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10 Attorneys for Plaintiff DIEGO ORNELAS
on behalf of himself and all other similarly situated

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN FRANCISCO**

13 DIEGO ORNELAS, an individual, on behalf
of himself and others similarly situated,

14 Plaintiff,

15 vs.

16 NATIONAL STORAGE AFFILIATES
17 TRUST, a Maryland real estate investment
trust; INTANDEM HUMAN RESOURCES,
18 LLC, a Colorado limited liability company;
STORAGE MANAGEMENT AND
19 LEASING CO., LLC, a Florida limited
liability company; ISTOREAGE JV, LLC, a
20 Delaware limited liability company; and
DOES 1 through 50, inclusive,

21 Defendants.
22

Case No.: CGC-18-571421

CLASS ACTION

Assigned for Law and Motion Purposes To:
Hon. Ethan P. Schulman
Dept.: 302, Civic Center Courthouse

**DECLARATION OF ALVIN B. LINDSAY
IN SUPPORT OF PLAINTIFF'S
UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF JOINT
STIPULATION OF CLASS ACTION
SETTLEMENT**

*[Filed concurrently with Unopposed Motion;
Memorandum of Points and Authorities;
Declaration of David Yeremian; and [Proposed]
Order]*

Date: August 19, 2020
Time: 9:30 a.m.
Department 302

Complaint Filed: November 19, 2018
First Amended Complaint: March 28, 2019
Trial Date: None Set

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

07/28/2020
Clerk of the Court

BY: JUDITH NUNEZ
Deputy Clerk

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DECLARATION OF ALVIN B. LINDSAY

I, Alvin B. Lindsay, declare:

1. I am an attorney licensed and admitted to practice before all courts of the State of California, the United States District Court for the Central, Southern, Eastern, and Northern Districts of California, and the Ninth Circuit Court of Appeals. I am senior counsel with David Yeremian & Associates, Inc., counsel for Plaintiff DIEGO ORNELAS (“Plaintiff”), on behalf of himself and all other similarly situated employees of Defendants, NATIONAL STORAGE AFFILIATES TRUST (“NSAT”), INTANDEM HUMAN RESOURCES, LLC (“InTandem”), STORAGE MANAGEMENT AND LEASING CO., LLC (“SMLC”), and ISTOREAGE JV, LLC (“iStorage”) (collectively, “Defendants”) (with Plaintiff, “the parties”). I have personal knowledge of the facts herein and if called as a witness, I could and would competently testify.

2. All of the matters set forth herein are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true. I have represented Plaintiff and the putative Class since the inception of this matter. I submit this Declaration in support of the Motion for Preliminary Approval, filed by Plaintiff, on behalf of himself and other similarly situated employees of Defendants, and without opposition from Defendants, of the parties’ Joint Stipulation of Class Action Settlement (“Settlement Agreement”), a copy of which is attached to the concurrently filed Declaration of David Yeremian as **Exhibit A**. Also provided for the Court’s approval is the Notice of Class Action Settlement (“Class Notice”) at **Exhibit 1** to the Settlement.

QUALIFICATIONS AND ADEQUACY OF CLASS COUNSEL

3. I have litigated complex civil actions for eighteen years, focusing on intellectual property litigation and employment wage and hour class actions. I have the requisite knowledge of class and representative proceedings, applicable class action and employment law, and federal and state court procedures, to represent Plaintiff and the putative Class and Subclasses in the action. For the past ten years, I have primarily focused my practice on litigating complex California wage and hour class actions, first with the firm of James Hawkins, APLC, then with Quintilone & Associates, and now with David Yeremian & Associates, Inc. In the course of representing class

1 plaintiffs, I have litigated and settled over 100 class actions in California state and federal courts
2 on behalf of hundreds of thousands of employees.

3 4. I graduated from Whittier Law School, and have been practicing in California for
4 over 18 years. I was Executive Editor of the Whittier Law Review, was a Scribes Award winner,
5 and served as a judicial extern to the Honorable David G. Sills, presiding justice of the California
6 Court of Appeal, 4th District, Division 3. During my second year in law school, I began clerking
7 full time for the well-respected intellectual property boutique firm, Fulwider Patton, in Los
8 Angeles, California. When I graduated, I became an attorney with the firm and served there for
9 five years, and was active in the Inns of Court. My practice focused on intellectual property
10 prosecution and litigation, and I spent the majority of my time representing clients in patent
11 infringement litigation. I also served in a similar capacity for the San Francisco firm, King &
12 Kelleher, for three years, and appeared predominantly in the Central and Northern District of
13 California Courts prosecuting and defending patent infringement actions.

14 5. Prior to attending law school, I graduated from the United States Military Academy
15 at West Point. I then served as an Army Officer for 10 years in the Corps of Engineers, in various
16 stateside and overseas postings. I was a combat engineer company commander, was stationed in
17 Germany when the Berlin Wall fell, and am a veteran of Operation Desert Shield/Desert Storm. I
18 also served in the Reserves and advanced to the rank of Major.

19 6. Since 2010, I have been the senior attorney responsible for the day to day litigation
20 of well over 100 wage and hour class and representative actions on behalf of employee class
21 members and aggrieved employees. I have had numerous contested class action cases certified,
22 and have secured settlements for many millions of dollars for our clients. I am experienced and
23 qualified to evaluate the class and representative claims, to evaluate settlement versus trial on a
24 fully informed basis and to evaluate the viability of the defenses. I enjoy being an attorney, and
25 especially being a complex civil litigator focusing on class and representative action proceedings. I
26 value the fact that what we do is a profession, and I value the professional relationships I have
27 developed with my fellow plaintiffs' counsel and the attorneys from the well-respected corporate
28 defense firms we litigate against on a daily basis.

1 7. David Yeremian & Associates, Inc. is well-qualified and has ample experience,
2 knowledge, and resources to act as counsel and represent Plaintiff and the putative Class and
3 Subclasses and aggrieved employees in this action. Our practice is exclusively focused on
4 employment matters, with the majority of focus being devoted to litigating wage, hour, and
5 working-conditions violations on a class-wide basis. Further background on our firm is addressed
6 in the Yeremian Declaration.

7 8. My participation in wage and hour class and representative action litigations in
8 California has included extensive preparation, development of a thorough knowledge of the legal
9 issues related to certification and liability, and full immersion and participation in the mediation
10 and negotiation process. I am therefore experienced in the type of class and representative action
11 litigation involving violations of California's wage and hour laws which are the subject of this
12 action. To that end, for example, I was asked by the California Employment Lawyers Association
13 to draft an amicus brief, which contributed to the California Supreme Court's decision in *Alvarado*
14 *v Dart Container Corp. of California*, 4 Cal. 5th 542 (2018).

15 9. The following are examples of some of my cases which have resulted in class
16 certification and favorable settlements for the employee class members and aggrieved employees I
17 have represented:

- 18 a. *Batres v. HMS Host USA, Inc. et al.*, CD Cal Case No. SACV 10-01458 CJC (AJWx)
19 (Hon. Cormac J. Carney);
- 20 b. *Barrera v Sodexo, Inc.*, CD Cal Case No. SACV 13-0817 AG (MANx) (Hon. Andrew
21 J. Guilford);
- 22 c. *Mojica v Compass Group, et al.*, CD Cal Case No. 8:13-cv-01754 DSF (AGR) (Hon.
23 Dale S. Fischer);
- 24 d. *Aguilar v 7-Eleven*, Orange County Superior Court, Case No. 30-2009-00268714-CU-
25 OE-CXC (Hon. Kim G. Dunning);
- 26 e. *Pedro M. Guerrero v. E-Recycling of California*, Orange County Superior Court Case
27 No. 30-2012-00552453-CU-OE-CXC (Hon. Gail A. Andler);

- 1 f. *Virginia Rodriguez v Exel Inc.*, San Bernardino County Superior Court, Case No.
2 CIVDS 1104594 (Hon. Bryan F. Foster)
- 3 g. *Palacios v LKQ Lakenor Auto & Truck Salvage, Inc., et al.*, Orange County Superior
4 Court, Case No. 30-2012-00552979-CU-OE-CXC (Hon. Steven L. Perk);
- 5 h. *Ayala et al. v Park Anaheim Health Care, LLC*, Orange County Superior Court, Case
6 No. 30-2013-00649442-CU-OE-CXC (Hon. Gail A. Andler);
- 7 i. *Daniel v Xerxes Corporation*, Orange County Superior Court, Case No. 30-2010-
8 00418048-CU-OE-CXC (Hon. Gail A. Andler);
- 9 j. *Magana v HVM L.L.C. et al.*, Orange County Superior Court Case No. 30-2011-
10 00468712-CU-OE-CXC (Hon. Gail A. Andler);
- 11 k. *Vo v Express Manufacturing, Inc.*, Orange County Case No. 30-2012-00552641-CU-
12 OE-CXC (Hon. Gail A. Andler);
- 13 l. *Yac v Paper Source Converting & Manufacturing*, Los Angeles Superior Court, Case
14 No. BC 472113 (Hon. Michael L. Stern);
- 15 m. *Bui v Sprint Corporation*, ED Cal Case No. 2:14-CV-02461-TLN-AC (Hon. Troy L.
16 Nunley);
- 17 n. *Munoz v Stine CC Inc (Chevron)*, (Hon. Lorna H. Brumfield), Kern County Superior
18 Court, S-1500-CV-283104-LHB;
- 19 o. *Alcaraz v County of San Bernardino*, San Bernardino County Superior Court, Case
20 No. CIVDS 1013508 (Hon. John M. Pacheco);
- 21 p. *Andrews v Stoneledge Furniture, LLC*, San Bernardino County Superior Court, Case
22 No. CIVDS 1706865 (Hon. David Cohn);
- 23 q. *Burson v Best Western All Suite, LLC*, Santa Cruz County Superior Court, Case No.
24 CV179684 (Hon. Paul M. Marigonda);
- 25 r. *Fernandez v Comforcare Senior Services, et al.*, San Diego County Superior Court,
26 Case No. 37-2015-00032396-CU-OE-CTL (Hon. Gregory W. Pollack);
- 27 s. *Quiroz, Haslett v SWH Corporation, dba Mimi's Café*, Orange County Superior
28 Court, Case No. 30-2011-00493645-CU-OE-CXC (Hon. William Claster);

- 1 t. *Wells Fargo Bank Wage and Hour Cases*, Los Angeles County Superior Court, Case
2 No. JCCP No. 4702 (Hon. Kenneth R. Freeman);
- 3 u. *Loeza v JP Morgan Chase Bank NA*, SD Cal. Case No. 13-cv-00095-L-BGS (Hon. M.
4 James Lorenz);
- 5 v. *Cunningham v Leslie's Poolmart, Inc.*, CD Cal. Case NO. 13-cv-02122-CAS-CWx
6 (Hon. Christina A. Synder);
- 7 w. *Perez et al v. Irvine Capital Restaurant dba Capital Seafood Restaurant*, Orange
8 County Superior Court, Case No. 30-2016-00834023-CU-OE-CXC (Hon. Thierry
9 Patrick Colaw);
- 10 x. *Robarge et al. v DCOR, LLC*, Los Angeles County Superior Court, Case No.
11 BC630278 (Hon. Kenneth R. Freeman);
- 12 y. *Rubio v Sprint Corporation*, CD Cal. Case No. 2:17-cv-02231-SVW-GJS, (Hon.
13 Stephen V. Wilson);
- 14 z. *Tapia v Sterling Jewelers Inc.*, ND Cal. Case No. 5:14-cv-00624-EJD (Hon. Edward J.
15 Davila);
- 16 aa. *Thompson v The Standard Hotel*, Los Angeles County Superior Court, Case No.
17 BC597152 (Hon. Kenneth R. Freeman);
- 18 bb. *Ward v. JetSuite, Inc. et al.*, CD Cal. Case No. 8:16-cv-00584-AG-AS (Hon. Andrew
19 J. Guilford).
- 20 cc. *Rowser v. Trunk Club, Inc.*, CD Cal. Case No. 2:17-cv-05064-DSF-RAO (Hon. Dale
21 S. Fischer).
- 22 dd. *Rodriguez v PD Products, Inc.*, Los Angeles County Superior Court, Case No.
23 BC696710 (Hon. Mauren E. Nelson).
- 24 ee. *Basiliali v Allegiant Air, LLC*, CD Cal. Case No. 2:18-cv-3888 RGK (MRWx) (Hon.
25 R. Gary Klausner).
- 26 ff. *Hernandez v Fedex Ground Package System, Inc.*, ND Cal. Case No. 3:17-cv-02074-
27 VC (Hon. Vince G. Chhabria).
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1 gg. *Savinovich v Starbucks Corporation, Evolution Fresh, Inc. et al.*, Santa Cruz County
2 Superior Court, Case No. 17CV02050 (Hon. Paul Burdick).

3 hh. *Verdugo v Denali Water Solutions, LLC*, CD Cal Case No. 5:18-cv-00170-ODW
4 (SHK) (Hon. Otis D. Wright II).

5 ii. *Zepeda v MasTec Network Solutions, LLC, et al.*, CD Cal. Case No. 5:18-cv-00749-
6 VAP-SHK (Hon. Virginia A. Phillips).

7 jj. *Sanchez v Pacific Southwest Container, Inc.*, Stanislaus County Superior Court, Case
8 No. 2028679 (Hon. Marie Sovey Silveira).

9 kk. *Sanchez v AM Retail Group*, ND Cal. Case No. 3:18-cv-00287-JCS (Hon. Joseph C.
10 Spero).

11 10. The above matters are not exhaustive, but provide samples of the types of class and
12 representative action litigations I have successfully resolved. David Yeremian & Associates, Inc.
13 is presently prosecuting approximately 100 class and representative action litigations in state and
14 federal courts across California, including multiple other cases in San Francisco County. We also
15 have several actions that are in the stages of preliminary and final approval.

16 11. My experience in litigating employment wage and hour matters has been integral in
17 identifying legal issues, evaluating the strengths and weaknesses of a case, and generally
18 negotiating fair and reasonable class and representative action settlements. Practice in the narrow
19 field of wage and hour litigation requires skill and knowledge concerning the constantly evolving
20 substantive law (state and federal), as well as the procedural law of class and representative action
21 litigation. In this action, I am fully equipped to use the skills and knowledge I have developed
22 through a decade of prosecuting and defending wage and hour class actions to fairly and
23 adequately represent the interests of the Class and aggrieved employees. Therefore, based on my
24 resources, experience, and knowledge, I am well-qualified to act as class counsel and represent the
25 Plaintiff and the putative class members and aggrieved employees in this action.

26 12. As a result of my prior experience as class counsel in other wage and hour class
27 and representative actions, I am fully aware of the responsibilities I would owe as counsel to the
28 Settlement Class Members and aggrieved employees I represent. I have thoroughly investigated

1 the claims asserted in this action, and I and our firm have remained committed to dedicating the
2 resources necessary to represent the Settlement Class and vigorously pursue their claims. Based
3 upon my experience and understanding of the claims and defenses in this action, I believe the
4 settlement is fair, adequate and reasonable for the Class members and aggrieved employees and all
5 involved, and that the Settlement is well within the range of reasonableness that would permit it to
6 be finally approved. I am not aware of any conflict of interest between myself and Plaintiff or any
7 other Class member that would interfere with my duties as Class Counsel or impede my
8 representation.

9
10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct.

12 Executed this 27th day of July, 2020, at Glendale, California.

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15 Alvin B. Lindsay
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