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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 FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: June 26, 2023
Time: 11:00 a.m.
Department: 304

Complaint Filed: September 28, 2020

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. Based on my review of all the information, and based on my experience in class action
9 litigation, I believe this settlement to be fair, adequate, and reasonable. Although I believe that a class
10 can be certified, I also believe in the fairness of the settlement, based on the uncertainty and risks to
11 Plaintiff and the Class from not prevailing on one or more of the causes of action or theories alleged in
12 the operative Complaint, the possibility of non-certification, and potential for appeals. This settlement
13 was obtained for the benefit of the Class, as opposed to the individual Class Representative.

14 3. I graduated from UCLA Law School in 1993 and was admitted to the California Bar in
15 1994. Since that time, I have acquired substantial experience in employment litigation. I have
16 represented both plaintiffs and defendants. I estimate that I have handled more than 300 employment
17 cases, litigating cases in state and federal courts.

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

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

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

27 7. In 2006, I co-founded the Polaris Law Group where I spend most of my time handling
28 employment cases. I primarily represent employees.

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

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

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

12 11. My current billing rate is at \$750.00 per hour. I have been approved at this rate in a
13 number of cases, including but not limited to: *Markham v. Quik Stop Markets, Inc.*, Santa Clara Superior
14 Court Case No. 19CV341582, *Della Maggiora v. Watsonville Community Hospital*, Santa Cruz Superior
15 Court Case No. 18CV00191, *Holman v. American Sugar Refining, Inc.*, Contra Costa Superior Court
16 Case No. MSC18-00415, *Hanna v. Equinix LLC*, Santa Clara Superior Court Case No. 18CV339365,
17 *Pittman v. Martinez Steel Corporation*, San Bernardino Superior Court Case No. CIVDS1823132,
18 *Sanchez v. ExamOne WorldWide, Inc.*, Santa Clara Super Court Case No. 17CV30832, *Siron v. Raypak,*
19 *Inc.*, Ventura Superior Court Case No. 56-2019-005279959-CU-OE-VTA, and *Prexxie Pascual and*
20 *Arturo Fonseca v. Satellite Healthcare, Inc.*, Santa Clara County Superior Court Case No. 19CV345211.

21 12. To date, I have incurred approximately 59.4 hours on this case. I also anticipate incurring
22 an additional 10.0 hours through final approval and post-approval in connection with finalizing this
23 matter and conferring with Plaintiff, class members, and the administrator. Attached as **Exhibit A** is a
24 summary of my hours and tasks on this matter. As such, the total of my firm's attorneys' fees through
25 final approval is expected to be \$52,050.00.

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is
2 true and correct. Executed this 31st day of May 2023, at Hollister, California.

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4 William L. Marder
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EXHIBIT A

Time and Task Summary
for Franke v. Whole Foods Market California, Inc
William L. Marder

Description of Work	Hours
Conduct initial interviews and investigation of plaintiff's claims	5.8
Review additional materials from plaintiff	3.4
Research defendant's operations and investigate prior or pending litigation	4.6
Discuss plaintiff's claims, proposed litigation strategy, and assessment with plaintiff and co-counsel	8.6
Review LWDA letter and complaint and discuss with co-counsel	1.4
Review and reply to various emails with plaintiff and co-counsel	6.4
Review written discovery responses and confer with plaintiff regarding responsive documents	3.8
Discuss defendant's position with co-counsel, review defendant's documents, and discuss with plaintiff	5.2
Review mediation production and data	2.8
Review mediation brief and discuss with co-counsel	4.6
Discuss mediation and settlement with plaintiff	4.8
Discuss general release of claims, approval process, and other questions with plaintiff	3.8
Review preliminary approval papers and prepare supporting declaration	2.6
Review final approval papers and prepare supporting declaration	1.6
TOTAL	59.4