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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO**

TESSA FRANKE, as an individual and on behalf
of all others similarly situated, and as a private
attorney general,

Plaintiff,

vs.

WHOLE FOODS MARKET CALIFORNIA,
INC., a California corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No. CGC-20-586827

[Hon. Ethan P. Schulman, Department 304]

**DECLARATION OF WILLIAM L. MARDER
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: February 9, 2023
Time: 11:00 a.m.
Department: 304

Complaint Filed: September 28, 2020

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

01/18/2023
Clerk of the Court
BY: SANDRA SCHIRO
Deputy Clerk

1 I, William L. Marder, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and am a partner of the
3 law firm of Polaris Law Group, one of the attorneys of record for Plaintiff. I make this declaration on the
4 basis of my own personal knowledge, except as to those matters stated on information and belief and, as
5 to those matters, I believe them to be true. If called as a witness, I could testify competently as to the
6 facts stated in this declaration.

7 2. From the inception of the case, Class Counsel has zealously represented the interests of
8 the Class. Class Counsel engaged in substantial discussions with opposing counsel to obtain informal
9 data and documents on behalf of the Class. This settlement was obtained for the benefit of the Class, as
10 opposed to the individual Class Representatives.

11 3. Although I am confident that litigation of the claims would result in a classwide judgment
12 against Defendant, I recognize the inherent risks in litigation, including the specific risks that class
13 certification could be denied, liability could not be established at trial, or the applicable law could
14 change, as well as the potential for appeals and the costs of pursuing litigation. Based on my review of
15 all the information, and based on my experience in class action litigation, I believe this settlement to be
16 fair, adequate, and reasonable.

17 4. I graduated from UCLA Law School in 1993 and was admitted to the California Bar in
18 1994. Since that time, I have acquired substantial experience in employment litigation. I have
19 represented both plaintiffs and defendants. I estimate that I have handled more than 300 employment
20 cases, litigating cases in state and federal courts.

21 5. I have defended large institutional employers in employment cases. From 1995-1997, as
22 an associate at Bolling, Walter & Gawthrop in Sacramento, I represented the City of Sacramento, Yolo
23 County, the City of Davis, Solano County, and other employers in employment litigation in state and
24 federal courts.

25 6. From 1997-2000, I served as a Deputy County Counsel in San Benito, handling all of its
26 employment matters. These matters include advising the county on compliance with wage and hour
27 laws, arbitrations, and litigation.

1 7. From 2002-2006, I was a partner at Paxton O'Brien, LLP in Hollister, an AV rated firm,
2 where I represented numerous plaintiffs and defendants in employment lawsuits.

3 8. In 2006, I co-founded my current firm, Polaris Law Group, where I spend most of my
4 time handling employment cases. I primarily represent employees.

5 9. I have been the sole trial attorney in two jury trials in which I represented plaintiffs who
6 prevailed on wrongful termination claims brought pursuant to the California Fair Employment &
7 Housing Act, California Government § 12900 et seq. These cases are *Gamayo v. Drobny Law Offices*,
8 Sacramento Superior Court Case No. 34-2008-00005372CU, and *Cherub Berlanga v. Willow Grove*
9 *School District*, San Benito County Superior Case No. CU-09-00100.

10 10. I have been the sole trial attorney in two court trials in which I represented plaintiffs who
11 prevailed on wage and hour claims. These cases are *Smith v. Joyce*, Monterey County Superior Court
12 Case No. M74334, and *Nava v. Rodriguez*, San Benito County Superior Court Case No. CU-08-00022.

13 11. I have also been approved as class counsel in numerous cases including *Sison v.*
14 *Headway Technologies*, Santa Clara Superior Court Case No. 1-13-CV-254591, and *Barrera v. Home*
15 *Depot*, Northern District of California Case No. C 12 5199 LHK.

16 12. My co-counsel and I will adequately represent the Class Members in this action. We have
17 and will dutifully represent Plaintiff and the Class and pursue this lawsuit to its conclusion. I have no
18 conflicts with the Class.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is
20 true and correct. Executed this 18th day of January 2023, at Hollister, California.

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22 William L. Marder
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