

**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. Postmates, Inc.*, Los Angeles Superior Court Case Number BC 712974 and *Brown v. Postmates, Inc.*, California Court of Appeals, 2d Appellate District Case No. B296427. 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 Postmates, Inc. in California Superior Court in and for the County of San Francisco, Case No. CJC20-005068 (the “Settlement”), is fair, reasonable, and adequate and is in the best interest of all aggrieved employees 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 Cal.4th 785, a case in which Defendants asserted sales exemptions in the California Supreme Court; *Alvarado v. Dart* (March

1 5, 2018) 4 Cal. 5th 542 (2018); *Melendez v. San Francisco Baseball Associates* (April 25, 2019) 7 Cal.  
2 5th 1; and most recently *Ferra v. Loews Hollywood Hotel* (July 2021) 11 Cal.5th 858.

3 4. I have been lead counsel in dozens of class, collective and representative actions over the  
4 course of my career. These actions have been prosecuted in state as well as in federal court. I have argued  
5 and won several separate contested class certification motions. A writ was taken in one such motion in  
6 state court, and I prevailed in the Court of Appeal (the Appellate Court Opinion was unpublished). I have  
7 written amicus briefs in several employment law cases, including the landmark case of *Sav-on v. Superior*  
8 *Court* (2004) 34 Ca1.4th 319. I have lectured on employment law matters before bar groups at least 25  
9 times in the last ten years primarily on wage and hour and class action issues. I have been a principal  
10 negotiator in wage and hour class action settlements that have yielded in excess of Eighty Million Dollars  
11 (\$80,000,000.00). I have directly participated in over sixty mediations of wage and hour class actions. I  
12 authored articles published in the Daily Journal on class action waiver agreements. I have been litigating  
13 class actions for over 20 years (including FLSA cases in the 1990's). During that period, I have  
14 successfully moved, when motions were contested, for class certification in wage and hour class actions  
15 somewhere between 7 and 15 times. I have tried to verdict two wage and hour class actions in Superior  
16 Court, and tried in an arbitration tribunal a class claim involving over charging of dental premiums to  
17 State employees. I have tried individual wage and hour cases in Superior Court not less than five times.  
18 In my career, I have tried at least 10 individual wage and hour claims in arbitration and or Labor  
19 Commissioner Proceedings.

20 5. My co-counsel, Jeremy Bollinger, also worked on this case. Mr. Bollinger received his  
21 bachelor's degree from Harvard College and graduated Loyola Law School of Los Angeles and was  
22 admitted to the bar in 2005. Upon Graduation from law school, he joined the law firm Akin Gump  
23 Strauss Hauer & Feld LLP ("Akin Gump"). At Akin Gump, he worked in litigation matters of various  
24 size and complexity, including defending some of the largest employers in the retail, food and beverage,  
25 and oil and gas industries in employment class action lawsuits. In May 2016, he left Akin Gump to form  
26 Moss Bollinger, LLP, a plaintiff's employment law firm specializing in class action litigation. Mr.  
27 Bollinger has been intimately involved in litigating and settling class action lawsuits for the last 14 years  
28

1           6.     Since forming Moss Bollinger, LLP, we, along with partner Ari Moss, have been appointed  
2 class counsel in the following cases in California:

- 3                   a.   *Bustillo v. Matrix Aviation Services, Inc.*, Los Angeles County Sup. Ct. Case No.  
4                            BC535618 (2017)
- 5                   b.   *Correa v. Mikaway*, Los Angeles County Sup. Ct. Case No. BC596179 (2017)
- 6                   c.   *Medina-Yepe* *v. River Ranch Farms, LLC*, Kings County Sup. Ct. Case No. 17C-  
7                            0109 (2018)
- 8                   d.   *Fajardo v. Crothall Healthcare, Inc.*, San Joaquin County Sup. Ct. Case No. STK-  
9                            CV-UOE-2016-11240 (2018)
- 10                  e.   *Pineda v. Grimmway Enterprises, Inc.*, Kern County Sup. Ct. Case No. BCV-15-  
11                            101333 (2018)
- 12                  f.   *Bright v. Glendale Adventist Medical Center*, Los Angeles County Sup. Ct. Case  
13                            No. BC619998 (2019)
- 14                  g.   *Leong v. Mortgage Capital Partners, Inc.*, Los Angeles County Sup. Ct. Case No.  
15                            BC701515 (2019)
- 16                  h.   *Cruz v. C2 Educational Systems, Inc. et al.*, Los Angeles County Sup. Ct. Case  
17                            No. BC704017 (2019)
- 18                  i.   *Gomez v. SunSelect Produce (California), Inc.*, Kern County Sup. Ct. Case No.  
19                            BCV-17-100855) (2019)
- 20                  j.   *Martinez v. Gemperle Egg Packing Co.*, Stanislaus County Sup. Ct. Case No. CV-  
21                            18-001904) (2019)
- 22                  k.   *Rangel v. Gerawan Farming*, Fresno County Sup. Ct. Case No. 16CECG02372  
23                            (2019)
- 24                  l.   *Covarrubias v. Western Milling, LLC*, Tulare County Sup. Ct. Case No.  
25                            VCU273798 (2019)
- 26                  m.   *Flores v. Diestel Turkey Ranch et al.*, San Joaquin County Sup. Ct. Case No. STK-  
27                            CV-UOE-2017-8167 (2019)
- 28

- 1 n. *Aguirre v. Grimmius Cattle Company, Inc.*, Kings County Sup. Ct. Case No. 19C-  
2 0012) (2020)
- 3 o. *Zepeda v. Silicon Valley Self Direct, Inc. et al.*, Alameda County Sup. Ct. Case  
4 No. RG16802121 (2020)
- 5 p. *Palacio v. Central Cal. Foundation for Health et al.*, Kern County Sup. Ct. Case  
6 No. BCV-18-101221 (2020)
- 7 q. *Eppard et al. v. Drivetime Car Sales Company, LLC*, San Bernardino County Sup.  
8 Ct. Case No. CIV-DS1929629 (2020)
- 9 r. *Rodriguez v. Kaiser Foundation Hospitals*, San Bernardino County Sup. Ct. Case  
10 No. CIVDS1818367 (2020)
- 11 s. *Hernandez v. Stanislaus Food Products Company*, Stanislaus County Sup. Ct.  
12 Case No. CV-19-006977 (2020)
- 13 t. *Elizarraz v. S.J. Distributors, Inc.*, Santa Clara County Sup. Ct. Case No.  
14 18CV333810 (2020)
- 15 u. *Rangel v. Nina's Mexican Foods, Inc. et al.*, Los Angeles County Sup. Ct. Case  
16 No. BC587941 (2020)
- 17 v. *Mendoza v. Weimer Farms*, Merced County Sup. Ct. Case No. CV-19-03306  
18 (2021)
- 19 w. *Fadiya v. CourierRx, LLC et al.*, Los Angeles County Sup. Ct. Case No.  
20 20STCV07220 (2021)
- 21 x. *Clay v. Greenfield Care Center of Gardena, Inc.*, Los Angeles County Sup. Ct.  
22 Case No. BC658806 (2021)
- 23 y. *Leyva v. Southern California Permanente Medical Group*, Los Angeles County  
24 Sup. Ct. Case No. BC621718 (2021)
- 25 z. *Swoboda v. Brand Energy Services, LLC et al.*, Los Angeles County Sup. Ct. Case  
26 No. BC708547 (2021)
- 27 aa. *Rangel v. ArborWorks, Inc.*, Alameda County Sup. Ct. Case No. RG19009624  
28 (2021)

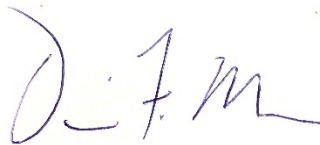
1           7. Although I do not keep track of time in increments of 6 minutes, I am able to reconstruct  
2 my hours by reviewing all e-mails, calendar entries, Westlaw searches, my paper notes, and my  
3 computer notes. To this end, I have provided the Court with this chart. All services were performed by  
4 Class Counsel on a contingent basis. Based on this review, I can say that I worked **at least 80 hours** on  
5 this matter, including researching drafting and collaborating re Opposition Briefs in trial court re  
6 Defendant's motion to compel arbitration and in Court of Appeal Case No. B296427, reviewing related  
7 case pleadings and other related case filings, telephone calls, emails and in person discussions related  
8 thereto with opposing counsel and counsel in related cases, calls, emails, drafting and document review  
9 related to Superior and Appellate Court proceedings (e.g. client meetings, complaint review,  
10 stipulations, CMC statements) other than Court of Appeal tasks related to Brief preparation.

11           8. My hourly rate as a partner in the law firm of Moss Bollinger, LLP, is \$850 per hour. I  
12 have been approved at that rate in other class and PAGA action matters in California. **Based on \$850**  
13 **per hour, my lodestar would be \$68,000.**

14           9. Mr. Bollinger's hourly rate as a partner in the law firm of Moss Bollinger, LLP, is \$725 per  
15 hour. Although Mr. Bollinger does not keep track of time in increments of 6 minutes, he was able to  
16 reconstruct his hours by reviewing all e-mails, calendar entries, Westlaw searches, paper notes, and  
17 computer notes. Based on his review, Mr. Bollinger worked **at least 58 hours** on this matter, meeting  
18 with our client and interviewing other aggrieved employees, vetting the potential claims, conducting legal  
19 research, drafting the PAGA notice letter, drafting the complaint, reviewing client records for evidence  
20 in support of claims, conferring with opposing counsel and preparing case management conference  
21 statements and other court submissions, reviewing and editing Plaintiff's opposition to Defendant's  
22 motion to compel arbitration, appearing at hearing on Defendant's motion to compel arbitration,  
23 reviewing and editing Plaintiff/Respondent's brief on appeal, conferring with opposing counsel re joint  
24 status statements to the trial court and the court of appeal, appearing at status conferences, and conferring  
25 with co-counsel re settlement, among other things. **Based on \$725 per hour, Mr. Bollinger's lodestar**  
26 **would be \$42,050.**

27 ///

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
2 true and correct this 7th day of October, 2021 at Sherman Oaks, California.

3  
4 

5 \_\_\_\_\_  
6 Dennis F. Moss  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28