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6 Attorneys for Plaintiffs
7 JASON CRAIG and MICHAEL ROSS

8 *[Additional Counsel on next page]*

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11
12 JASON CRAIG and MICHAEL ROSS,
13 individually and on behalf of all similarly
situated current and former employees,

14 Plaintiffs,

15 v.

16 CORTEVA, INC., E.I. DU PONT DE
17 NEMOURS & COMPANY, DOW
18 AGROSCIENCES LLC, THE DOW
CHEMICAL CO., DOWDUPONT, INC.
19 n/k/a DUPONT DE NEMOURS, INC., DOW
INC., and DOES 1 through 10, inclusive,

20 Defendants.
21

Case No.: 3:19-cv-07923-JCS

**DECLARATION OF JOSHUA F.
YOUNG N SUPPORT OF PLAINTIFFS'
MOTION FOR ATTORNEYS' FEES
AND REIMBURSEMENT OF COSTS;
EXHIBIT**

1 JAY SMITH (SBN 166105)
(Email: js@gslaw.org)
2 JOSHUA F. YOUNG (SBN 232995)
(Email: jyoung@gslaw.org)
3 GILBERT & SACKMAN
A LAW CORPORATION
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7 Attorneys for Plaintiffs
JASON CRAIG and MICHAEL ROSS

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DECLARATION OF JOSHUA YOUNG

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2 1. I, Joshua Young, hereby declare and say:

3 2. I am a member of the State Bars of Arizona, California, Colorado, and Washington
4 State. I am a shareholder at Gilbert & Sackman, A Law Corporation, the attorneys of record for
5 Plaintiffs in this action. I have personal knowledge of the facts asserted in this declaration and, if called
6 to do so, could and would competently testify to their truth.

7 3. I have been a member in good standing of the California State Bar since 2004. I
8 received a B.A. degree from Carleton College in Northfield, Minnesota, in 2001, and a J.D. degree
9 from the University of California, Los Angeles, School of Law in 2004. For the past 17 years, I have
10 represented workers and/or unions in state and federal courts, before the State Labor Commissioner
11 and the National Labor Relations Board, and in grievances and arbitrations. I have extensive
12 experience litigating individual and class action wage and hour cases in state and federal courts. I have
13 been plaintiffs' counsel in multiple class actions arising under the various labor laws, wage and hour
14 laws, and state prevailing wage laws, and I am familiar with the law and procedure applicable to class-
15 action litigation. In the cases that have been resolved to date, I have obtained millions of dollars in
16 wages and related penalties and interest for California employees and unions. In addition, I am an
17 adjunct instructor at Los Angeles Trade-Technical College, where I teach classes on labor law and
18 workers' rights. I was selected as a "Rising Star" by SuperLawyers every year between 2009 and 2019.

19 4. Gilbert & Sackman's practice almost exclusively consists of representing unions, union-
20 related employee benefit plans, and employee plaintiffs, this latter group being represented primarily in
21 class action lawsuits. Thus, each lawyer at my firm, from the most recently admitted junior associate to
22 the most senior partner, is well-versed in the general principles of federal and state labor laws.

23 5. I am the attorney at Gilbert & Sackman with primary responsibility for handling this
24 case. I have been in charge of the case since its inception and I am personally familiar with the firm's
25 files and records related to the case.

26 6. A selection of class actions in which I have participated are described briefly below:

27 a. *Brown v. Clean Harbors Industrial Services et al.*, Alameda County Case No.
28 RG17884810. On May 7, 2021, Judge Winifred Y. Smith granted final approval in a case

1 involving rest breaks at a refinery in Northern California.

2 b. *Valliere v. Tesoro Refining and Marketing Company et al.*, Northern District of
3 California Case No. 17-cv-00123-JST. Judge Jon Tigar granted final approval of a settlement in
4 a refinery rest break case involving Tesoro Refining and Marketing Company at its refineries in
5 Martinez, Carson, and Wilmington, California, on December 16, 2020.

6 c. *Kendig v. ExxonMobil et al.*, Central District of California Case No. 18-cv-
7 9224-MWF-(SSx). Judge Michael W. Fitzgerald Judge granted final approval of a settlement in
8 a refinery rest break case involving ExxonMobil and Torrance Refining Company's refinery in
9 Torrance, California on August 24, 2020.

10 d. *Clack v. Chevron Corp. et al.*, Los Angeles Superior Court Case No. BC649514;
11 Filed February 6, 2017. Los Angeles Superior Court Judge Amy Hogue granted final approval
12 of a class action settlement in a refinery and oil field rest break case involving Chevron's oil
13 extraction and refining facilities in California on August 6, 2020.

14 e. *Berlanga v. Equilon Enterprises LLC dba Shell Oil Products US, et al.*, Case
15 No. 4:17-cv-00282-MMC; Filed January 19, 2017. Judge Maxine M. Chesney approved a
16 settlement in a rest break case involving Shell's refinery in Martinez, California on January 22,
17 2019.

18 f. *Buzas v. Phillips 66 Company*, Northern District of California Case No. 4:17-
19 cv-00163; Filed January 12, 2017. Judge Yvonne Gonzalez Rogers approved a settlement in a
20 rest break case involving Phillips 66's refineries in California. Final approval was granted on
21 March 6, 2018.

22 g. *Bogdanovich et al. v. Angelus Sanitary Can Machine Co. et al.*, Los Angeles
23 Superior Court Case No. BC499656; Filed January 22, 2013. Plaintiffs alleged violations of
24 California wage and hour laws, including meal periods provided after five hours of work. I was
25 appointed Plaintiffs' Class Counsel after a contested class certification motion on April 28,
26 2015. Final approval of a \$4.5 million settlement in the case was granted in 2016.

27 h. *Burgess v. Tesoro Refining and Marketing Co.*, Central District of California
28 Case No. 10-cv-05870 VBF; Filed July 7, 2010. Judge Valerie Baker Fairbank granted final

1 approval of a class action settlement over alleged meal break violations at Tesoro's refineries in
2 California.

3 i. *Delagarza v. Tesoro Refining and Marketing Co., Northern District of*
4 *California Case No. C 09-05803 EMC; Filed November 17, 2009.* The case was resolved in a
5 global settlement with Burgess, above.

6 j. *Gardner v. Shell Oil Company et al.; Northern District of California Case No. C*
7 *09-05876 CW; Filed November 17, 2009.* Judge Claudia Wilken granted approval of a meal
8 break settlement at Shell's Martinez refinery. Final Approval was granted on October 1, 2012.

9 k. *Landre v. Shell Oil Company et al.; Central District of California Case No.*
10 *CV10-5906 RGK; Filed July 7, 2010.* Plaintiffs filed suit against Shell Oil Company and other
11 defendants for meal break and other claims at Shell's Southern California facilities. The case
12 was settled in a global settlement with the *Gardner* case, above.

13 l. *United Steelworkers v. Shell Oil Company, Tesoro Refining and Marketing*
14 *Company, et al.; Central District of California Case No. CV08-0370 R-FMO; Filed April 25,*
15 *2008.* Plaintiffs sued Shell Oil Company, and Tesoro Refining and Marketing Company, et al.
16 over meal break and other claims. The case was settled in a global settlement with the *Gardner*
17 case, above.

18 m. *United Steelworkers v. ConocoPhillips Co.; Central District of California Case*
19 *No. 08-2068-PSG; Filed February 15, 2008.* Plaintiffs alleged various violations of the
20 California Labor Code and the UCL. After a contested class certification motion, I was
21 appointed class co-counsel to the class of approximately 900 members. The case settled after
22 class certification for approximately \$15.5 million.

23 n. *United Steelworkers v. Chevron; Los Angeles Superior Court Case No.*
24 *BC389675; Filed April 24, 2008.* Plaintiffs alleged various violations of the California Labor
25 Code and the UCL. While our class certification motion was pending the case settled. I was
26 appointed class co-counsel to the class of approximately 2,000 members.

27 o. *United Steelworkers v. BP Products North America; Superior Court of Los*
28 *Angeles County; Case No. BC389739; Filed April 25, 2008.* Plaintiffs alleged various

1 violations of the California Labor Code and the UCL. The case settled prior to class
2 certification for approximately \$5 million, exclusive of attorney's fees, and I was then
3 appointed class co-counsel to the class of approximately 500 members.

4 p. *United Steelworkers v. TXI; Superior Court of San Bernardino County; Case*
5 *No. 802861; Filed May 19, 2008.* Plaintiffs brought an action for California Labor Code and
6 UCL violations. I have served as lead counsel in this case from its inception. The case, brought
7 on behalf of approximately 200 workers, was settled on a classwide basis for approximately
8 \$1.4 million, plus \$100,000 in attorney's fees and costs.

9 q. *United Steelworkers v. ExxonMobil Pipeline Co.; Superior Court of Los Angeles*
10 *County; Case No. BC393523; Filed June 27, 2008.* Plaintiffs brought an action for California
11 Labor Code and UCL violations. The case settled for approximately \$450,000 for 40 class
12 members.

13 r. *United Steelworkers v. ExxonMobil Refinery; Superior Court of Los Angeles*
14 *County; Case No. BC393524; Filed June 27, 2008.* Plaintiffs brought an action for California
15 Labor Code and UCL violations. The case brought on behalf of approximately 420 workers,
16 and was settled for approximately \$4.9 million, exclusive of fees.

17 s. *United Steelworkers v. BP Pipeline; Superior Court of Los Angeles County;*
18 *Case No. BC393634; Filed July 1, 2008.* Plaintiffs brought an action for violations of the
19 California Labor Code and UCL. The case settled prior to class certification for approximately
20 \$500,000, exclusive of attorney's fees. The class consisted of approximately 50 class members.

21 t. *United Steelworkers v. Marspring Corporation; Superior Court of Los Angeles*
22 *County; Case No. BC394819; Filed July 18, 2008.* Plaintiffs brought an action for violations of
23 the California Labor Code and UCL. The case settled prior to class certification for
24 approximately \$100,000, exclusive of attorney's fees. The class consisted of approximately 30
25 class members.

26 7. To produce the favorable results on behalf of the Class, I have expended **94.1** hours
27 since the inception of this case through the present resulting in a lodestar fee of **\$70,575** at an hourly
28 rate of \$750 per hour. A true and correct copy of Gilbert & Sackman's Lodestar and Costs Report is

1 attached hereto as Exhibit 1.

2 8. My hourly rate of \$750 is in line with rates typically approved in wage and hour class
3 action litigation in both state and federal courts for an attorney of my experience and is reasonable. In
4 each of the similar rest break class actions against ExxonMobil and the Torrance Refining Company,
5 Chevron, Shell, and Phillips 66, our firm (together with Hadsell, Stormer, Renick & Dai and other
6 class counsel in the Chevron matter) was awarded 25% of the common fund. *See Kendig, Clack,*
7 *Berlanga, and Buzas, supra.* In *Valliere, Kendig, and Clack*, the three most recent settlements, Judge
8 Jon Tigar in the Northern District of California, Judge Amy Hogue in the Los Angeles Superior Court
9 and Judge Michael W. Fitzgerald in the Central District of California awarded fees to my firm utilizing
10 a lodestar check at the same rate (\$750) requested here. *See, e.g., Valliere*, Northern District of
11 California Case No. 17-cv-00123-JST, Order Granting Motion for Attorneys' Fees and Motion for
12 Final Approval (ECF No. 127, p. 15) (“[Class Counsel] have also demonstrated that the hourly rates
13 used in their calculations are consistent with billing rates for similarly experienced attorneys in their
14 legal market.”); *Kendig*, Central District of California Case No. 18-cv-09224-MWF-SS, Order re:
15 Plaintiffs' Motion for Final Approval of Settlement Agreement; Plaintiff's Motion for Attorneys Fees
16 and Reimbursement of Costs, ECF No. 57, p. 18 (“As set forth in the supporting declarations of
17 counsel, the hourly rates reflected in the charts below are consistent with the attorneys' and paralegals'
18 skill and experience and reflect the prevailing market rates.”) (August 24, 2020).

19 9. Gilbert & Sackman sets the billing rates of its attorneys to be consistent with the
20 prevailing market rates in the private sector for attorneys and staff of comparable skill, qualifications
21 and experience by monitoring the prevailing market rates charged by both defense and plaintiff law
22 firms.

23 10. The time spent by Gilbert & Sackman on this litigation was necessary, reasonable, and
24 non-duplicative. Although two firms worked on this case, duplication was minimized by the timing of
25 the entry of each firm into the litigation and the focus on related, but different claims.

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1 11. To date, Gilbert & Sackman has advanced costs of **\$3,348.23** in this litigation. These
2 costs were all reasonable and necessary to the prosecution of this case. Attached as Exhibit 1 is a true
3 and correct copy of Gilbert & Sackman’s Lodestar and Costs Report.

4 I declare under penalty of perjury pursuant to the laws of the United States and the State of
5 California that the foregoing is true and correct, and that this declaration was executed on November
6 15, 2021, at Colorado Springs, Colorado.

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/s/ Joshua Young

Joshua Young

SIGNATURE ATTESTATION

I hereby attest that I have obtained the concurrence of Joshua Young, counsel for Plaintiffs, for the filing of this declaration.

/s/ Randy Renick
Randy Renick

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EXHIBIT 1

Craig v. Corteva**Gilbert & Sackman - Lodestar and Costs Report****ATTORNEY FEES**

Date	UserName	Rate/Cost	Hours/Quantity	Amount	Description
24-Feb-20	Josh Young	\$750.00	3	\$2,250.00	Prepare for and conduct R.26 call; draft R.26 report.
26-Feb-20	Josh Young	\$750.00	2	\$1,500.00	Draft R.26 report; circulate to co-counsel.
28-Feb-20	Josh Young	\$750.00	1.1	\$825.00	Finalize and file R.26 report.
2-Mar-20	Josh Young	\$750.00	2	\$1,500.00	Telephone with RR re: CMC statement and appearance at conference; review documents re: same.
5-Mar-20	Josh Young	\$750.00	2.2	\$1,650.00	Prepare for CMC; telephone with RR re: case status; review documents in preparation for CMC.
6-Mar-20	Josh Young	\$750.00	14.5	\$10,875.00	Travel to San Francisco; attend CMC; travel to Denver; meeting with RR re: case.
13-Apr-20	Josh Young	\$750.00	1	\$750.00	Email with co-counsel re: mediators; review mediator credentials.
28-Apr-20	Josh Young	\$750.00	1	\$750.00	Email with co-counsel re: mediation; legal analysis re: strategy re: same.
4-May-20	Josh Young	\$750.00	2	\$1,500.00	Review and revise stipulation; legal analysis re: same with co-counsel; email with opposing counsel re: same.
6-May-20	Josh Young	\$750.00	1	\$750.00	Negotiate expert disclosure deadlines with opp. counsel; legal analysis re: same with co-counsel.
7-May-20	Josh Young	\$750.00	1.1	\$825.00	Negotiate expert disclosure deadlines with opp. counsel; legal analysis re: same with co-counsel.
8-May-20	Josh Young	\$750.00	1.6	\$1,200.00	Negotiate expert disclosure deadlines with opp. counsel; legal analysis re: same with co-counsel.
27-May-20	Josh Young	\$750.00	1	\$750.00	Email with opp. counsel re: CMC statement; review and revise same.
4-Jun-20	Josh Young	\$750.00	1	\$750.00	Prepare for CMC hearing.
14-Jul-20	Josh Young	\$750.00	1	\$750.00	Prepare discovery requests.
15-Jul-20	Josh Young	\$750.00	2.1	\$1,575.00	Prepare discovery requests.
16-Jul-20	Josh Young	\$750.00	4	\$3,000.00	Prepare discovery requests.
5-Aug-20	Josh Young	\$750.00	0.5	\$375.00	Review documents.
6-Aug-20	Josh Young	\$750.00	0.8	\$600.00	Conference with opp. counsel re: document production; review documents.
16-Aug-20	Josh Young	\$750.00	4.7	\$3,525.00	Prepare for and attend mediation.
17-Aug-20	Josh Young	\$750.00	5	\$3,750.00	Prepare for and attend mediation.
18-Aug-20	Josh Young	\$750.00	8.9	\$6,675.00	Prepare for and attend mediation.
19-Aug-20	Josh Young	\$750.00	1.3	\$975.00	Review and edit MOU.
20-Aug-20	Josh Young	\$750.00	1.1	\$825.00	Review and edit MOU.

8-Sep-20	Josh Young	\$750.00	1.1	\$825.00	Review and revise settlement agreement.
9-Sep-20	Josh Young	\$750.00	0.7	\$525.00	Review and revise settlement agreement.
10-Sep-20	Josh Young	\$750.00	0.9	\$675.00	Review and revise settlement agreement.
					Email with Cornelia Dai re: R.23 issues; legal research re: same; review draft settlement
23-Oct-20	Josh Young	\$750.00	2.2	\$1,650.00	agreement.
5-Nov-20	Josh Young	\$750.00	1.2	\$900.00	Telephone w/opp. counsel re: settlement administration.
29-Nov-20	Josh Young	\$750.00	1	\$750.00	Email with co-counsel re: CMC statement; prepare same.
30-Nov-20	Josh Young	\$750.00	2.4	\$1,800.00	Email with co-counsel re: CMC statement; prepare same.
25-Jan-21	Josh Young	\$750.00	1.2	\$900.00	Revise and edit settlement agreement.
26-Jan-21	Josh Young	\$750.00	1.1	\$825.00	Revise and edit settlement agreement.
27-Jan-21	Josh Young	\$750.00	2.2	\$1,650.00	Revise and edit settlement agreement.
17-Feb-21	Josh Young	\$750.00	0.7	\$525.00	Revise settlement agreement.
5-Mar-21	Josh Young	\$750.00	1.8	\$1,350.00	Email with Randy Renick re: settlement agreement; prepare for CMC.
16-Mar-21	Josh Young	\$750.00	0.3	\$225.00	Legal analysis re: fee motion with Randy Renick.
17-Mar-21	Josh Young	\$750.00	3.8	\$2,850.00	Prepare MPA; email with Randy Renick re: same; prepare declaration for MPA.
23-Apr-21	Josh Young	\$750.00	1.6	\$1,200.00	Telephone with Randy Renick and Cornelia Dai re: MPA; review court order re: MPA; edit MPA.
29-Apr-21	Josh Young	\$750.00	1	\$750.00	Review and revise MPA.
18-May-21	Josh Young	\$750.00	1.2	\$900.00	Conference with co-counsel re: MPA; conference with opp. counsel.
4-Aug-21	Josh Young	\$750.00	0.5	\$375.00	Review court order; conference with co-counsel re: same.
14-Oct-21	Josh Young	\$750.00	1.6	\$1,200.00	Conference with Cornelia Dai re: revised notice; review notice and website posting.
14-Nov-21	Josh Young	\$750.00	1	\$750.00	Draft Motion for Atty Fees and Declaration.
15-Nov-21	Josh Young	\$750.00	2.7	\$2,025.00	Draft Motion for Atty Fees and Declaration.
	TOTAL		94.1	\$70,575.00	
COSTS					
6-Mar-20	Josh Young	\$2.86	1	\$2.86	Caribou Coffee
10-Mar-20	Josh Young	\$51.65	1	\$51.65	Oak Tap Lunch w/RR
10-Mar-20	Josh Young	\$7.50	1	\$7.50	Breakfast
10-Mar-20	Josh Young	\$37.56	1	\$37.56	Lyft ride from SFO
10-Mar-20	Josh Young	\$134.03	1	\$134.03	SWA
10-Mar-20	Josh Young	\$28.00	1	\$28.00	Parking at DIA
31-Jul-20	Andy Morale	\$65.45	1	\$65.45	Westlaw legal research cost.
31-Jul-20	Andy Morale	\$3,000.00	1	\$3,000.00	Mediation fee.
31-Oct-21	Andy Morale	\$21.18	1	\$21.18	Westlaw legal research cost.
	TOTAL			\$3,348.23	