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Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF LOS ANGELES**

ANN ESPINOZA and DIANA FONTANA,  
individually, and on behalf of all others similarly  
situated,

*Plaintiffs,*

v.

CICON ENGINEERING, INC., a corporation,  
and DOES 1 through 10, inclusive,

*Defendants.*

Case No. 21STCV39385

**CLASS ACTION**

*[Assigned for all purposes to Judge Maren  
Nelson, Dept. 17]*

**DECLARATION OF JARRETT  
GORLICK IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

*[Filed concurrently with: Plaintiffs' Notice of  
Motion and Motion for Preliminary Approval  
of Class Action Settlement, Memorandum of  
Points and Authorities; Declaration of Justin  
F. Marquez in Support of Plaintiffs' Motion  
for Preliminary Approval of Class Action  
Settlement; Declaration of Diana Fontana and  
Ann Espinoza in Support of Plaintiffs'  
Motion for Preliminary Approval of Class  
Action Settlement and [Proposed] Order  
Granting Plaintiffs' Motion for Preliminary  
Approval of Class Action Settlement]*

**PRELIMINARY APPROVAL HEARING**

Date: March 13, 2023

Time: 9:00 a.m.

Dept: 17

Complaint filed: October 26, 2021

SAC filed: November 1, 2022

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1. I am over the age of 18 and am not a party to this action. All the facts set forth in this declaration are within my personal knowledge, true and correct, and, if called upon to testify, I could and would competently and truthfully testify to the following:

3. I obtained a Bachelor of Arts degree in Economics and Psychology from the University of California, Santa Barbara in 2013. I received the Outstanding Scholastic Achievement in Economics award for graduating with the highest GPA in the department, graduated with High Honors, and completed the College of Letters and Sciences Honors Program. I hold the Certified Financial Planner designation, which required coursework in financial and data analysis, as well as accounting.

1. *Rodriguez v. Dynamic Auto Images*, Orange County Superior Court Case No. 30-2019-01092692-CU-OE-CXC, Deposition 9/26/2022
2. *Cruz v. Talentscale*, Riverside Superior Court Case No. RIC1821842, Deposition 5/26/2022
3. *Liggins v. GMRI*, Los Angeles Superior Court Case No. BC717321, Deposition 3/31/2022
4. *Ortega v. Carson Wild Wings*, Los Angeles Superior Court Case No. BC677389, Deposition 1/6/2022
5. *Cruz v. Dignity Health*, Sacramento County Superior Court Case No. 34-2018-00245506, Deposition 11/23/2021

6. *Larson v. Mark Twain Medical Center*, Calaveras County Superior Court Case No. 19CV44062, Deposition 11/18/2021
7. *Powell v. St Joseph's Medical Center*, San Joaquin County Superior Court Case No. STK-CV-UOE-2019-00111555, Deposition 11/4/2021
8. *Johnson v. Bakersfield Memorial Hospital*, Kern County Superior Court Case No. BCV-19-102016, Deposition 10/25/2021
9. *Dawson v. GoHealth*, San Francisco County Superior Court Case No. CGC-19-577790, Deposition 10/21/2021
10. *Torrez v. Del Taco*, Alameda County Superior Court Judicial Counsel Coordination Proceeding No. 4904, Deposition 10/5/2021
11. *Ortega v. Carson Wild Wings*, Los Angeles Superior Court Case No. BC677389, Deposition 9/9/2021
12. *Haaverson v. Tavistock Freebirds*, Alameda Superior Court Case No. RG19030716, Trial 8/19/2021
13. *Escamilla v. Ono Hawaiian BBQ*, Los Angeles Superior Court Case No. BC651992, Deposition 8/16/2021
14. *Nash v. Horizon Freight Services*, Northern District Court Case No. 3:19-cv-01883-VC, Deposition 8/11/2021
15. *Harris v. Villa Del Rio*, Los Angeles Superior Court Case No. 19STCV28198, Deposition 6/18/2021
16. *Morgan v. Rohr*, Southern District Court Case No. 3:20-CV-00574-GPC-AHG, Deposition 5/24/2021
17. *Fortson v. COMPASS*, Alameda Superior Court Case No. RG16818319, Trial 5/17/2021
18. *Anderson v. Safe Streets*, Eastern District Case No. 2:18-CV-00323-KJM-GGH, Deposition 5/13/2021
19. *Christensen v. Carter's Retail*, Central District of California Case No. 8:20-cv-00776 JLS (KESx), Deposition 4/15/2021
20. *Fortson v. COMPASS*, Alameda Superior Court Case No. RG16818319, Deposition 3/26/2021
21. *Torrez v. Del Taco*, Alameda Superior Court Judicial Counsel Coordination Proceeding No. 4904, Deposition 3/3/2021

- 1 22. *McCarty v. SMG*, Northern District of California Case No. 3:17-cv-06232-JD,  
2 Deposition 2/4/2021
- 3 23. *Chaney v. Select Education Group*, Stanislaus Superior Court Case No. CV-19-  
4 002224, Arbitration 12/4/2020
- 5 24. *Chaney v. Select Education Group*, Stanislaus Superior Court Case No. CV-19-  
6 002224, Deposition 11/24/2020
- 7 25. *Zarate v. La Pizza Loca*, Los Angeles Superior Court Case No. BC642655,  
8 Deposition 10/2/2020
- 9 26. *Cassiano Falero v. Southern California Pizza*, Orange County Superior Court  
10 Judicial Counsel Coordination Proceeding No. 4725, Deposition 9/17/2020
- 11 27. *Hernandez v. Terminix International*, AAA Case No. 01-18-0000-4288,  
12 Arbitration 9/8/2020
- 13 28. *Hernandez v. Terminix International*, AAA Case No. 01-18-0000-4288,  
14 Deposition 8/12/2020
- 15 29. *Martinez v. AA Meat Products*, Los Angeles Superior Court Case No. BC650944,  
16 Deposition 6/25/2020
- 17 30. *Shi v. J. Filippi Vintage Company*, San Bernardino Superior Court Case No.  
18 CIVDS1806156, Trial 3/9/2020
- 19 31. *Rosales v. Staples Contract and Commercial*, Los Angeles Superior Court  
20 Judicial Counsel Coordination Proceeding No. 4854, Deposition 2/4/2020
- 21 32. *Anderson v. Safe Streets*, AAA Case No. 01-18-0004-3136, Arbitration  
22 11/19/2019
- 23 33. *Anderson v. Safe Streets*, AAA Case No. 01-18-0004-3136, Deposition  
24 10/30/2019
- 25 34. *Kelly v. High Desert Support Services*, San Bernardino Superior Court Case No.  
26 CIVDS1616463, Trial 10/1/2019
- 27 35. *Kelly v. High Desert Support Services*, San Bernardino Superior Court Case No.  
28 CIVDS1616463, Deposition 9/9/2019
36. *Reed & Moore v. Aramark Uniform Services*, Alameda Superior Court Case No.  
RG168322314, Deposition 8/9/2019
37. *Gamboa v. Nelson Miller*, Los Angeles Superior Court Case No. BC658201,  
Deposition 4/2/2019

1 38. *Leyva v. SCPMG*, Los Angeles Superior Court Case No. BC621718, Deposition  
2 7/26/2018

3 39. *Emard et al. v. Twin Cities Community Hospital*, AAA Case No. 01-17-0000-  
4 1313, Arbitration 7/19/2018

5 40. *McConville v. Renzenberger*, Central District of California Western Division  
6 Case No. 17-cv-02972-FMO-JC, Deposition 2/1/2018

7 41. *Galeano v. Royal Laundry*, San Mateo Superior Court Case No. CIV534888,  
8 Deposition 10/12/2017

9 5. BCG has been retained by Counsel for Plaintiff in the matter of *Ann Espinoza*  
10 *and Diana Fontana v. Cicon Engineering*, Los Angeles County Superior Court Case No.  
11 21STCV39385, to assist in evaluating the alleged wage and hour claims based upon the  
12 employee data provided for putative class members for a mediation that occurred in September  
13 2022.

14 ***Mediation Analyses of Sample Putative Class Member Data***

15 6. Beginning on August 31, 2022, Counsel for Plaintiff provided BCG with, among  
16 other things, a sampling of putative class member timekeeping and payroll records. It is my  
17 understanding that the putative class member data was provided to Counsel for Plaintiff by  
18 Defendant.

19 7. In comparing the number of shifts in the sample to the expected number of shifts  
20 in the class,<sup>1</sup> I found that this sample appears to comprise of 51,491 shifts of the approximately  
21 303,323 shifts in the putative class. At the shift level and based on a 95% confidence interval,  
22 this sample leads to about a 0.4% margin of error.

23 8. Similarly, if we consider the sample at the pay period level rather than at the shift  
24 level (see paragraph 7, above), I found that this sample appears to comprise of 7,372 of the  
25 43,427 total pay periods in the putative class. At the pay period level and based on a 95%  
26 confidence level, this sample leads to about a 1.0% margin of error.

27 <sup>1</sup> The expected number of shifts was calculated by multiplying the number of shifts in the sample  
28 by the ratio of total putative class pay periods (which was provided by Counsel for Defendant) to  
the sample pay periods analyzed.

1           9.       A 95% confidence level with a maximum margin of error of 5% is generally  
2 accepted as scientifically valid and is well supported in statistics. *See* Kevin D. Hoover & Mark  
3 V. Siegler, *Sound and Fury: McCloskey and Significance Testing in Economics*, 15 J. Econ.  
4 Methodology 1, 13-14, 24 (March 2008) (“The critical value is typically but not always chosen  
5 to secure a 5% probability of type I error under the null hypothesis (i.e., a 5% size of the test)”  
6 and “epidemiology or other areas of medical research ... faithfully apply a standard of  $p < 0.05$   
7 for reporting estimates”). The margins of error I calculated (0.4% and 1.0%) were far lower than  
8 the generally accepted 5% margin of error.

9           10.      “Traditionally, scientists adopt the 95% level of confidence, which means that if  
10 100 samples of the same size were drawn, the confidence interval expected for at least 95 of the  
11 samples would be expected to include the true population value.” Federal Judicial Center, and  
12 National Research Council (U.S.). *Reference Manual on Scientific Evidence*. Washington, D.C.:  
13 National Academies Press, 2011, p. 381.

14           I declare under penalty of perjury under the laws of the State of California that the foregoing  
15 is true and correct this 16th day of November 2022 at Los Angeles, California.

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Jarrett Gorlick

# Exhibit 1



## Professional Experience

### Berger Consulting Group

2016-PRESENT

#### Partner

- Create quantitative models and conduct quantitative analyses to assist attorneys prepare for various stages of litigation on more than 2,500 wage and hour lawsuits since 2016
- Analyze data from various industries including retail, healthcare, logistics, finance, hospitality, technology, and manufacturing for both single plaintiff cases and classes with more than 40,000 employees
- Perform data conversion using multiple commercial Optical Character Recognition (OCR) software to transform small to large volumes of documents and image files into Excel or other data formats like Microsoft Access databases
- Recognize patterns within data and automate calculations in order to objectively extract results from datasets
- Produce detailed reports, write case analysis summaries explaining results, and provide expert testimony of my findings

### LPL Financial

2013-2017

#### Operations Manager

- Analyzed revenue data and created models to segment client base by revenue, Asset Under Management (AUM), and growth potential, facilitating annual AUM growth
- Developed the processes of repeatable, systematic investment research, securities trading, cash and client account management
- Implemented robust financial software, advancing data analysis and enhancing client recommendations via comprehensive financial plans

### UCSB Extension

2016-2018

#### Instructor of Investment Analysis and Strategic Business Development

- Designed course curricula and materials to facilitate business development and corporate finance education commensurate with the University of California
- Utilized group projects, exams, and both academic and professional experience-based learning to ensure students with varying levels of professional and academic experience attained valuable skills and knowledge

## Professional Credentials

- CERTIFIED FINANCIAL PLANNER™

## Education

### UCSB

2013

#### Bachelor of Arts (Honors Program; Double Major; Cumulative GPA: 3.83)

- Economics (Major GPA: 3.95), Psychology (Major GPA: 3.69)
- Honors: Outstanding Scholastic Achievement in Economics for highest GPA in department, High Honors in College of Letters and Sciences, Dean's Honors List (8 quarters), United States Bowling Congress Scholarship

## Additional

- Computer Skills: Excel/VBA/Pivot, Python/R, STATA/SPSS, SQL, Access, Omnipage PDF Converter, ABBYY FineReader, Adobe Acrobat Pro
- Volunteer Work: Support Partners In Education, Santa Barbara Community Environmental Council, Casa Esperanza homeless shelter, UCSB Alumni Association, various UCSB Research Colloquia



## Testimony

### Berger Consulting Group

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1. Rodriguez v Dynamic Auto Images, Orange County Superior Court Case No. 30-2019-01092692-CU-OE-CXC, Deposition 9/26/2022
2. Cruz v Talent Scale, Riverside County Superior Court Case No. RIC1821842, Deposition 5/26/2022
3. Liggins v GMRI, Los Angeles County Superior Court Case No. BC717321, Deposition 3/31/2022
4. Ortega v Carson Wild Wings, Los Angeles County Superior Court Case No. BC677389, Deposition 1/6/2022
5. Cruz v Dignity Health, Sacramento County Superior Court Case No. 34-2018-00245506, Deposition 11/23/2021
6. Larson v Mark Twain Medical Center, Calaveras County Superior Court Case No. 19CV44062, Deposition 11/18/2021
7. Powell v St Joseph's Medical Center, San Joaquin County Superior Court Case No. STK-CV-UOE-2019-00111555, Deposition 11/4/2021
8. Johnson v Bakersfield Memorial Hospital, Kern County Superior Court Case No. BCV-19-102016, Deposition 10/25/2021
9. Dawson v GoHealth, San Francisco County Superior Court Case No. CGC-19-577790, Deposition 10/21/2021
10. Torrez v Del Taco, Alameda County Superior Court Judicial Counsel Coordination Proceeding No. 4904, Deposition 10/5/2021
11. Ortega v Carson Wild Wings, Los Angeles County Superior Court Case No. BC677389, Deposition 9/9/2021
12. Haaverson v Tavistock Freebirds, Alameda County Superior Court Case No. RG19030716, Trial 8/19/2021
13. Escamilla v Ono Hawaiian BBQ, Los Angeles County Superior Court Case No. BC651992, Deposition 8/16/2021
14. Nash v Horizon Freight Systems, United States Northern District of California Case No. 3:19-cv-01883-VC, Deposition 8/11/2021
15. Harris v Villa Del Rio, Los Angeles County Superior Court Case No. 19STCV28198, Deposition 6/18/2021
16. Morgan v Rohr, United States Southern District of California Case No. 3:20-CV-00574-GPC-AHG, Deposition 5/24/2021
17. Fortson v Care Options Management Plans and Support Services, Alameda County Superior Court Case No. RG16818319, Trial 5/17/2021
18. Anderson v Safe Streets, United States Eastern District of California Case No. 2:18-CV-00323-KJM-GGH, Deposition 5/13/2021
19. Christensen v Carter's Retail, United States Central District of California Case No. 8:20-cv-00776 JLS (KESx), Deposition 4/15/2021
20. Fortson v Care Options Management Plans and Support Services, Alameda County Superior Court Case No. RG16818319, Deposition 3/26/2021
21. Torrez v Del Taco, Alameda County Superior Court Judicial Counsel Coordination Proceeding No. 4904, Deposition 3/3/2021
22. McCarty v SMG, United States Northern District of California Case No. 3:17-cv-06232-JD, Deposition 2/4/2021
23. Chaney v Select Education Group, Stanislaus County Superior Court Case No. CV-19-002224, Arbitration 12/4/2020
24. Chaney v Select Education Group, Stanislaus County Superior Court Case No. CV-19-002224, Deposition 11/24/2020
25. Zarate v La Pizza Loca, Los Angeles County Superior Court Case No. BC642655, Deposition 10/2/2020
26. Southern California Pizza Wage and Hour Cases, Orange County Superior Court Judicial Counsel Coordination Proceeding No. 4725, Deposition 9/17/2020
27. Hernandez v Terminix International, AAA Case No. 01-18-0000-4288, Arbitration 9/8/2020
28. Hernandez v Terminix International, AAA Case No. 01-18-0000-4288, Deposition 8/12/2020
29. Martinez v AA Meat Products, Los Angeles County Superior Court Case No. BC650944, Deposition 6/25/2020
30. Shi v J Filippi Vintage Company, San Bernardino County Superior Court Case No. CIVDS1806156, Trial 3/9/2020
31. Rosales v Staples Contract and Commercial, Los Angeles County Superior Court Judicial Counsel Coordination Proceeding No. 4854, Deposition 2/4/2020
32. Anderson v Safe Streets, AAA Case No. 01-18-0004-3136, Arbitration, 11/19/2019
33. Anderson v Safe Streets, AAA Case No. 01-18-0004-3136, Deposition 10/30/2019

34. Kelly v High Desert Support Services, San Bernardino County Superior Court Case No. CIVDS1616463, Trial 10/1/2019
35. Kelly v High Desert Support Services, San Bernardino County Superior Court Case No. CIVDS1616463, Deposition 9/9/2019
36. Reed & Moore v Aramark Uniform Services, Alameda County Superior Court Case No. RG16832314, Deposition 8/9/2019
37. Gamboa v Nelson Miller, Los Angeles County Superior Court Case No. BC658201, Deposition 4/2/2019
38. Leyva v SCPMG, Los Angeles County Superior Court Case No. BC621718, Deposition 7/26/2018
39. Emard v Twin Cities Community Hospital, AAA Case No. 01-17-0000-1313, Arbitration 7/19/2018
40. McConville v Renzenberger, United States Central District of California Case No. 17-cv-02972-FMO-JC, Deposition 2/1/2018
41. Galeano v Royal Laundry, San Mateo County Superior Court Case No. CIV534888, Deposition 10/12/2017

**PROOF OF SERVICE**

*Espinoza, et al. v. Cicon Engineering, Inc., et al.*  
21STCV39385

STATE OF CALIFORNIA            )  
  ) ss  
COUNTY OF LOS ANGELES        )

I, Sandy S. Sespene, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12<sup>th</sup> Floor, Los Angeles, California 90010. My electronic service address is ssespene@wilshirelawfirm.com.

On **December 12, 2022**, I served the foregoing **DECLARATION OF JARRETT GORLICK IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Eric C. Schwettmann, Esq. (SBN 188784)  
[eschwettmann@brgslaw.com](mailto:eschwettmann@brgslaw.com)  
Matthew B. Golper, Esq. (SBN 275979)  
[mgolper@brgslaw.com](mailto:mgolper@brgslaw.com)  
Olga G. Pena, Esq. (SBN 307927)  
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**BALLARD ROSENBERG GOLPER & SAVITT, LLP**  
15760 Ventura Boulevard, 18th Floor  
Encino, California 91436  
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Facsimile: (818) 506-4827

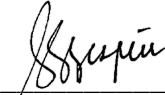
Attorneys for Defendant, Cicon Engineering, Inc.

(X) **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service **CASEANYWHERE.**

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on December 12, 2022, at Los Angeles, California.

  
\_\_\_\_\_  
Sandy S. Sespene