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11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 HAROLD JONES, et al.,

14 Plaintiffs,

15 vs.

16 CERTIFIEDSAFETY, INC.

17 Defendants.

Lead Case No. 3:17-cv-02229-EMC
 Consolidated with 3:17-cv-03892-EMC (*Crummie*)
 Related to: 3:18-cv-04379-EMC (*Ross*)
 3:19-cv-01338-EMC (*Jones II*)
 3:19-cv-01380-EMC (*Jones III*)
 3:19-cv-01381-EMC (*Jones IV*)
 3:19-cv-01427-EMC (*East*)
 3:19-cv-01428-EMC (*Jones V*)

**DECLARATION OF SCOTT L. GORDON IN
 SUPPORT OF PLAINTIFFS' MOTION FOR
 PRELIMINARY APPROVAL OF CLASS AND
 COLLECTIVE ACTION SETTLEMENT**

Judge: Honorable Edward M. Chen

Jones Complaint filed: April 21, 2017

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Attorneys for Plaintiffs and the Putative Classes and Collective

1 I, Carolyn Hunt Cottrell, hereby declare as follows:

2 1. I am an attorney at law duly licensed and in good standing to practice law in the
3 courts of California (No. 319872) and am admitted to practice law before this Court, the United
4 States District Court Northern District of California.

5 2. I am an associate at the law firm of Schneider Wallace Cottrell Konecky Wotkyns
6 LLP (“SWCKW”). SWCKW specializes in class, collective, and PAGA litigation in state and
7 federal court.

8 3. I am counsel of record for Harold Jones, Tierre Crummie, Genea Knight, Marcellous
9 Ross, and Michael East, on behalf of themselves and all others similarly situated (“Plaintiffs”), in
10 the above-captioned cases. I submit this declaration in support of Plaintiffs’ Motion for
11 Preliminary Approval of Class and Collective Action Settlement. I am familiar with the file, the
12 documents, and the history related to these cases. The following statements are based on my
13 personal knowledge and review of the files. If called to do so, I could and would testify
14 competently thereto.

15 4. The Parties have executed an Amendment to the Stipulation of Class, Collective, and
16 Representative Action Settlement. The Stipulation of Class, Collective, and Representative Action
17 Settlement (the “Settlement Agreement” or the “Settlement”) was submitted to the Court on
18 November 22, 2019 (Docket Number 206-2). A true and correct copy of the Amendment to the
19 Settlement is attached hereto as **Exhibit 1**.

20 5. The Amendment makes the following changes to the Settlement:

- 21 • Defendant CertifiedSafety, Inc. must include last-known telephone numbers for Rule 23
22 Class Members and Opt In Plaintiffs (collectively, “Safety Attendants”) with its
23 production of the Class List to the Settlement Administrator.
- 24 • The Settlement Administrator will disseminate notice regarding the Settlement to Safety
25 Attendants via text message, in addition to U.S. Mail and email.
- 26 • Funds from uncashed Settlement checks will be redistributed to those Participating
27 Individuals who cash their Settlement checks. If the average net recovery from the
28 redistribution is less than \$10 per Participating Individual, or if there are uncashed check

1 funds remaining after the redistribution, then the amount will revert to Legal Aid at
2 Work (“LAAW”), a nonprofit legal services organization that assists low-income,
3 working families, as the *cy pres* recipient.

- 4 • The Settlement Administrator’s Final Report will detail, *inter alia*, the number and value
5 of checks not cashed, the net amount redistributed to Participating Individuals who
6 cashed their Individual Settlement Payment checks (if any), and the amount distributed
7 to *cy pres* (if any).

8 6. LAAW, formerly known as Legal Aid Society-Employment Law Center, advises,
9 counsels, and represents employees regarding their legal rights, including wage and hour
10 protections. LAAW has a substantial nexus to the Safety Attendants’ claims because it seeks to
11 strengthen the same kind of workplace protections (such as overtime) that are asserted in this case.
12 LAAW’s work is focused on the State of California, and its geographical scope is appropriate for
13 this action because the vast majority of shifts worked by the Safety Attendants were in California.

14 7. Joshua Konecky, a partner at Schneider Wallace Cottrell Konecky Wotkyns LLP, is
15 on the Board of Directors at LAAW. Mr. Konecky was not involved in the above-captioned cases.

16 8. The revised Notice of Class Action Settlement and Hearing Date for Court Approval
17 (“Class Notice”), the Notice of Collective Action Settlement (“Collective Notice”), and the Notice
18 of Class and Collective Action Settlement and Hearing Date for Court Approval (“Class/Collective
19 Notice”) (collectively, the “Notices of Settlement”) are attached to the Amendment to the
20 Settlement as **Exhibits A-C**, respectively. The Text Message Notice is attached to the Amendment
21 to the Settlement as **Exhibit D**.

22 9. The Notices of Settlement have been revised to (1) move the estimate of what the
23 Safety Attendant will receive under the Settlement to the first paragraph (where the text is in bold
24 font and all capital letters), and (2) alter the description of the handling of uncashed check funds, to
25 reflect that there will be a redistribution to those Participating Individuals who cashed their checks
26 and/or transfer to the *cy pres* recipient.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 20th day of January, 2020, in Emeryville, California.

/s/ Scott L. Gordon
Scott L. Gordon