

1 **MARLIN & SALTZMAN, LLP**
2 Stanley D. Saltzman, Esq. (SBN 90058)
3 29800 Agoura Road, Suite 210
4 Agoura Hills, California 91301
5 Telephone: (818) 991-8080
6 Facsimile: (818) 991-8081
7 ssaltzman@marlinsaltzman.com

8 **UNITED EMPLOYEES LAW GROUP, P.C.**
9 Walter Haines, Esq. (SBN 71075)
10 5500 Bolsa Avenue, Suite 201
11 Huntington Beach, California 92649
12 Telephone: (562) 256-1047
13 Facsimile: (562) 256-1006
14 walter@whaines.com

15 Attorneys for Plaintiff Phillip Morgan, individually and on behalf
16 of all other similarly situated individuals
17 [Additional counsel on next page]

18 **SUPERIOR COURT OF CALIFORNIA**

19 **COUNTY OF SACRAMENTO**

20 PHILLIP MORGAN and BRYON UNRUH,
21 individually and on behalf of all others similarly
22 situated,

23 Plaintiff,

24 vs.

25 CORE-MARK INTERNATIONAL, INC., a
26 Delaware Corporation, and DOES 1 through
27 100, inclusive,

28 Defendants.

Case No.: 34-2018-00228207-CU-OE-GDS

**DECLARATION OF STANLEY D.
SALTZMAN IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

DATE: July 23, 2020

TIME: 2:00 p.m.

DEPT: 35

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MARA LAW FIRM, PC
David Mara, Esq. (SBN 230498)
Jamie Serb, Esq. (SBN 289601)
2650 Camino Del Rio North, Suite 205
San Diego, CA 92108
Telephone: (619) 234-2833
Facsimile: (619) 234-4048
dmara@maralawfirm.com
jserb@maralawfirm.com

Attorneys for Plaintiff Bryon Unruh, individually and on behalf
of all other similarly situated individuals

1 I, STANLEY D. SALTZMAN, declare as follows:

2 1. I am an individual over the age of 18. I am a California bar-admitted attorney and
3 am a partner in the firm of Marlin & Saltzman, LLP. I am also admitted to practice before the
4 various district courts within California. I am one of the attorneys of record for Plaintiffs in this
5 action. I have personal knowledge of the facts set forth below and if called to testify I could and
6 would do so competently.

7 2. This Declaration is made in support of Plaintiffs' Motion for Preliminary Approval
8 of Class Action Settlement.

9 3. The instant action was filed on March 1, 2018, and was amended on May 24, 2018.
10 The lawsuit alleges claims for failure to provide meal and rest periods, failure to reimburse
11 business expenses, wage statement violations, unfair competition and violations of PAGA.

12 4. Plaintiff Bryon Unruh filed his PAGA action on June 5, 2018, in Alameda County
13 Superior Court. He is represented by The Mara Law Firm. The *Unruh* lawsuit alleges penalties
14 for: meal and rest period violations, failure to pay all overtime and straight time wages, failure to
15 pay all wages due at termination, failure to provide sick days, failure to comply with wage
16 statement requirements, failure to pay employees twice per month, failure to provide recovery
17 periods, and failure to reimburse business expenses. It was later amended to include the class
18 claims asserted in this Morgan action.

19 5. Plaintiffs are both former drivers for Core-Mark in California and have agreed
20 through their respective counsel to work together to litigate these matters against Core-Mark.

21 6. Based upon the working agreement of counsel and the Plaintiffs, the Unruh counsel
22 have agreed to prepare and file this Motion for Preliminary Approval. Accordingly, in this
23 declaration of counsel in the Morgan case, I will solely address the "adequacy of counsel" issue,
24 as the remaining relevant issues are set forth by the Unruh plaintiff's declaration.

25 7. For many years, I have been responsible for all facets of class action and other
26 complex litigation, from pre-filing investigation through trial and appeal. Marlin & Saltzman has
27 successfully litigated class action matters under both employment and consumer protection statutes
28 for over twenty (20) years. We have done so in both the state and federal courts, and although our

1 practice is primarily within the State of California, we have also handled matters in many other
2 states, including being appointed as MDL co-lead counsel in the federal court.

3 8. Prior to transitioning to plaintiffs' side representation approximately twenty (20)
4 years ago, the firm was previously heavily involved in the defense of class and complex litigation,
5 and numerous exemplar defendant side cases are therefore also included in the listing of exemplar
6 cases set forth below. Since the firm's transition to the plaintiff side of class action cases, the firm
7 has achieved settlements and trial results resulting in payments in the hundreds of millions of
8 dollars. Collectively, Marlin & Saltzman attorneys have been responsible for the resolution of
9 claims in these fields totaling in excess of \$950 million dollars paid out in settlements or
10 judgments. This includes a recently affirmed trial verdict in the amount of \$60,800,000.00 plus
11 \$13,000,000.00 in a statutory fee award, in an employment matter tried in the Northern District of
12 California in November of 2016, in *Ridgeway v. Walmart*.

13 9. Given the firm's extensive history, Marlin & Saltzman is extremely experienced in
14 litigating class action cases. The firm has handled well in excess of one hundred class actions and
15 complex commercial cases, and has acted as lead counsel or co-lead counsel in almost all of these
16 matters. I have been personally involved in most of the matters, and have been lead counsel within
17 the firm on over seventy-five of the matters.

18 10. Over the twenty years devoted to the plaintiff-side handling of such class actions,
19 the firm has engaged in five class action trials, including jury trials, court trials or binding
20 arbitrations. I have been one of the trial counsel in all of these trials, which normally have involved
21 a trial team either within our firm, or in conjunction with co-counsel. The Firm also answered
22 ready for and began jury selection in another large employment class action, which then settled for
23 \$120MM during jury selection. As stated above, most recently, in November, 2016, this declarant
24 participated as co-trial counsel in a four-week jury trial on behalf of a certified class of Walmart
25 truck drivers, in the Northern District of California Federal Court, before the Honorable Susan
26 Illston, district judge.

27 11. In addition to the numerous matters set forth above in the various trial courts, I have
28 also had extensive experience in both the California Courts of Appeals and in the Ninth Circuit. I

1 estimate that I have personally argued at least twenty (20) matters in the appellate courts, and that
2 the Firm has probably had an additional ten (10) appellate cases that I have not argued, but on
3 which I have assisted.

4 12. I also had the privilege of having been invited to associate in as counsel in the
5 matter of *Troester v. Starbucks* prior to its hearing in the California Supreme court, for the purpose
6 of arguing the case to the Supreme Court. The favorable decision issued therein has resulted in
7 the federal *de minimis*” defense being declared largely inapplicable to California state law wage
8 claims, a critical victory for the workers in this state.

9 13. A list of exemplar cases, including some of the largest results, and some of the
10 remaining results, is set forth hereafter. As stated above, the total recoveries achieved by the firm
11 on behalf of class members now exceeds \$950,000,000.00. In short, the Firm is uniquely qualified
12 to handle class action cases, including all phases of pre-trial pleadings and motions, and discovery,
13 certification proceedings, expert retention as necessary, and is equally qualified and experienced
14 in the “art” of evaluating and settling cases, or trying them, as the case may be. Additionally, the
15 Firm (and the undersigned directly) has taken many of its cases to contested certification
16 proceedings, as noted in the listing of exemplar cases which follows:

17 a. **Ridgeway v. Wal-Mart**, Northern District of California. Most recently, through
18 the entire month of November, 2016, I had the opportunity to co-try a class action
19 before the Honorable Susan Illston, against Defendant Walmart Stores, Inc., on
20 behalf of its employee truck drivers. The trial resulted in a plaintiffs' verdict for
21 \$60,800,000.00 in unpaid wages. Following the affirmation of the verdict by the
22 Ninth Circuit, and the further denial of *en banc* review, the verdict is now final and
23 has been paid in full.

24 b. **Gutierrez vs. State Farm**, Los Angeles Superior Court. Class action seeking
25 overtime compensation for insurance claims adjusters employed by defendant in
26 the State of California. Plaintiffs' counsel. Certification granted, and then
27 summary adjudication as to liability granted in favor of the class. The case
28

1 involved multiple appellate proceedings. The case then settled prior to trial, in the
2 amount of \$135 million, with Final Approval granted and no objections filed.

3 c. **Bednar vs. Allstate Insurance Company**, Los Angeles Superior Court. Class
4 action seeking overtime compensation for insurance claims adjusters employed by
5 defendant in the State of California. Plaintiffs' counsel. Certification granted, and
6 then summary adjudication as to liability also granted in favor of the class. This
7 case also involved multiple appellate proceedings. Case settled during jury
8 selection proceedings, in the amount of \$120 million. Final Approval granted with
9 one objection filed, and then withdrawn.

10 d. **In re: Wal-Mart Wage and Hour Litigation**, United States District Court for the
11 Northern District of California. Class action seeking unpaid vacation pay and
12 penalties. This case settled following argument in the Ninth Circuit on certification
13 issues, but before a ruling was issued. The case settled for a maximum payment
14 of \$86 million. Final approval granted.

15 e. **Schenck v. Jenny Craig, Inc.**, Orange County Superior Court. Class action under
16 the Consumer Legal Remedies Act, certified as a liability class and settled as a
17 mandatory settlement class for in excess of \$40 million in cash and benefits. Lead
18 Counsel for the plaintiffs.

19 f. **In re. Bank of America Nationwide Employment Litigation**, United States
20 District Court for the District of Kansas. MDL of over twenty actions filed across
21 the country, where the undersigned was appointed as co-lead nationwide counsel
22 by the District Court in Kansas. After four years of intense litigation, the case
23 settled for \$73 million dollars, and final approval was granted.

24 g. **Ko and Chen v. Chinese Yellow Pages**, Los Angeles Superior Court. Consumer
25 action involving failure to reimburse per contract for limited production of yellow
26 pages. Lead Plaintiffs' Counsel. Class Certified and then settled prior to trial for
27 several million dollars. Most interesting case in that it involved an early challenge
28 to an attempt by the Defendant to effect individual settlements with the putative

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

class.

- h. **Roberts vs. Coast National Insurance**, Orange County Superior Court . Class action seeking overtime compensation for insurance claims adjusters employed by defendant in the State of California. Plaintiffs' counsel. Certification granted, and then the matter was tried to binding arbitration. Case settled for in excess of \$20 million during the arbitration, after the highest pre-trial offer from the Defendant had been for \$1 million.
- i. **CNA Class Action Litigation**, Los Angeles Superior Court Class. Class action seeking overtime compensation for insurance claims adjusters employed by defendant in the State of California. Plaintiffs' counsel. Case settled in 2005 for \$33 million.
- j. **H & R Block Litigation**, United States District Court for the Northern District of California. Class certified, and settlement reached prior to trial. Total settlement was \$35 million.
- k. **Hoyng v. AON**, Los Angeles County Superior Court. Class action seeking overtime compensation for certain employees employed by defendant third party administrator in the State of California. Plaintiffs' counsel. Certification granted. Case settled for \$10.5 million.
- l. **Parris vs. Lowe's Home Improvement**, Los Angeles Superior Court. Class action seeking payment of "off the clock" hours worked by all hourly employees of Lowe's in the State of California. Plaintiffs' counsel. Case ordered certified by the Court of Appeals, Second Appellate District, California, on reversal of trial court order denying certification. Appellate argument handled by the undersigned. Case then settled for \$29.5 million.
- m. **Pardo, et al. vs. Toyota Motor Sales, U.S.A., et.al.**, Los Angeles Superior Court. Plaintiffs' class counsel. Wage and hour class action settled for \$7.75 million.
- n. **Fulton vs. Cisco Systems, Inc.**, Orange County Superior Court. Wage and hour litigation seeking overtime and related compensation. Plaintiffs' class counsel.

1 Settled for \$6.7 million.

2 o. **Van Heyn vs. WMC Mortgage Corp.**, Los Angeles Superior Court. Action for
3 violation of Labor Code §§ 2802 and 2804, etc. for failure to reimburse employees
4 for business expenses. Case settled for \$3 million.

5 p. **In re: JB Hunt Transport Class Action**, United States District Court for the
6 Central District of California. Class counsel for certified class of employee truck
7 drivers. The case eventually settled, following eleven years of litigation and
8 appeals, for \$15,000,000.00.

9 q. **Pasquale vs. Kaiser Foundation Hospitals**, United States District Court for the
10 Southern District of California. Class counsel. Action sought overtime and related
11 compensation for misclassified employees. Case settled for \$3.7 million.

12 r. **Poston vs. Marcus & Millichap Real Estate Investment**, Los Angeles Superior
13 Court. Action for violation of Labor Code §§2802 and 2804, etc. for failure to
14 reimburse employees for business expenses. Class counsel. Case settled for
15 \$1,340,000.

16 s. **Trejo vs. Oakley, Inc.**, Orange County Superior Court. Action for violation of
17 several provisions of the Labor Code. Class counsel. Settlement for \$3.75 million
18 was preliminarily approved pending final approval.

19 t. **Dotson vs. Royal SunAlliance**, Orange County Superior Court. Class action
20 seeking overtime compensation for insurance claims adjusters employed by
21 defendant in the State of California. Plaintiffs' counsel. Case settled in 2005 for
22 \$12.3 million.

23 u. **Rounsavall vs. Countrywide Home Loans, Inc.**, Los Angeles Superior Court.
24 Lead counsel in class action claiming mis-classification of computer driven
25 underwriting positions. Case settled for \$15 million.

26 v. **Ortmann vs. New York Life Insurance**, USDC, Central District. Class action
27 involving alleged failure to pay minimum wages to employed insurance agents,
28 failure to reimburse, etc. Matter settled for \$10 million.

- 1 w. **Harris vs. Vector Marketing Corp.**, United States District Court, Northern
2 District of California. Class Counsel. Final approval of \$13 million settlement
3 granted.
- 4 x. **Hopkins v. Stryker Sales Corp.**, United States District Court, Northern District
5 of California. Class Counsel. Case settled in 2013 for \$4.5 million dollars.
- 6 y. **Barber vs. Buy.Com**, Orange County Superior Court. Certified class action
7 claiming negligent misrepresentation. Plaintiff class counsel. Class certified and
8 settled in 2000.
- 9 z. **In re: America Online Litigation**, Los Angeles Superior Court. Consumer action
10 involving coordinated California class actions. Lead Plaintiffs' Counsel. Also
11 appeared in the class action venued in Chicago as counsel for the California
12 objectors to the Illinois settlement of that matter.
- 13 aa. **Ortega vs. AIG**, USDC, Central District. Co-lead Counsel for Plaintiffs in
14 overtime mis-classification case. Case settled and all settlement funds distributed.
- 15 bb. **Cohen, et. al. vs. The Regents of the University of California**, Los Angeles
16 Superior Court. Counsel for the Regents (Defendant) in numerous complex
17 consolidated actions involving the claims of over 350 plaintiffs. Case resolved
18 favorably for the Regents following ground-breaking appellate ruling on behalf of
19 the Defendant.
- 20 cc. **Berner vs. Kraft Foods, Inc.**, USDC, Central District. Counsel for Plaintiffs in
21 "off the clock" action, plus meal and break time. Case settled.
- 22 dd. **In Re. ABS Plastics Litigation**, Alameda Superior Court. Lead counsel for one
23 of the two target defendants in Western Region (eleven states) product liability
24 class action. Case settled prior to certification, after extensive discovery and
25 investigation.
- 26 ee. **In Re Computer Monitor Class Action**, San Francisco Superior County Superior
27 Court. Nationwide class action, including claims under the Consumer Legal
28 Remedies Act, pertaining to false advertising of computer monitors. Member,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- plaintiffs’ executive committee.
- ff. **Higby vs. Fernwood Cemetery, et al.**, San Francisco Superior Court. Lead defense counsel for primary defendant in alleged cemetery/crematory violations action. Class stipulated to by prior personal counsel, and then action defended at a one month trial by “binding arbitration” before JAMS, San Francisco.
- gg. **Bennett v. Regents of the University of California**, Los Angeles County Superior Court. Mass tort litigation. Defense counsel for the Regents of the University of California (UCLA). Certified as a class for injunctive relief only. Defeated certification of liability class. Summary judgment granted to defendant in connection with all liability claims.
- hh. **Simpson (Coghill) vs. Regents of the University of California**, Orange County Superior Court. Mass tort litigation. Defense counsel for the Regents of the University of California (UCI). Certification motion defeated on behalf of our client.
- ii. **Sconce/Lamb Cremation Cases**, Los Angeles County Superior Court. Mass tort/wrongful cremation litigation. Served as lead defense counsel. Settlement class certified, again after ground-breaking ruling favoring our clients from the California Supreme Court.
- jj. **In Re Evergreen Class Action**, Riverside County Superior Court. Mass tort/wrongful cremation. Served as lead defense counsel.
- kk. **In Re Cheesecake Factory Class Action**, Los Angeles County Superior Court. Class action claiming violation of the provisions of the Americans With Disabilities Act. Served as co-lead defense counsel.
- ll. **In Re Leneda Crematory Class Action**, San Diego County Superior Court. Mass tort/wrongful cremation action. Served as mortuary defendants’ lead counsel.
- mm. **In Re Pomona Cemetery Class Action**, Los Angeles County Superior Court. Mass tort/wrongful cremation. Served as member of defense counsel executive committee.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

nn. **Brock v. McCormick**, Orange County Superior Court. Mass tort class action litigation. Defendants’ lead counsel. Settlement class certified.

oo. **In Re Paradise Memorial Park Litigation**, Los Angeles County Superior Court. Mass tort/improper burial practices class action litigation. Defendants’ liaison counsel. Settlement class certified.

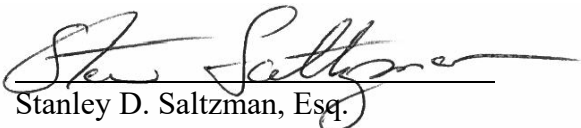
pp. **In Re Lincoln Cemetery Class Action**, Los Angeles County Superior Court. Mass tort/wrongful burial practices class action litigation. Liaison counsel for mortuary defendants. Settlement class certified.

qq. **In Re Mini-blinds Class Action**, Alameda County Superior Court. Nationwide class action, including claims under the Consumer Legal Remedies Act, pertaining to lead content of mini-blinds. Member, plaintiffs’ executive committee.

rr. **Barton vs. UHS of Delaware, Inc**, Los Angeles Superior Court. Wage and hour class action. Class Counsel. Final settlement approval granted.

14. Based on my many years of experience in all phases of class action law and litigation, and my involvement in this matter from its inception to this point in time, it is my belief that this settlement is fair, reasonable and adequate, in the context of litigation that will otherwise be subject to both ongoing and difficult issues, and heavily questioned damages.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on this 30th day of June, 2020, in Agoura Hills, California.


Stanley D. Saltzman, Esq.