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12 *Attorneys for Plaintiff JAMES S. EVANS*

13 **UNITED STATES DISTRICT COURT**  
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 JAMES S. EVANS, on behalf of  
16 himself, all others similarly situated,  
17  
18 *Plaintiff,*

19 v.

20 WAL-MART STORES, INC., a  
21 Delaware Corporation; and DOES 1  
22 through 50, inclusive,  
23  
24 *Defendants*

25 ) Case No. 2:17-cv-07641-AB-KK  
26 ) Assigned For All Purposes to the  
27 ) Hon. André Birotte, Jr., Courtroom 7B  
28 ) **DECLARATION OF STANLEY D.  
SALTZMAN IN SUPPORT OF  
PLAINTIFF'S' MOTION FOR  
FINAL APPROVAL OF  
CLASS ACTION  
SETTLEMENT**  
DATE: \*  
TIME:  
CTRM: 7B

1 I, STANLEY D. SALTZMAN, declare as follows:

2 1. I am an individual over the age of 18. I am a California bar-admitted  
3 attorney and am a partner in the firm of Marlin & Saltzman, LLP. I am also admitted  
4 to practice before the various district courts within California, including the Central  
5 District where this matter is venued. I am co-counsel for Plaintiff James Evans in  
6 this action, along with Setareh Law Group. I have personal knowledge of the facts  
7 set forth below and if called to testify I could and would do so competently.

8 2. This Declaration is made in support of Plaintiffs' Motion for Final  
9 Approval of Class Action Settlement. As the attorneys with the Setareh Law Group  
10 will be filing a declaration attesting to the relevant facts of the case and the settlement  
11 evaluation, as well as the facts relating to final approval, this declaration is focused  
12 solely on the time spent by the undersigned in working on the case, mostly devoted  
13 to the final pre-trial work-up of the case.

14 3. I previously filed a declaration in connection with the preliminary  
15 approval motion, attesting to my "adequacy" to serve as co-class counsel. As set  
16 forth in the motion for preliminary approval, my office was associated in to the case  
17 prior to the settlement being reached, as trial approached. Given my personal  
18 history and experience in having tried five class actions, including one in 2016  
19 against Walmart that ended with a verdict just over \$60,000,000.00 in favor of the  
20 class, I was asked to associate in to this case for trial purposes, if the matter did not  
21 settle. In addition, as this settlement was reached so close to the trial date, I was  
22 also involved with the Setareh Law Group in the evaluation of the settlement,  
23 before it was reached. With the knowledge that I had already gained of the case as  
24 I prepared for trial, it was my view that the settlement that was reached was an  
25 excellent result for the class members, given the factual and legal issues, and in light  
26 of the obvious risks of trial and appeal that lay ahead.

27 4. For the reasons set forth above, this declaration focuses solely on my  
28 time spent in connection with the final case work-up.

1           5. I first began to review and analyze case materials in depth in January of  
2 2021. At that time, Mr. Setareh and I had agreed that I would associate in as co-trial  
3 counsel, if the case did not settle. To facilitate me getting up to speed for trial  
4 purposes, I requested and was provided by co-counsel with all of the briefing that had  
5 been submitted by both sides related to both certification and the cross motions for  
6 summary judgment. In order to complete a thorough review of all of the briefing  
7 submitted to me as described above, I devoted about half of my time over two full  
8 weeks in January of 2021, for a total of 50 hours devoted to this review. During this  
9 time, I also conducted legal research related to issues raised in the briefs by both  
10 sides, which time is included in the 50 hour total stated above. Sub-total – 50 hours.

11           6. Over the next month, in February of 2021, I requested and was again  
12 provided with additional case materials I felt were necessary to prepare me to try the  
13 case, including extensive written discovery, Walmart’s applicable policies and  
14 procedures, and various written orders issued by this Court during the pendency of  
15 the case. My review of these materials took up an additional 50 hours of my time.  
16 Sub-total – 50 hours.

17           7. Commencing in March of 2021, and after discussing the case in more  
18 detail with Mr. Setareh, I reached out to attorney Naomi Beer, lead counsel for  
19 defendant Walmart. Over the prior ten years, my firm had been involved in two large  
20 class action cases against Walmart, both of which had involved Ms. Beer in her  
21 capacity as settlement counsel for Walmart. Accordingly, with this prior history, Ms.  
22 Beer and I were able to have frank discussions about the potential trial of the Evans  
23 matter, and its possible resolution. My calls with Mr. Setareh and Ms. Beer, during  
24 the month of March, 2021, encompassed 7.5 hours of my time. Sub-total – 7.5 hours.

25           8. Additionally, during the month of March, 2021, I devoted another 25  
26 hours to the continued analysis of the case, and to creating a rough outline of my  
27 thoughts on how to present the case for trial purposes. Sub-total – 25 hours.

28           9. During the month of April, 2021, the Setareh Law Firm was fully

1 engaged in the preparation of all of the pre-trial documents required by the Court. In  
2 relation thereto, I was provided by the firm with draft documents on almost a daily  
3 basis throughout the month, for my review and input. These documents included  
4 witness lists, evidence books, jury instructions, trial briefs, etc. I provided input  
5 relating to the documents, but also used this review process to further my personal  
6 preparation for the upcoming trial. Sub-total – 40 hours.

7 10. While all of the pre-trial work-up was ongoing, settlement negotiations  
8 also re-commenced in earnest in late April, 2021. In this regard, I consulted with Mr.  
9 Setareh as the final negotiations went on, discussing in depth all of the pro's and  
10 con's of the possible resolution being formulated. Ultimately, the settlement now  
11 before the Court for final approval was concluded. Sub-total – 7.5 hours.

12 11. As the settlement approval process proceeded, I continued to be involved  
13 in the context of discussing issues as they arose, (5 hours), in addition to preparing  
14 my declaration in support of preliminary approval (3 hours), plus the current  
15 declaration in support of final approval (3.5 hours). Sub-total – 11.5 hours.

16 12. Based upon the foregoing, and totaling up the sub-totals set forth herein,  
17 my total time incurred in this matter equals 191.5 hours.

18 13. My current billing rate on the class actions my firm handles is \$1200.00.  
19 I was first admitted to the California State Bar in 1979. In the detailed discussion of  
20 my adequacy as class counsel set forth in my declaration in support of preliminary  
21 approval, my full history as an attorney in this state was set forth. Briefly stated, I  
22 spent my first 20 or so years involved in the defense of complex litigation, including  
23 many class actions, and in the last 20+ years, my practice has been devoted  
24 exclusively to plaintiff's-side employment and consumer class actions.

25 14. During the last 20+ years, my firm has been responsible for the recovery  
26 of just over 1 billion dollars in settlements and judgments on behalf of the class  
27 members we have been fortunate enough to represent. Of this total sum, just under  
28 \$100,000,000.00 has been through trials, and another \$125,000,000.00 came from

1 a case that settled during jury selection.

2 15. I was co-lead trial counsel in a class action against Defendant where the  
3 trial court awarded almost \$61 million in damages after a 16-day trial in *Ridgeway v.*  
4 *Wal-Mart Stores, Inc.*, No. 08-cv-05221-SI, 2017 WL 4071293 (N.D. Cal. Sept. 14,  
5 2017, *aff'd* 946 F.3d 1066 (9th Cir. 2020)). The court also awarded \$13,000,000.00  
6 in statutory attorneys' fees.

7 16. Based on all of the foregoing, and my previously submitted "adequacy"  
8 declaration, I submit that the billing rate of \$1200.00 per hour is amply supported and  
9 more than reasonable.

10 17. The resulting lodestar for my time, based on the 191.5 hours at the  
11 \$1200.00 hourly rate, is \$229,800.00.

12 I declare under penalty of perjury under the laws of the state of California that  
13 the foregoing is true and correct and that this declaration was executed on this 28<sup>th</sup>  
14 day of October, 2022, in Agoura Hills, California.

15 s/ Stanley D. Saltzman  
16 Stanley D. Saltzman, Esq.  
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