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13 Attorneys for Plaintiffs, the
14 Collective and Putative Classes

15 **UNITED STATES DISTRICT COURT**
16 **SOUTHERN DISTRICT OF CALIFORNIA**
17

18 VLADIMIR AMARAUT, *et al.* on
behalf of themselves and all others
19 similarly situated,
20 Plaintiffs,
21 v.
22 Sprint/United Management Company,
23 Defendant.

Case No. 3:19-cv-00411-WQH-MDD

**DECLARATION OF GREGG I.
SHAVITZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS AND COLLECTIVE
ACTION SETTLEMENT**

Hearing Date: February 16, 2021

NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT

Judge: Hon. William Q. Hayes

Date action filed: February 28, 2019

1 I, Gregg I. Shavitz, declare as follows:

2 1. I am a partner in the firm of the Shavitz Law Group, P.A. (“SLG”) in Boca
3 Raton, Florida. SLG is an eight attorney firm based in Boca Raton, Florida with an
4 office in New York, New York, that focuses on representing workers as plaintiffs in
5 employment-related matters, including claims based upon individual and class-wide
6 violations of federal and state wage and hour laws.

7 2. I am a member in good standing of the bar of the state of Florida. I am
8 admitted to practice *pro hac vice* in this matter.

9 3. I submit this declaration in support of Plaintiffs’ Motion for Preliminary
10 Approval of Class and Collective Action Settlement. I have personal knowledge of the
11 matters set forth herein and would so testify if called as a witness.

12 **FIRM AND ATTORNEY BACKGROUND**

13 4. For the past 20 years, my firm has focused on representing workers in
14 wage and hour matters. My background and those of other SLG employees who
15 worked on this matter are detailed below.

16 5. I am a graduate of the University of Miami School of Law with an
17 undergraduate degree from Tufts University.

18 6. I am an experienced litigator, trial attorney, and member of the bar of the
19 U.S. District Court for the Southern District of Florida and the Florida Bar since 1994,
20 and am also admitted to U.S. District Courts for the Middle and Northern Districts of
21 Florida, the District of Colorado, the United States Eleventh Circuit Court of Appeals,
22 and United States Third Circuit Court of Appeals.

23 7. Additionally, I have lectured in the past at seminars sponsored by the
24 Labor and Employment Section of the Florida Bar, and have spoken at the Labor and
25 Employment Section Certification Review Seminar as well as the Academy of Florida
26 Trial Lawyers Workhorse Seminars. I have also been awarded Florida Trend
27 Magazine’s Legal Elite for various years including 2014 in the area of Labor &
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1 Employment law; South Florida Legal Guide – Top Lawyer – Wage and Hour law –
2 2009-2018; Top Lawyer Up and Comer – Wage and Hour law – 2004, 2006, and 2009;
3 and South Florida Legal Guide – Top Lawyers List – 2009-2018; among other awards
4 and honors. I have also earned the distinction of Top Lawyer in Palm Beach Illustrated
5 (2011) and am a lifelong fellow of the Florida Bar Foundation.

6 8. I have held the highest AV Peer Review Rating from LexisNexis
7 Martindale-Hubbell for preeminent attorneys from 2000 to the present.

8 9. Attorney Michael J. Palitz is a Partner in SLG’s New York City office and
9 has been with the firm since 2015. After receiving his Juris Doctor degree, cum laude,
10 from Pace Law School in 2010 where he also served as the Editor-in-Chief of the Pace
11 International Law Review, he was admitted to the New Jersey and New York Bars in
12 June 2010 and September 2010, respectively. Mr. Palitz also is admitted to the U.S.
13 District Courts for the District of New Jersey, the Eastern District of New York, the
14 Southern District of New York, the Northern District of New York, the District of
15 Colorado, and the Western District of New York. He has presented before the Suffolk
16 County Bar Association on FLSA issues. Since graduating from law school, Mr. Palitz
17 has focused his practice exclusively on workers’ rights and litigating complex wage
18 and hour class and collective actions throughout the country, including trying a Fair
19 Labor Standards Act collective action arbitration to a verdict for employees. Mr. Palitz
20 graduated from the College of the Holy Cross in 2005 with a B.A. and majored in
21 Economics and History.

22 10. Attorney Christine Duignan is Of Counsel to SLG and provides litigation
23 support in complex wage and hour actions arising under the FLSA and Rule 23, in a
24 variety of jurisdictions nationally. Ms. Duignan has worked for the Shavitz Law
25 Group, P.A. for 16 years and regularly works on behalf of workers to ensure fair
26 treatment and compensation in the workplace. Ms. Duignan also handles appeals in
27 cases involving a wide variety of employment matters. Ms. Duignan is a 1988 graduate
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1 of the University of Tampa and received her Juris Doctor degree from the University
2 of Florida in 1991. She has been a member of the Florida bar since 1991, and is also
3 admitted to practice in the U.S. District Court for the Southern District of Florida,
4 United States Court of Appeals for the Eleventh Circuit, and the United States Supreme
5 Court.

6 11. Tamra Givens joined SLG in 2019 and is a Senior Associate with the firm.
7 She has been admitted to The Florida Bar since 2003. She obtained her undergraduate
8 degree in Psychology from the University of Florida, with honors, in 2000, and earned
9 her law degree from the University of Florida, cum laude, in 2003. During law school,
10 Ms. Givens was a member of the *Florida Law Review* and completed an internship at
11 the Florida Supreme Court where she served as an intern to Justice Harry Lee Anstead.
12 Ms. Givens has been a member of the Florida bar since 2003, and is also admitted to
13 practice in the U.S. District Courts for the Middle District of Florida, Southern District
14 of Florida, District of Colorado and Eastern District of Michigan, and in the United
15 States Court of Appeals for the Third, Ninth and Eleventh Circuits. Ms. Givens has
16 dedicated her career to representing employees and consumers in class litigation. Ms.
17 Givens is a former law clerk to the Honorable James D. Whittemore, United States
18 District Judge, United States District Court for the Middle District of Florida.

19 12. Serena Eifert is an experienced legal assistant at SLG and works in the
20 class and collective action practice group. Ms. Eifert provides litigation support
21 including case investigations, client intakes, and assisting with discovery matters and
22 document productions.

23 13. SLG has significant experience prosecuting wage and hour class and
24 collective actions such as this one. In recent years, the firm has served or been
25 appointed as class counsel or co-class counsel in the following cases, among others:

26 *Aboud v. Charles Schwab & Co.*, No. 14 Civ. 2712 (S.D.N.Y.);

27 *Amador v. Morgan Stanley & Co, LLC*, No. 11 Civ. 4326 (S.D.N.Y.);

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1 *Ayala v. GEICO*, No. 18 Civ. 03583 (S.D.N.Y.);
2 *Beckman v. KeyBank, N.A.*, No. 12 Civ. 7836 (S.D.N.Y.);
3 *Besic v. Byline Bank, Inc., et al.*, No. 15 C 8003 (N.D. Ill.);
4 *Biscoe-Grey v. Sears Holding Corp.*, No. 09-81408-Civ-Marra / Johnson
5 (S.D. Fla.);
6 *Blum, et al. v. Merrill Lynch & Co., Inc.*, No. 15 Civ. 1636 (S.D.N.Y.);
7 *Briggs v. PNC Fin. Servs. Gr.*, No. 15 Civ. 10447 (N.D. Ill.);
8 *Bucceri v. Cumberland Farms, Inc.*, No. 15-cv-13955 (D. Mass.);
9 *Calabresi v. TD Bank, N.A.*, No. 13 Civ. 0637 (E.D.N.Y.);
10 *Capalupi v. People's United Financial, Inc.*, No. 15 Civ. 5247 (E.D.N.Y.);
11 *Cerrone v. KB Home Florida, LLC et al.*, No. 07-14402-Civ (S.D. Fla.);
12 *Ciomcia v. Beall's Inc.*, Case No. 2:17-cv-14444 (S.D. Fla.);
13 *Clem v. KeyBank, N.A.*, No. 13 Civ. 789 (S.D.N.Y.);
14 *Danley v. Office Depot, Inc., et al.*, No. 9:14-cv-81469 (S.D. Fla.);
15 *DeVries v. Morgan Stanley & Co. LLC*, No. 12-CV-81223 (S.D. Fla.);
16 *Fiore v. Goodyear Tire & Rubber Co.*, No. 2:09-CV-843-FtM-29SPC (M.D.
17 Fla.);
18 *Heitzenrater v. OfficeMax, Inc.*, No. 12 Civ. 900S (W.D.N.Y.);
19 *Hernandez v. Merrill Lynch & Co., Inc.*, No. 11 Civ. 8472 (S.D.N.Y.);
20 *Hirst, et al. v. M&T Bank, et al.*, No. 511428/2015 (N.Y. Sup. Ct.);
21 *Hosier v. Mattress Firm, Inc.*, No. 10 Civ. 294 (M.D. Fla.);
22 *Juric v. Dick's Sporting Goods, Inc.*, No. 20-cv-651 (W.D. Pa.);
23 *Kampfer v. Fifth Third Bank*, No. 14-cv-02849 (N.D. Ohio);
24 *Koszyk v. Country Fin.*, No. 16 Civ. 3571 (N.D. Ill.);
25 *Krokos v. Fresh Market, Inc.*, No. 16-cv-12082 (D. Mass.);
26 *Kulauzovic v. Citibank, N.A.*, No. 507538/2018 (N.Y. Sup. Ct.);
27 *Lauture v. A.C. Moore Arts & Crafts, Inc.*, No. 17-cv-10219 (D. Mass.);
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1 *Magee v. Francesca's Holdings Corp.*, No. 1:17-cv-00565 (D.N.J.);
2 *McCue v. MB Fin., Inc.*, No. 15 Civ. 988 (N.D. Ill.);
3 *Nash v. CVS Caremark Corp.*, No. 09 Civ. 79 (D.R.I.);
4 *Palacio v. E*TRADE Fin. Corp.*, No. 10 Civ. 4030 (S.D.N.Y.);
5 *Prena v. BMO Financial Corp., et al.*, No. 1:14-cv-09175 (N.D. Ill.);
6 *Przytula v. Bed Bath & Beyond, Inc.*, No. 17 Civ. 5124 (N.D. Ill.);
7 *Puglisi v. TD Bank, N.A.*, No. 13 Civ. 637 (E.D.N.Y.);
8 *Raley v. Kohl's Corporation, et al.*, No. 8:09-cv-2340 (M.D. Fla.);
9 *Reiburn v. Merrill Lynch & Co., Inc.*, No. 15 Civ. 2960 (S.D.N.Y.);
10 *Robbins v. Abercrombie & Fitch Co.*, No. 15 Civ. 6187 (W.D.N.Y.);
11 *Roberts v. TJX Cos.*, No. 13 Civ. 13142 (D. Mass.);
12 *Romero v. Florida Power & Light Company*, No. 6:09-cv-1401-Orl-35 (M.D.
13 Fla.);
14 *Saliford v. Regions Financial Corp. et al.*, No. 10-610310-CIV (S.D. Fla.);
15 *Simpkins v. Pulte Home Corp.*, No. 6:08-cv-00130 (M.D. Fla.);
16 *Snodgrass v. Bob Evans Farms, Inc.*, No. 12-cv-768 (S.D. Ohio);
17 *Stallard v. Fifth Third Bank, et al.*, No. 2:12-cv-01092 (W.D. Pa.);
18 *Waggoner v. U.S. Bancorp*, No. 14-cv-1626 (N.D. Ohio);
19 *Watson v. BMO Financial Corp.*, No. 15-cv-11881 (E.D. Ill.);
20 *Wright v. Flagstar Bank FSB*, No. 13 Civ. 15069 (E.D. Mich.)
21 *Yuzary v. HSBC Bank USA, N.A.*, No. 12 Civ. 3693 (S.D.N.Y.);
22 *Zeltser v. Merrill Lynch & Co.*, No. 13 Civ. 1531 (S.D.N.Y.);
23 *Zolkos v. Scriptfleet, Inc.*, No. 12 Civ. 8230 (N.D. Ill.)

24 **THE PRESENT LITIGATION**

25 14. In April 2019, Plaintiffs' Counsel began an extensive investigation on
26 behalf of their clients into Sprint's unpaid wage and overtime practices. This
27 investigation included speaking with and gathering information from over 30 former
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1 non-exempt employees who worked in Sprint locations throughout the country and
2 who significant amounts of off-the-clock work. After learning that Amaraut,
3 represented by Schneider Wallace Cottrell Konecky LLP (“SWCK”), was also
4 pursuing similar claims against Sprint, SLG reached out to SWCK and the two firms
5 agreed to jointly prosecute the claims. The Parties filed a joint motion to amend the
6 complaint to add named Plaintiffs and putative Rule 23 classes for state law claims
7 under Arizona, Colorado, New York, Ohio, and Washington law.

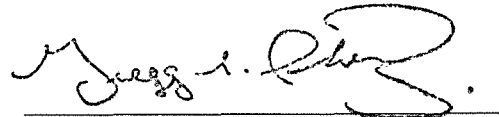
8 15. Together with SWCK, SLG has performed extensive work throughout the
9 litigation, including participating in motion practice, attending court conferences,
10 handling discovery matters, client communication, attending a Mandatory Settlement
11 Conference (“MSC”) and mediation, participating in strategy decisions, and
12 negotiation of settlement terms and drafting settlement documents.

13 16. While Class Counsel have extensive experience and success in class and
14 collective actions, Defendant similarly is represented by Littler Mendelson, highly
15 skilled and nationally known wage and hour defense counsel. The Settlement was
16 reached only after detailed submissions and presentations were made by the parties to
17 the Court during the MSC, which did not result in settlement but which helped the
18 parties make progress toward settlement, and an 11-hour mediation session with a
19 renowned employment law mediator that ultimately resulted in settlement following a
20 mediator’s proposal accepted by both Parties. The proposed Settlement is the product
21 of heavily contested and non-collusive negotiations among experienced counsel.

22 17. The Settlement, which is non-reversionary, provides for consideration in
23 the amount of \$7,600,000.00 to 9,450 non-exempt retail employees and resolves the
24 claims in the litigation. The Settlement is an excellent result which provides substantial
25 benefits to the Classes and Collective. The Settlement meets or exceeds standards of
26 fairness, reasonableness and adequacy, and warrants approval.

1 I declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the
2 foregoing is true and correct.

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4 Dated: January 8, 2021


Gregg I. Shavitz

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