things like documenting all phone calls, emails, tasks, court appearances, and other
17 matters. I exercised billing discretion to remove all time spent on administrative or semi-clerical
18 tasks by non-attorneys, or on tasks that were duplicative of Ms. Levine and my time or not
19 sufficiently productive. I believe that the substantial skill, knowledge, and experience that Ms.
20 Levine and I have caused this case to be litigated in a manner where unnecessary expenditures of
21 time and needless or duplicative work were minimized as much as possible.

22 28. Pursuant to the contingent-fee arrangement, we are not compensated for our time
23 unless and until we prevail at trial or successfully settle our clients' cases. Because we are taking the
24 risk that we will not be reimbursed for our time unless our client settles or wins his or her case, we
25 cannot afford to represent an individual employee, a plaintiff class, or a group of aggrieved
26 employees on a contingency basis if, at the end of our representation, all we are not able to receive
27

1 at the very least our regular hourly rates for the work performed. In order to continue being able
2 to represent other plaintiffs in injury or employment disputes, it is essential that we recover more
3 at minimum our regular hourly rates when we win and a multiplier.

4 29. The amount of work of class action and representative matters, can be so
5 demanding
6 that we are at times unable to deal with any other matters in our busy practice, including taking
7 new matters. These cases are so demanding that we can only accept a limited number of them per
8 year and can only have a limited number on our active case list. As a result, we were forced to turn
9 down representation on other cases because of the time that our firm had to devote to this case.

10 30. Based on the difficulties of handling these particular types of cases, including
11 challenges in gathering the evidence of wage and hour violations for many employees, the inherent
12 hurdles in certification of a class, preliminary approval, and the administration of the large scale
13 class or representative actions, difficulties caused by the impact of the clients' ability to assist in or
14 withstand the pressure of litigation, and the high costs frequently incurred, many competent
15 plaintiff-side employment counsel either shy away from or downright refuse to accept these cases.
16 Unfortunately, in many plaintiff cases, counsel for the plaintiffs end up settling the case for
17 whatever is placed on the table in order to avoid the risks associated with litigation. This case,
18 however, was especially demanding given the causes of action presented, certification hurdles that
19 needed to be met, the Defendants' defenses, and significant adversarial positioning.

20 31. In this type of contingent and class or representative litigation, it is entirely proper
21 for a fee enhancement or adjustment to compensate for the effects of inflation, lost interest, delays
22 in payment, the contingent nature of success, and exceptional success. Our office incurred
23 significant risks when undertaking this litigation. The nature of these cases requires a very
24 extensive commitment of time and not-insignificant investment of costs. Plaintiff's prospects for
25 recovery were anything but certain at the outset, and the legal issues were complex. Given my
26 firm's skill and efforts, an award of a multiplier of 1.06 is requested and is reasonable.

32. The reasonable lodestar calculation of attorneys' fees incurred by myself and Ms. Levine, for this matter, currently totals: **\$418,200**. Additionally, I believe that an award of **\$11,054.41** for total costs by Alderlaw, PC, incurred in this matter is reasonable and appropriate.

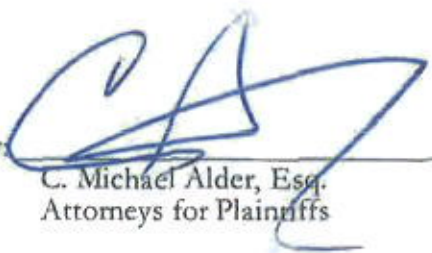
34. Alderlaw, PC represents plaintiffs in a variety of civil matters, including employment, class actions and representative matters, amongst others. The firm is heavily invested in skilled and experienced attorneys, such as Ms. Levine, to maximize the presentation of its clients' cases, in litigation, settlement, or trial.

35. When Alderlaw, PC was asked to join by Sempervirens Law, I agreed to advance what was necessary by my firm, ultimately advancing approximately \$11,054.41 in costs.

36. By taking on this matter, it meant that Ms. Levine and my firm had to forgo other matters so that we could dedicate my time to this matter.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on Tuesday, January 13, 2026, at Valley Village, California.

DATED: January 13, 2026

By: 

C. Michael Alder, Esq.
Attorneys for Plaintiffs