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13 Attorneys for Representative Plaintiffs

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 15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION
 18

19 JUSTIN LARKIN, ANTHONY
 20 TIJERINO, and AHMAD DEANES, on
 behalf of themselves and all others
 21 similarly situated,

22 Plaintiffs,

23 v.

24 YELP!, INC.,

25 Defendant.
 26

) Case No. 3:11-cv-01503-EMC

) **DECLARATION OF ROSA VIGIL-**
GALLENBERG IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS AND COLLECTIVE ACTION
SETTLEMENT

) Date: June 1, 2012
 Time: 1:30 p.m.
 Courtroom: 5 -17th Floor
 Judge: Hon. Edward M. Chen

1 I, Rosa Vigil-Gallenberg, hereby declare as follows:

2 1. I am a member in good standing of the State Bar of California, founder of
3 Gallenberg PC, and co-counsel for Plaintiffs. I make this declaration of personal knowledge and
4 if called as a witness I could and would testify competently to the facts stated herein.

5 2. This Declaration is submitted in support of Plaintiffs' Motion for Preliminary
6 Approval of Class and Collective Action Settlement.

7 Background and Experience

8 3. I obtained a Juris Doctorate and a Civil Litigation Certificate from U.C. Hastings
9 College of the Law in 2007. Following graduation from law school, I was an associate at
10 Koletsky, Mancini, Feldman & Morrow working in their complex litigation department in
11 Oakland California. Thereafter, I was an associate at a class action law firm (Scott Cole &
12 Associates) in Oakland California, exclusively representing employees in class action wage and
13 hour cases. Since starting my own law practice in April 2009, I have represented employees in
14 individual, representative class action lawsuits, including wage and hour class actions.

15 4. I have worked in several class actions on behalf of Plaintiffs including but not
16 limited to the following: *Tierno v. Rite-Aid, Inc.* (overtime class action; N.D.Cal. 3:2005CV-
17 02520), *Fulton v. 24 Hour Fitness* (overtime class action; San Diego County Superior Court,
18 Case No.GIC873193), *Flores v. Bally Total Fitness Corporation* (overtime class action; Alameda
19 County Superior Court Case No. RG-08414512), *Runnings v. Dollar Tree Stores, Inc.* (overtime
20 class action; N.D. Cal. 3:2005CV-04012), *Salguero v. EMPNC, Inc.* (overtime class action;
21 Alameda County Superior Court Case No. RG10542), *Kendrick v. Concorde Career Colleges,*
22 *Inc.* (consumer class action; Los Angeles County Superior Court Case No. BC457097), *Trelles v.*
23 *Stephens Institute* (overtime class action; San Francisco County Superior Court Case No.
24 CGC11509952), *Wilhelm v. International Career Development Center, Inc.*, (consumer class
25 action, Los Angeles County Superior Court Case No. BC481389), *Larkin v. Yelp!, Inc.* (overtime
26 class action; N.D. Cal. 3:11-CV-01503).

27 5. I am currently a member of the State Bar of California Labor and Employment and
28 Litigation Sections, and am a member of the Bar Association of Los Angeles Labor and

1 Employment Section.

2 This Litigation

3 6. I have been the attorney at my firm primarily responsible for the litigation of this
4 action since its inception. Our firm and our co-counsel, Rukin Hyland Doria & Tindall LLP and
5 spent months investigating this case before filing the action. That pre-filing investigation
6 included discussions with numerous Account Executives and a review of the representative
7 Plaintiffs' documents and records. After filing the case, we began discussions with Yelp's
8 counsel regarding the issues in the case, including the possible mediation of the action. We
9 requested and received a production of relevant documents and data, including documents
10 reflecting Yelp's compensation policies regarding Account Executives, employment agreements,
11 and workweek data. Additionally, Yelp provided an analysis of a representative sampling of data
12 regarding time worked gathered through a database used by Account Executives.

13 7. On May 11, 2011, the parties executed an agreement to toll the FLSA statute of
14 limitations effective May 11, 2011 for all absence collective action members, pending mediation
15 of the case.

16 8. On September 15, 2011, the parties engaged in a full day mediation session with
17 Mark Rudy of Rudy, Exelrod, Zieff & Lowe. Although the parties did not reach a settlement at
18 the mediation, negotiations continued for several months.

19 9. Having explored and analyzed the evidence in the case and the parties' respective
20 arguments regarding liability, I believe that this Settlement is fair, adequate, and reasonable given
21 the risks of continued litigation and the benefits that the Settlement provides Class Members.

22 10. I believe this Settlement affords relief to Class Members who likely would never
23 have filed individual claims for unpaid overtime wages. Based on my conversation with multiple
24 Class Members, many were unwilling to assist with the case or file an opt-in form to join the
25 action out of fear. I believe they were also unlikely to pursue litigation, or find representation in
26 individual lawsuits, because of the releases they signed and Yelp's distribution of the ADR class
27 action waiver policy.
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