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1 PHILLIP A. JARET, ESQ. [SBN 092212]
2 ROBERT S. JARET, ESQ. [SBN 124876]
3 JARET & JARET
4 1016 Lincoln Avenue
5 San Rafael, CA 94901
6 Tel.: (415) 455-1010
7 Fax: (415) 455-1050

FILED

FEB 26 2016

**JAMES M. KIM, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: S. Hernandez, Deputy**

8 ARTHUR R. SIEGEL, ESQ. [SBN 72651]
9 LAW OFFICES OF ARTHUR R. SIEGEL
10 351 California Street, Suite 700
11 San Francisco, CA 94104
12 Tel.: (415) 395-9335
13 Fax: (415) 395-9615

Attorneys for Plaintiffs

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF MARIN

14 MARY KNAPP-SAMET, JANE ANN
15 MIDDLETON, KATHRYN BALLINGER,
16 NORA BURNS, BARBARA RUSSELL,
17 WINNIE HUANG and HEATHER
18 GOSLINER, individually and on behalf of
19 others similarly situated,

Plaintiffs,

v.

20 MARIN GENERAL HOSPITAL
21 CORPORATION, a California corporation,
22 SUTTER HEALTH CORPORATION, a
23 California corporation and DOES 1
24 through 50,

Defendants

Case No. 1400998

CLASS ACTION

**DECLARATION OF ROBERT S. JARET IN
SUPPORT OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing Date: March 23, 2016

Time: 1:30 p.m.

Place: Dept B

Complaint filed: March 14, 2014

Trial Date: Vacated

1 I, Robert S. Jaret, declare as follows:

2 1. Phillip A. Jaret is a 1975 graduate of Beloit College and a 1978 graduate of
3 Northern Illinois University College of Law. Phillip was licensed in Illinois in 1978 and licensed
4 in California in 1980. Phillip has practiced continuously in Oakland and San Francisco until
5 2001, and in San Rafael since then.

6 2. Robert S. Jaret received a B.A. from the University of Illinois (Champaign-
7 Urbana) in 1983. Robert received his J.D. from Marquette University Law School in 1986.
8 Robert is admitted to practice law in both the States of Wisconsin and California in 1986. Robert
9 has been practicing employment law for more than 25 years.

10 3. Jaret & Jaret specializes in employment litigation, including wrongful termination,
11 discrimination, and wage and hour claims. Jaret & Jaret also has experience litigating
12 employment cases against numerous public entities, including the California State University
13 system. This has included prosecuting two cases through jury trial against California State
14 University - San Francisco State University, one case against CSU – Monterey Bay, as well as
15 negotiating settlements for dozens more discrimination claimants against the California State
16 University system.

17 4. Jaret & Jaret represented the plaintiff in the case of McNier v. Trustees of the
18 California State University (San Francisco State University), San Francisco County Superior
19 Court No. 986713, which resulted in a plaintiff verdict of \$2.75 million for race discrimination
20 and retaliation in March 1999. This was the highest reported single plaintiff verdict for
21 discrimination against a public entity at that time. Jaret & Jaret also tried the Miller v. Trustees of
22 the California State University (San Francisco State University), San Francisco County Superior
23 Court No. 964438 in 1997. Plaintiff Miller obtained a verdict for unlawful discrimination and
24 retaliation and was awarded \$112,000, not including statutory fees.

25 5. Jaret & Jaret also represented plaintiff Dr. James H. May in the case of May v.
26 Trustees of the California State University (Monterey Bay), Monterey County Superior Court
27 No. M 51703 in 2002. Dr. May obtained a verdict for racial discrimination, harassment and
28 retaliation by the President of the University, Peter Smith. After a five week jury trial, Dr. May

1 was awarded \$375,000 on February 28, 2002. This case was appealed and ultimately settled for
2 \$625,000 in 2007.

3 6. Plaintiff's counsel has also represented class representative plaintiffs in consumer
4 class action cases, including: Whyte v. Old Republic Title Company, et al. (San Francisco
5 County Superior Court No. 300 686); Head v. Transamerica Corporation, et al. (San Mateo
6 County Superior Court No. 406465); Fields v. Great Spring Waters of America, et al. (San
7 Francisco County Superior Court No. 302774); and Foothill/De Anza Community College
8 District v. Northwest Pipe Company, et al. (U.S.D.C, Northern District, Action No. C-00 20749
9 EAI).

10 7. Plaintiff's counsel recently represented class representative plaintiffs in a wage
11 and hour class-action in Dickens v. Royal Ambulance, Inc. (Alameda County Superior Court No.
12 RG12639791) along with co-counsel Arthur Siegel, Esq., and 2 other law firms. (The settlement
13 was approved on July 31, 2015.)

14 8. In the instant case the parties conducted in-depth discovery and participated in two
15 full day mediations with Mediator Michael Loeb, Esq. On February 2, 2015 a mediation resulted
16 in the resolution of the claims against Sutter Health. Another mediation was conducted on August
17 20, 2015. The parties also engaged in additional informal sessions with the Mediator, and
18 numerous communications directly between counsel before a settlement was reached.

19 9. Written discovery was conducted including form and special interrogatories, and
20 requests for production of documents, and request for admissions. Because there are 7 named
21 plaintiffs in the class-action (and 2 additional plaintiffs in a related case who pursued the same
22 wage and hour claims) there were extensive discovery responses that had to be prepared on behalf
23 of each of the named plaintiffs. Through meet and confer sessions with counsel the parties were
24 able to avoid any significant discovery disputes.

25 10. Numerous depositions were also taken. Defendants took the depositions of each of
26 the plaintiffs and with respect to some of the plaintiffs the depositions occurred on 2 separate
27 days. Plaintiffs took the depositions of multiple managers involved in the decision to reclassify
28 the "exempt" nurse case manager to "non-exempt". This included Sheila Lywza, William Keast,

1 approval, as well as the class notice and supporting declaration. There will no doubt be additional
2 issues that arise during the approval and payment process.

3 14. The law office of Jaret & Jaret is an A-V rated firm by Martindale-Hubbell. Our
4 firm charges \$425 per hour for employment litigation matters.

5 15. At the inception of the case at hand our firm spent a considerable amount of time
6 interviewing more than one dozen witnesses, including the named plaintiffs, as part of the due
7 diligence process before pursuing the wage and hour claims that are the subject of the action.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct, and if called upon, I could competently testify thereto.

10 Executed this 25th day of February 2016 at San Rafael, California.

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15 ROBERT S. JARET
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