

1 SHANNON LISS-RIORDAN (SBN 310719)
sliss@llrlaw.com
2 ANNE KRAMER (SBN 315131)
akramer@llrlaw.com
3 LICHTEN & LISS-RIORDAN, P.C.
4 729 Boylston Street, Suite 2000
Boston, MA 02116
5 Telephone: (617) 994-5800
6 Facsimile: (617) 994-5801

7 Attorneys for Plaintiffs

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN FRANCISCO**

11 JACOB RIMLER and GIOVANNI JONES,
12 on behalf of themselves and others similarly
13 situated and in their capacities as Private
Attorney General Representatives,

14 Plaintiffs,

15 v.

16 POSTMATES, INC.,

17 Defendant.

Case No. CGC-18-567868

DECLARATION OF SHANNON LISS-RIORDAN IN SUPPORT OF PLAINTIFFS' SUPPLEMENTAL REPLY IN SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Department 304
Hon. Anne-Christine Massullo

Hearing Date: April 29, 2020
Hearing Time: 10:30 a.m.

Complaint Filed: July 5, 2018
TRIAL DATE: NONE SET

1 I, Shannon Liss-Riordan, declare as follows:

2 1. I am a partner at the law firm of Lichten & Liss-Riordan, P.C., and am lead
3 attorney in the above-captioned matter. I submit this declaration in support of Plaintiffs'
4 Supplemental Reply in Support of Motion for Preliminary Approval of Class Action Settlement.
5 I have personal knowledge of the information set forth herein.

6 2. I have been extremely active representing "gig economy" workers in
7 misclassification cases in California, both before and after Dynamex, and being from
8 Massachusetts, I have close to 15 years' experience litigating misclassification cases under the
9 "ABC" test that the Supreme Court has now adopted in Dynamex. I have gained a reputation as
10 the preeminent lawyer challenging the use of independent contractors in the so-called gig
11 economy. I have defeated summary judgment motions against a number of "gig economy"
12 companies. See, e.g., O'Connor v. Uber Techs., Inc., 82 F. Supp. 3d 1133 (N.D. Cal. 2015);
13 Cotter v. Lyft, Inc., 60 F. Supp. 3d 1067 (N.D. Cal. 2015); Lawson v. Grubhub, Inc., No. 15-
14 CV-05128-JSC, 2017 WL 2951608, at *1 (N.D. Cal. July 10, 2017). I was also the first lawyer
15 to litigate the status of a "gig economy" delivery driver all the way to trial, and that decision is
16 currently on appeal. Lawson v. Grubhub, Inc., 302 F. Supp. 3d 1071 (N.D. Cal. 2018), appeal
17 pending, Ninth Cir. Appeal No. 18-15386.

18 3. Additionally, I have leveraged my successes against these companies to secure
19 substantial settlements on behalf of gig economy workers. See, e.g., Cotter v. Lyft, Inc., 193 F.
20 Supp. 3d 1030, 1032 (N.D. Cal. 2016) (\$27 million settlement); Singer v. Postmates, 4:15-cv-
21 01284-JSW (N.D. Cal. April 25, 2018) (\$8.75 million settlement); and Marciano v. DoorDash,
22 CGC-15-548102 (Cal. Sup. Ct. July 12, 2018) (\$5 million settlement). Many of these
23 settlements used a claims process that was extremely similar to if not identical to the claims
24 process proposed in the settlement in this case. Indeed, this distribution process has been
25 approved in Marciano v. DoorDash Inc. (Cal. Sup. Ct. July 12, 2018) CGC-15-548102 (Kahn,
26 J.), Cotter v. Lyft Inc. (N.D. Cal. March 16, 2017) 3:13-cv-04065-VC, Dkt. 310; Singer v.
27 Postmates Inc. (N.D. Cal. April 25, 2018) 4:15-cv-01284-JSW, Dkt. 98. See also Levin v.
28

1 Caviar (N.D. Cal. Dec. 21, 2017) Civ. A. No. 3:15-cv-01285, Dkt. 59 (confirming arbitrator’s
2 award, approving class-wide settlement with use of similar claims process). The federal court
3 in O’Connor v. Uber Technologies, Inc. (N.D. Cal., Mar. 29, 2019, No. 13-CV-03826-EMC)
4 2019 WL 1437101, at *13 recently granted preliminary approval to the same type of claims-
5 made settlement, noting “[t]he notice procedure is designed to encourage a high claim rate, and
6 it would take drivers minimal time to fill out and submit the straightforward claim form.”
7

8 4. In my extensive experience, I have found that there are very good reasons for
9 using a claims process like the one utilized here (and approved by numerous courts in other
10 cases). I prefer using a claim form (with repeated follow-up reminders) in order to confirm that
11 class members’ addresses are up to date so that they can be ensured of actually receiving their
12 settlement check. Sending checks to class members at outdated addresses causes numerous
13 difficulties and, based upon counsel’s observations and discussions with the settlement
14 administrator, does not necessarily lead to more class members receiving settlement funds.
15 Instead, it leads to numerous checks being sent out and never cashed, necessitating the expense
16 of cancelling checks, as well as the risk of checks being cashed by the wrong person. It also
17 leads to the problem of tax forms being sent to class members who never actually received or
18 cashed their payment. Indeed, in one of the only cases in which Plaintiffs’ counsel allowed
19 checks to be sent to all class members, without the use of a claim form, counsel had class
20 members for years into the future getting in touch to say that they had received a tax
21 delinquency notice for a payment they had never received. Moreover, in my experience in gig
22 economy cases, many of these workers tend to be particularly transient, underscoring the need
23 to update and verify their addresses.
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Executed on April 22, 2020 in Boston, Massachusetts.

By: *Shannon Liss-Riordan*
Shannon Liss-Riordan