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13 *Attorneys for Plaintiffs and the Settlement Class*

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **FOR THE COUNTY OF LOS ANGELES**

16 DANIEL MARKO, JESUS CORONA, *on*  
17 *behalf of themselves and others similarly*  
18 *situated and in their capacity as Private*  
19 *Attorneys General Representatives,*

20 Plaintiffs,  
21 v.

22 DOORDASH, INC.,  
23 Defendant.

Case No. BC659841

**DECLARATION OF DENNIS F.  
MOSS IN SUPPORT OF MOTION  
FOR ATTORNEYS' FEES AND  
COSTS**

Dept.: 7  
Trial Date: None Set  
Hon. Amy D. Hogue

Hearing Date: November 30, 2021  
Hearing Time: 9:30 am

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**DECLARATION OF DENNIS F. MOSS**

I, Dennis F. Moss, declare:

1. I am an attorney licensed to practice law in the State of California, of counsel to Moss Bollinger, LLP, and co-counsel of record for Plaintiff Damone Brown (“Plaintiff”) in the matter entitled *Brown v. DoorDash, Inc.*, Los Angeles County Superior Court Case No. BC712973 (filed July 6, 2018) and *Brown v. DoorDash, Inc.*, California Court of Appeal, 2d Appellate District Div. 8 Case No. B295813. I have been counsel for Plaintiff since the inception of this case. If called to testify, I could truthfully attest to the statements herein.

2. My co-counsel and I have investigated the claims alleged and defenses raised in this lawsuit, including interviews with Plaintiff and witnesses we have contacted through Plaintiff, the review of documents relevant to Plaintiff’s claims and extensive legal research and briefing. Based on my investigation and evaluation to date, I am of the opinion that the Class Action Settlement and Release Agreement with Defendant DoorDash, Inc. in *Marko et al. v. DoorDash, Inc.*, Los Angeles County Superior Court Case No. BC659841 (the “Settlement”), is fair, reasonable, and adequate and is in the best interest of all aggrieved employed covered by the Settlement and the State of California in light of all known facts and circumstances.

3. My opinion regarding the Settlement is based in substantial part on my experience. I have been an employment/labor lawyer since 1977 and handled numerous cases in all aspects of employment and labor law, including but not limited to numerous federal and state wage and hour class action cases, National Labor Relations Board proceedings, wrongful discharge litigation, discrimination cases, administrative appeals involving wage and hour and other employment issues, numerous arbitrations, and various other matters involving both traditional labor-law (union/management law) and employment law issues in the non-union context. My litigation experience has included over twenty-five arguments in various courts of appeal, including the Ninth Circuit, Federal Circuit, and the First, Second, Third, Fourth and Sixth Appellate Districts of the California Courts of Appeal. Several of the appellate cases I argued grew out of wage and hour lawsuits. I successfully briefed and argued a number of cases in the California Supreme Court, including *Ramirez v. Yosemite Water Co.* (1999) 20

1 Cal.4th 785, a case in which Defendants asserted sales exemptions in the California Supreme Court;  
2 *Alvarado v. Dart* (March 5, 2018) 4 Cal. 5th 542 (2018); *Melendez v. San Francisco Baseball*  
3 *Associates* (April 25, 2019) 7 Cal. 5th 1; and most recently *Ferra v. Loews Hollywood Hotel* (July  
4 2021) 11 Cal.5th 858.

5 4. I have been lead counsel in dozens of class, collective and representative actions over the  
6 course of my career. These actions have been prosecuted in state as well as in federal court. I have  
7 argued and won several separate contested class certification motions. A writ was taken in one such  
8 motion in state court, and I prevailed in the Court of Appeal (the Appellate Court Opinion was  
9 unpublished). I have written amicus briefs in several employment law cases, including the landmark  
10 case of *Sav-on v. Superior Court* (2004) 34 Cal.4th 319. I have lectured on employment law matters  
11 before bar groups at least 25 times in the last ten years primarily on wage and hour and class action  
12 issues. I have been a principal negotiator in wage and hour class action settlements that have yielded in  
13 excess of Eighty Million Dollars (\$80,000,000.00). I have directly participated in over sixty mediations  
14 of wage and hour class actions. I authored articles published in the Daily Journal on class action waiver  
15 agreements. I have been litigating class actions for over 20 years (including FLSA cases in the 1990's).  
16 During that period, I have successfully moved, when motions were contested, for class certification in  
17 wage and hour class actions somewhere between 7 and 15 times. I have tried to verdict two wage and  
18 hour class actions in Superior Court, and tried in an arbitration tribunal a class claim involving over  
19 charging of dental premiums to State employees. I have tried individual wage and hour cases in  
20 Superior Court not less than five times. In my career, I have tried at least 10 individual wage and hour  
21 claims in arbitration and or Labor Commissioner Proceedings.

22 5. My co-counsel, Jeremy Bollinger, also worked on this case. Mr. Bollinger received his  
23 bachelor's degree from Harvard College and graduated Loyola Law School of Los Angeles and was  
24 admitted to the bar in 2005. Upon Graduation from law school, he joined the law firm Akin Gump  
25 Strauss Hauer & Feld LLP ("Akin Gump"). At Akin Gump, he worked in litigation matters of various  
26 size and complexity, including defending some of the largest employers in the retail, food and  
27 beverage, and oil and gas industries in employment class action lawsuits. In May 2016, he left Akin  
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1 Gump to form Moss Bollinger, LLP, a plaintiff's employment law firm specializing in class action  
2 litigation. Mr. Bollinger has been intimately involved in litigating and settling class action lawsuits for  
3 the last 14 years

4 6. Since forming Moss Bollinger, LLP, we have been appointed class counsel in the  
5 following cases in California:

- 6 a. *Bustillo v. Matrix Aviation Services, Inc.*, Los Angeles County Sup. Ct. Case No.  
7 BC535618 (2017)
- 8 b. *Correa v. Mikaway*, Los Angeles County Sup. Ct. Case No. BC596179 (2017)
- 9 c. *Medina-Yepes v. River Ranch Farms, LLC*, Kings County Sup. Ct. Case No.  
10 17C-0109 (2018)
- 11 d. *Fajardo v. Crothall Healthcare, Inc.*, San Joaquin County Sup. Ct. Case No.  
12 STK-CV-UOE-2016-11240 (2018)
- 13 e. *Pineda v. Grimmway Enterprises, Inc.*, Kern County Sup. Ct. Case No. BCV-15-  
14 101333 (2018)
- 15 f. *Bright v. Glendale Adventist Medical Center*, Los Angeles County Sup. Ct. Case  
16 No. BC619998 (2019)
- 17 g. *Leong v. Mortgage Capital Partners, Inc.*, Los Angeles County Sup. Ct. Case  
18 No. BC701515 (2019)
- 19 h. *Cruz v. C2 Educational Systems, Inc. et al.*, Los Angeles County Sup. Ct. Case  
20 No. BC704017 (2019)
- 21 i. *Gomez v. SunSelect Produce (California), Inc.*, Kern County Sup. Ct. Case No.  
22 BCV-17-100855) (2019)
- 23 j. *Martinez v. Gemperle Egg Packing Co.*, Stanislaus County Sup. Ct. Case No.  
24 CV-18-001904) (2019)
- 25 k. *Rangel v. Gerawan Farming*, Fresno County Sup. Ct. Case No. 16CECG02372  
26 (2019)
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- 1 l. *Covarrubias v. Western Milling, LLC*, Tulare County Sup. Ct. Case No.  
2 VCU273798 (2019)
- 3 m. *Flores v. Diestel Turkey Ranch et al.*, San Joaquin County Sup. Ct. Case No.  
4 STK-CV-UOE-2017-8167 (2019)
- 5 n. *Aguirre v. Grimmus Cattle Company, Inc.*, Kings County Sup. Ct. Case No.  
6 19C-0012) (2020)
- 7 o. *Zepeda v. Silicon Valley Self Direct, Inc. et al.*, Alameda County Sup. Ct. Case  
8 No. RG16802121 (2020)
- 9 p. *Palacio v. Central Cal. Foundation for Health et al.*, Kern County Sup. Ct. Case  
10 No. BCV-18-101221 (2020)
- 11 q. *Eppard et al. v. Drivetime Car Sales Company, LLC*, San Bernardino County  
12 Sup. Ct. Case No. CIV-DS1929629 (2020)
- 13 r. *Rodriguez v. Kaiser Foundation Hospitals*, San Bernardino County Sup. Ct. Case  
14 No. CIVDS1818367 (2020)
- 15 s. *Hernandez v. Stanislaus Food Products Company*, Stanislaus County Sup. Ct.  
16 Case No. CV-19-006977 (2020)
- 17 t. *Elizarraz v. S.J. Distributors, Inc.*, Santa Clara County Sup. Ct. Case No.  
18 18CV333810 (2020)
- 19 u. *Rangel v. Nina's Mexican Foods, Inc. et al.*, Los Angeles County Sup. Ct. Case  
20 No. BC587941 (2020)
- 21 v. *Mendoza v. Weimer Farms*, Merced County Sup. Ct. Case No. CV-19-03306  
22 (2021)
- 23 w. *Fadiya v. CourierRx, LLC et al.*, Los Angeles County Sup. Ct. Case No.  
24 20STCV07220 (2021)
- 25 x. *Clay v. Greenfield Care Center of Gardena, Inc.*, Los Angeles County Sup. Ct.  
26 Case No. BC658806 (2021)
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- y. *Leyva v. Southern California Permanente Medical Group*, Los Angeles County Sup. Ct. Case No. BC621718 (2021)
- z. *Swoboda v. Brand Energy Services, LLC et al.*, Los Angeles County Sup. Ct. Case No. BC708547 (2021)
- aa. *Rangel v. ArborWorks, Inc.*, Alameda County Sup. Ct. Case No. RG19009624 (2021)

7. Although I do not keep track of time in increments of 6 minutes, I am able to reconstruct my hours by reviewing all e-mails, calendar entries, Westlaw searches, my paper notes, and my computer notes. To this end, I have provided the Court with this chart. All services were performed by Class Counsel on a contingent basis. Based on this review, I can say that I worked **at least 79 hours** on this matter, as follows:

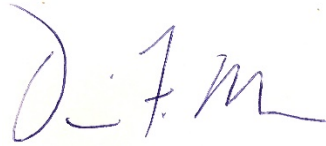
Task	Time
Researching drafting and collaborating re Opposition Brief in Court of Appeal Case No. B295813	72.0 Hours
Review of related case pleadings and other related case filings; telephone calls, emails and in person discussions related thereto	3.0 Hours
Calls, emails, drafting and document review related to Superior and Appellate Court proceedings (e.g. client meetings, Complaint review, stipulations, CMC statements) other than Court of Appeal tasks related to Brief preparation	4.0 Hours
<b>TOTAL</b>	79.0 Hours

8. My hourly rate as a partner in the law firm of Moss Bollinger, LLP, is \$850 per hour. I have been approved at that rate in other class and PAGA action matters in California. Based on \$850 per hour, my lodestar would be \$67,150.

9. Mr. Bollinger's hourly rate as a partner in the law firm of Moss Bollinger, LLP, is \$725 per hour. Although Mr. Bollinger does not keep track of time in increments of 6 minutes, he was able to reconstruct his hours by reviewing all e-mails, calendar entries, Westlaw searches, paper notes, and computer notes. Based on his review, Mr. Bollinger worked **at least 55 hours** on this matter, meeting with our client and interviewing other aggrieved employees, vetting the potential claims, conducting

1 legal research, drafting the PAGA notice letter, drafting the complaint, reviewing client records for  
2 evidence in support of claims, conferring with opposing counsel and preparing case management  
3 conference statements and other court submissions, reviewing and editing Plaintiff's opposition to  
4 Defendant's motion to compel arbitration, reviewing and editing Plaintiff/Respondent's brief on appeal,  
5 conferring with opposing counsel re joint status statements to the trial court and the court of appeal,  
6 conferring with co-counsel re settlement. Based on \$725 per hour, Mr. Bollinger's lodestar would be  
7 \$39,875.

8 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
9 true and correct this 24th day of September, 2021 at Sherman Oaks, California.

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14 Dennis F. Moss