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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DIMITRI DIXON and RYAN SELTZ,
individually, and on behalf of all others similarly
situated,

Plaintiffs,

vs.

CUSHMAN & WAKEFIELD WESTERN, INC.,
CUSHMAN & WAKEFIELD, INC., and
CUSHMAN & WAKEFIELD OF
WASHINGTON DC, INC., and DOES 1-50,
inclusive

Defendants.

Case No. 3:18-cv-05813-JSC

**DECLARATION OF RYAN SELTZ IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS,
COLLECTIVE, AND REPRESENTATIVE
ACTIONS SETTLEMENT**

Date: August 5, 2021
Time: 9:00a.m.
Dept: Courtroom E, 15th Floor
Before: Hon. Magistrate Judge Jacqueline
Scott Corley

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1 I, Ryan Seltz, hereby declare as follows:

2 1. I am a named plaintiff in this lawsuit. I am over the age of eighteen. I make this
3 declaration based upon my own personal knowledge, and I could and would testify to the
4 following facts if called upon to do so.

5 2. I worked as a Junior Appraiser for Cushman & Wakefield (“Cushman”) from
6 approximately May 2017 to approximately October 2017 in Washington, D.C.

7 3. During the entire time I worked as a Junior Appraiser, Cushman did not pay me
8 any overtime even through I regularly worked over 40 hours a week.

9 4. I started working on this case in approximately October 2017. I traveled to my
10 attorneys’ office in Washington, D.C., to discuss this case and explain documents related to my
11 work. My attorneys interviewed me in detail, and I provided information and documents related
12 to my job duties and Cushman’s policies and practices. We also had additional phone calls and
13 corresponded via email. I estimate that these tasks took a total of approximately 3 to 5 hours.

14 5. That same month, I reviewed a proposed representation agreement and carefully
15 considered whether to serve as a class representative, understanding that my name would be on
16 publicly filed court documents. I estimate that this task took approximately 2 hours.

17 6. I then engaged in additional telephone conferences and correspondences with my
18 attorneys to provide information to support their drafting of the initial correspondence that my
19 attorneys sent to Cushman regarding this matter, and I reviewed the letter before it was sent in
20 December 2017. I estimate these tasks took approximately 2 hours.

21 7. In June 2018, I engaged in additional telephone conferences and correspondences
22 with my attorneys to provide information to support their drafting of the Complaint. I reviewed
23 the Complaint prior to authorizing my attorneys to file it, and discussed any questions I had about
24 it with my attorneys. I also reviewed a Fair Labor Standards Act consent to join form, discussed
25 it with my attorneys, and signed it. I estimate these tasks took approximately 2 hours.

26 8. In the approximately six months between when the demand letter was sent and
27 when I supported the drafting of the Complaint, I stayed in regular contact with my attorneys to
28 discuss the status of pre-litigation discussions, and spent approximately a half hour to an hour on

1 these communications.

2 9. In June 2018, I discussed mediation strategy and settlement numbers with my
3 attorneys before, during, and after the first mediation in this case, and remained on-call and
4 available to discuss settlement negotiations throughout the day-long mediation session. I estimate
5 these tasks took approximately 3 hours.

6 10. In August 2018, after settlement negotiations failed, my attorneys sent me a
7 litigation preservation letter, which I discussed with my attorneys and reviewed carefully. I
8 estimate this task took approximately 1 hour.

9 11. In October 2018, I discussed with my attorneys and reviewed initial disclosures. I
10 estimate this task took approximately 1 hour.

11 12. In November 2018, the case was stayed pending a second mediation. Throughout
12 the months between November 2018 and the June 2019 mediation, I stayed in regular contact
13 with my attorneys and provided information relevant to mediation preparation. I estimate that I
14 spent approximately 2 hours on these communications.

15 13. I discussed mediation strategy and settlement numbers with my attorneys before,
16 during, and after the June 2019 mediation, and remained on-call and available to discuss
17 settlement negotiations throughout the day-long mediation session. I estimate these tasks took
18 approximately 3 hours.

19 14. In September 2019, once litigation and discovery had resumed, I responded to
20 Cushman's requests for production of documents by discussing the requests with my attorneys
21 and searching for and producing documents in my possession related to my time at Cushman,
22 including emails, my initial offer letter, and documents such as receipts that showed the long
23 hours I was working. I estimate these tasks took approximately 5 hours.

24 15. In early 2020, I participated in multiple interviews with my attorneys about my
25 experience at Cushman and testified in the form of a conditional certification declaration
26 regarding my experience. I estimate these tasks took approximately 4 hours.

27 16. In March 2021, there was a third and final mediation in this case. I discussed
28 mediation strategy and settlement numbers with my attorneys before, during, and after the

1 mediation, and remained on-call and available to discuss settlement negotiations throughout the
2 day-long mediation session. A few days after the mediation, I discussed the settlement proposal
3 in detail with my attorneys. I estimate these tasks took approximately 4 hours.

4 17. In the year between when I signed the declaration in support of conditional
5 certification and the final mediation, I stayed in regular contact with my attorneys to discuss the
6 status of litigation, and then to discuss settlement negotiations and preparing for the third
7 mediation. I estimate that I spent approximately 3 total hours on these communications.

8 18. In June 2021, I reviewed the Settlement Agreement, discussed it in detail with my
9 attorneys, and signed it. I estimate these tasks took approximately 1 ½ to 2 hours.

10 19. For the entire case, I estimate I have spent a total of approximately 37 to 40 hours.

11 20. Throughout this case, I have understood that I have a duty to represent not just my
12 own interests but also the interests of other Junior Appraisers who may join the case. I
13 understand that I have a fiduciary duty to make decisions regarding the conduct of the litigation
14 and settlement in a way that will not favor my own interests over those of other Junior Appraisers
15 who have or will join the case. I believe that I have fulfilled these duties, and that the settlement
16 is in the best interests of the collective members as a whole.

17 21. It was a difficult decision for me to decide to serve as a named plaintiff in this
18 case. I was, and continue to be, concerned that prospective employers will learn of my
19 involvement in the case through an internet search of my name, and that this could lead to
20 retaliation or otherwise impact my future job.

21 22. I believe the request for attorneys' fees of one third of the settlement amount is
22 reasonable, and I agreed to this request in my representation agreement with my attorneys.

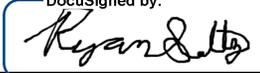
23 23. I understand the average award for Junior Appraisers who previously opted into
24 the case will be \$4,715.28, and the average award for Juniors who have not yet joined will be
25 \$1,929.76. I think that is a great result, especially in combination with the fact that Cushman
26 reclassified Junior Appraisers and began paying them all overtime after I filed the case. I believe
27 there is a great benefit to other Junior Appraisers to obtaining relief now, rather than prolonging
28 the litigation for potentially several more years through trial and a likely appeal with the risks of

1 this case.

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3 I declare, under penalty of perjury, under the laws of the State of California and of the United
4 States that the foregoing is true and correct. Executed this 1st day of July, 2021 at
5 Washington, DC.

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DocuSigned by:

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Ryan Seltz

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