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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

16 MICHELLE KENDIG and JIM
17 KENDIG, individually and on behalf
of all similarly situated current and
18 former employees,

19 Plaintiffs,

20 v.

21 EXXONMOBIL OIL CORP.;
EXXONMOBIL PIPELINE
22 COMPANY; PBF ENERGY
LIMITED; TORRANCE REFINING
23 COMPANY, LLC; and DOES 1
through 10, inclusive,

24 Defendants.
25
26
27
28

Case No.: 2:18-cv-9224 MWF (SSx)

Assigned to Hon. Michael W. Fitzgerald

**DECLARATION OF JOSHUA F. YOUNG
IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT AGREEMENT;
DECLARATIONS OF COUNSEL; AND
EXHIBITS**

DATE: April 13, 2020
TIME: 10:00 a.m.
PLACE: Courtroom 5A

Honorable Michael W. Fitzgerald

1 5. A selection of class actions in which I have participated are described
2 briefly below:

- 3 a. *Clack v. Chevron Corp. et al., Los Angeles Superior Court Case No.*
4 *BC649514; Filed February 6, 2017.* A motion for final approval of a
5 settlement agreement in a refinery rest break case is pending.
- 6 b. *Valliere v. Tesoro Refining & Marketing Co., Northern District of*
7 *California Case No. 3:17-cv-00123-JST; Filed January 1, 2017.* A motion
8 for preliminary approval of a settlement agreement in a refinery rest break
9 case is pending.
- 10 c. *Berlanga v. Equilon Enterprises LLC dba Shell Oil Products US, et al., Case No.*
11 *4:17-cv-00282-MMC; Filed January 19, 2017.* Judge Maxine M. Chesney
12 approved a settlement in a rest break case at Shell's refinery in Martinez,
13 California on January 22, 2019.
- 14 d. *Buzas v. Phillips 66 Company, Northern District of California Case No.*
15 *4:17-cv-00163; Filed January 12, 2017.* Judge Yvonne Gonzalez Rogers
16 approved a settlement in a rest break case at Phillips 66's refineries in
17 California. Final approval was granted on March 6, 2018.
- 18 e. *Bogdanovich et al. v. Angelus Sanitary Can Machine Co. et al., Los*
19 *Angeles Superior Court Case No. BC499656; Filed January 22, 2013.*
20 Plaintiffs alleged violations of California wage and hour laws, including
21 meal periods provided after five hours of work. I was appointed Plaintiffs'
22 Class Counsel after a contested class certification motion. The Los Angeles
23 Superior Court certified a class on April 28, 2015. Final approval of a \$4.5
24 million settlement in the case was granted in 2016.
- 25 f. *Gardner v. Shell Oil Company et al.; Northern District of California Case*
26 *No. C 09-05876 CW; Filed November 17, 2009.* Judge Claudia Wilken
27 granted approval of a settlement involving the a nearly identical class of
28 employees as this case at Shell's Martinez refinery. Final Approval was

1 granted on October 1, 2012.

2 g. *Landre v. Shell Oil Company et al.; Central District of California Case No.*
3 *CV10-5906 RGK; Filed July 7, 2010.* Plaintiffs filed suit against Shell Oil
4 Company and other defendants for meal break and other claims at Shell's
5 Southern California facilities, including the Carson Terminal and adjacent
6 facilities at issue in this case. The case was settled in a global settlement
7 with the *Gardner* case, above.

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

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

19 j. *United Steelworkers v. Chevron; Los Angeles Superior Court Case No.*
20 *BC389675; Filed April 24, 2008.* Plaintiffs alleged various violations of the
21 California Labor Code and the UCL. While our class certification motion
22 was pending the case settled. I was appointed class co-counsel to the class
23 of approximately 2,000 members. The case settled for approximately \$20
24 million.

25 k. *United Steelworkers v. BP Products North America; Superior Court of Los*
26 *Angeles County; Case No. BC389739; Filed April 25, 2008.* Plaintiffs
27 alleged various violations of the California Labor Code and the UCL. The
28 case settled prior to class certification for approximately \$5 million,

1 exclusive of attorney's fees, and I was then appointed class co-counsel to
2 the class of approximately 500 members.

- 3 1. *United Steelworkers v. TXI; Superior Court of San Bernardino County;*
4 *Case No. 802861; Filed May 19, 2008.* Plaintiffs brought an action for
5 California Labor Code and UCL violations. I have served as lead counsel in
6 this case from its inception. The case, brought on behalf of approximately
7 200 workers, was settled on a classwide basis for approximately \$1.4
8 million, plus \$100,000 in attorney's fees and costs.
- 9 m. *United Steelworkers v. ExxonMobil Pipeline Co.; Superior Court of Los*
10 *Angeles County; Case No. BC393523; Filed June 27, 2008.* Plaintiffs
11 brought an action for California Labor Code and UCL violations. The case
12 settled for approximately \$450,000 for 40 class members.
- 13 n. *United Steelworkers v. ExxonMobil Refinery; Superior Court of Los*
14 *Angeles County; Case No. BC393524; Filed June 27, 2008.* Plaintiffs
15 brought an action for California Labor Code and UCL violations. The case
16 brought on behalf of approximately 420 workers, was settled for
17 approximately \$4.9 million, exclusive of fees.
- 18 o. *United Steelworkers v. BP Pipeline; Superior Court of Los Angeles County;*
19 *Case No. BC393634; Filed July 1, 2008.* Plaintiffs brought an action for
20 violations of the California Labor Code and UCL. The case settled prior to
21 class certification for approximately \$500,000, exclusive of attorney's fees,
22 and I was then appointed class co-counsel for approximately 50 members.
- 23 p. *United Steelworkers v. Marspring Corporation; Superior Court of Los*
24 *Angeles County; Case No. BC394819; Filed July 18, 2008.* Plaintiffs
25 brought an action for violations of the California Labor Code and UCL.
26 The case settled prior to class certification for approximately \$100,000,
27 exclusive of attorney's fees, and I was then appointed one of the class
28 counsel to the 30 class members.

EXHIBIT 1

GILBERT & SACKMAN

A Law Corporation

Gilbert & Sackman has specialized in representing labor unions, workers, and labor-management trust funds since it was founded by the late Robert W. Gilbert in 1945. In all, Gilbert & Sackman currently represents more than fifty international and local labor organizations and Taft-Hartley trust funds in the entertainment, retail, health care, construction, manufacturing, printing, transportation, and other industries.

Gilbert & Sackman has also been very aggressive in representing the interests of union members and other employees in class and collective lawsuits against their employers (often times sponsored by their unions) under the Fair Labor Standards Act, the Employee Retirement Income Security Act, the Family and Medical Leave Act, the Worker Adjustment and Retraining Notification Act and comparable California statutes and regulations. Although none of the cases handled by Gilbert & Sackman ever went to trial, the settlements that they obtained have often been for millions of dollars.

While many law firms are experienced in representing their labor-related clients, Gilbert & Sackman has gained national prominence through its innovative approaches to representing workers, their unions and their trust funds in litigation, negotiations, organizing and general consultation. For example, Gilbert & Sackman was deeply involved with the Southern California drywall workers in their historic, and successful, 1992 organizing drive and obtained the first (very favorable) Court of Appeal decision under California's new anti-injunction statute, *UFCW Local 324 v. Superior Court*, 83 Cal.App.4th 566 (2000).

Gilbert & Sackman is also very skilled at representing the institutional interests of labor unions. For example, Gilbert & Sackman has never lost a duty of fair representation case. In addition, Gilbert & Sackman handled the case leading to the California Supreme Court's decision holding that wrongful discharge suits by non-elected union business representatives (even those covered by a written agreement) are entirely preempted by the Landrum-Griffin Act, *Screen Extras Guild vs. Superior Court*, 51 Cal.3d 1017 (1990).

PRACTICE AREAS

Gilbert & Sackman practices labor law, pension and employee benefits law, and wage and hour law. The biggest portions of our work are in the representation of unions and of union trust funds. We also have extensive expertise in wage and hour class actions.

LABOR LAW

In its union work, Gilbert & Sackman does just about everything for our clients, from assisting them with their grievances and arbitrations, negotiations, and organizing campaigns to buying or leasing buildings for their offices. We represent them before the National Labor Relations Board,

before judges, both state and federal, and before labor arbitrators.

Some of our union clients are:

United Food and Commercial Workers, Local No. 324
United Steelworkers of America
United Nurses Associations of California
Studio Transportation Drivers, Teamsters Local #399
International Alliance of Theatrical and Stage Employees, Local No. 33
American Guild of Musical Artists

PENSION AND EMPLOYEE BENEFITS LAW

In our trust fund work, Gilbert & Sackman provides expert advice to labor and management trustees concerning the ever changing laws regulating health and pension plans.

Some of our trust fund clients are:

Sheet Metal Workers' Pension and Health Plans
of Southern California, Arizona and Nevada
Airconditioning and Refrigeration Pension and Health Plans
IATSE Local 33 Pension and Health Plans

WAGE AND HOUR LAW

In its wage and hour work, Gilbert & Sackman represents employees in class action cases seeking to enforce federal and state minimum labor standards. These cases have involved everything from seeking to recover unpaid overtime premium pay to assuring that employees get their statutory rest and meal periods.

Some of the class actions we have handled are:

A class action against Albertson's, Lucky, and Sav-on for failure to pay employees promptly when they are terminated or quit.

A class action against Georgia-Pacific for failure to provide meal and rest periods.

A representative action against Highland Plastics for failure to pay overtime, failure to keep accurate records, and failure to provide complete paycheck statements.

A class action against Albertson's for forcing employees to work off-the clock.

A class action against Unilever for violations of WARN and ERISA

A class action against Aerotek for mis-classifying certain employees as exempt, salaried

employees.

A class action against Title Insurance Messenger Service for failing to pay overtime premiums.