

THE HONORABLE MARSHALL L. FERGUSON  
Department 31  
February 21, 2025, at 10:00 a.m.  
With Oral Argument

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
COUNTY OF KING

JOSHUA KING, individually and on behalf of all  
others similarly situated,

Plaintiff,

v.

BEACON SALES ACQUISITION, INC., a Delaware  
corporation

Defendant.

NO. 22-2-14226-0 SEA

**DECLARATION OF TOBY J. MARSHALL IN  
SUPPORT OF PLAINTIFF'S UNOPPOSED  
MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT AND  
ATTORNEYS' FEES AND COSTS**

I, Toby J. Marshall, declare as follows:

**A. Background and experience**

1. I am a member of the law firm of Terrell Marshall Law Group PLLC (Terrell Marshall), counsel of record for Plaintiff and the proposed Class in this matter. I am admitted to practice before this Court and am a member in good standing of the bar of the state of Washington. I respectfully submit this declaration in support of Plaintiff's Unopposed Motion for Final Approval of Class Action Settlement and Attorneys' Fees and Costs. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration and could testify competently to them if called upon to do so.

1           2.       Terrell Marshall is a law firm in Seattle, Washington, that focuses on complex  
2 civil and commercial litigation with an emphasis on consumer protection, product defect, civil  
3 rights, and wage and hour cases. Terrell Marshall has been appointed lead or co-lead counsel  
4 representing multi-state and nationwide classes in state and federal court in Washington and  
5 throughout the United States. Since its founding in 2008, the attorneys at Terrell Marshall have  
6 represented scores of classes, tried class actions in state and federal court, and obtained  
7 hundreds of millions of dollars in monetary relief to workers, consumers, and other individuals.

8           3.       I am a founding member of Terrell Marshall and represent clients in a wide  
9 variety of class actions and other complex litigation, including wage and hour, product defect,  
10 civil rights, and consumer protection cases. I have served as co-lead counsel in numerous class  
11 and collective actions and have tried and won individual and class cases in state and federal  
12 court. I have also argued several times before the Washington Supreme Court, the Washington  
13 Court of Appeals, and the Ninth Circuit Court of Appeals. In 2002, I received my J.D. from the  
14 University of Washington School of Law, where I served on the Moot Court Honor Board and  
15 was selected to the Order of Barristers. Before forming Terrell Marshall, I was a member of  
16 Tousley Brain Stephens PLLC. I regularly speak at seminars on employment and class action  
17 issues. I am a member of the Washington Employment Lawyers Association and serve on  
18 WELA's amicus and legislative committees. I also serve on the ACLU of Washington's legal  
19 committee. I have been named several times to the Washington Super Lawyers list.

20 **B.       Qualifications of other Terrell Marshall attorneys.**

21           4.       Amanda M. Steiner became a member of Terrell Marshall in 2015. She practices  
22 complex litigation, including the prosecution of consumer, defective product, wage and hour,  
23 and civil rights class actions. Ms. Steiner received her J.D. from the UC Berkeley School of Law in  
24 1997. Admitted in Washington, California, New York, and Hawaii, she has authored briefs that  
25 have resulted in numerous favorable decisions for plaintiffs in high-profile and complex  
26 securities, antitrust, consumer, and civil rights class actions in federal and state courts  
27 throughout the United States. Ms. Steiner was selected for inclusion in the annual Northern

1 California “Super Lawyers” list and was named to the Top 50 Women Lawyers of Northern  
2 California. She is a Fellow of the American Bar Foundation.

3 5. Eric R. Nusser joined Terrell Marshall in 2016 and became a member in 2022. Mr.  
4 Nusser concentrates his practice on complex litigation, including workers’ rights, civil rights, and  
5 consumer protection class actions, and has recovered millions of dollars in unpaid wages and  
6 other monetary and non-monetary relief on behalf of plaintiffs and class members. In 2016, Mr.  
7 Nusser received his J.D., cum laude, from Seattle University School of Law, where he served as  
8 the president of the Labor and Employment Law Association and was a three-time recipient of  
9 the Presidential Law Scholarship. While a student at Seattle University, Mr. Nusser served as a  
10 law clerk for Terrell Marshall, an extern for the Honorable Lisa R. Worswick at the Washington  
11 Court of Appeals, Div. II, and as a summer associate for the Unemployment Law Project.

12 6. Ben Drachler is a senior associate who joined Terrell Marshall in 2017. Mr.  
13 Drachler concentrates his practice on complex civil litigation, including the prosecution of  
14 consumer, defective product, and wage and hour class actions. Mr. Drachler also litigates  
15 complex disputes involving vulnerable adults and trusts and estates. Mr. Drachler received his  
16 J.D. from Seattle University, graduating magna cum laude in 2015. Before joining Terrell  
17 Marshall, Mr. Drachler served as law clerk to the Honorable Robert H. Whaley in the United  
18 States District Court for the Eastern District of Washington and to the Honorable Thomas S. Zilly  
19 in the Western District of Washington.

20 7. Jasmin Rezaie joined Terrell Marshall as an associate in 2022 and concentrates  
21 her practice in complex civil litigation. Ms. Rezaie graduated from Seattle University School of  
22 Law in 2022. During law school, she interned with the Washington State Labor Council,  
23 Columbia Legal Services, the ACLU of Washington, and Chief Justice González’s chambers in the  
24 Washington Supreme Court. Before law school, Ms. Rezaie worked as an immigration paralegal.

25 **C. Other cases litigated by Terrell Marshall.**

26 8. Examples of employment cases that Terrell Marshall is litigating or has litigated  
27 to successful completion include:

- 1 a. *Kingston v. IBM*—Filed in 2019 on behalf of Scott Kingston, a  
2 manager who was fired in retaliation for challenging IBM’s  
3 refusal to pay all commissions to an African-American sales  
4 representative Kingston supervised. After a two-week trial in  
5 the Western District of Washington, the jury awarded over \$11  
6 million in damages, and the court awarded more than \$1.3  
7 million in tax offsets and prejudgment interest and more than  
8 \$1.5 million in attorneys’ fees and costs.
- 9 b. *Hashi, et al. v. Airport Management Services LLC, et al.*—Filed in  
10 2018 on behalf of Muslim employees seeking accommodations  
11 for their religious beliefs, including the ability to perform daily  
12 prayers, time to break their fasts during Ramadan, and the  
13 ability to avoid handling or selling pork products. The King  
14 County Superior Court granted final approval of a settlement  
15 that provided injunctive relief and \$300,000 on September 6,  
16 2019.
- 17 c. *Hanford Challenge et al. v. U.S. Dep’t of Energy, et al.*—Filed in  
18 2015 on behalf of workers at the Hanford nuclear site  
19 endangered or injured by toxic vapors escaping underground  
20 tanks storing millions of gallons of nuclear waste. The Eastern  
21 District of Washington approved an administrative stay of the  
22 case in October 2018 based on a public settlement requiring the  
23 government and its contractors to take numerous steps to  
24 improve worker safety at the site, including provision of  
25 appropriate personal protective equipment.

26 9. Examples of wage and hour class and collective actions that Terrell Marshall is  
27 litigating or has litigated to successful completion include:

- a. *Barnett, et al. v. Wal-Mart Stores, Inc.*—Filed in 2001 on behalf  
of Washington employees who alleged wage and hour  
violations by the country’s largest private employer. Terrell  
Marshall obtained certification on behalf of the class of 90,000  
current and former employees and was preparing for trial when  
the case settled. The King County Superior Court granted final  
approval of the \$35 million settlement on July 20, 2009.
- b. *Burnett v. Pagliacci Pizza, Inc.*—Filed in 2017 on behalf of pizza  
delivery drivers who alleged violations of state wage and hour  
laws. The Washington Supreme Court ruled that the drivers’  
claims were not subject to mandatory arbitration. *Burnett v.*  
*Pagliacci Pizza, Inc.*, 196 Wash.2d 38, 470 P.3d 486 (2020). The

1 King County Superior Court granted final approval of a \$3.785  
2 million settlement on July 16, 2021.

- 3 c. *Spencer v. FedEx Ground Package Sys., Inc.*—Filed in 2014 on  
4 behalf of delivery drivers who alleged violations of state wage  
5 and hour laws. The Superior Court of King County granted final  
6 approval of the \$10.5 million settlement on December 2, 2016.
- 7 d. *Mendis v. Schneider Nat'l Carriers, Inc.*—Filed in 2014 on behalf  
8 of more than 1,200 truck drivers who alleged wage and hour  
9 violations, including failure to pay for rest breaks and overtime,  
10 and unlawful deductions from wages. The Western District of  
11 Washington granted final approval of the \$5.75 million  
12 settlement on November 13, 2018.
- 13 e. *Lowry v. Ralph's Concrete Pumping, Inc.*—Filed in 2012 on  
14 behalf of 200 employees who alleged violations of Washington  
15 rest and meal break, minimum wage, and prevailing wage laws.  
16 The King County Superior Court granted final approval of the  
17 \$2.55 million settlement on December 10, 2018.
- 18 f. *Rhode v. T-Mobile USA, Inc.*—Filed in 2015 on behalf of retail  
19 sales associates who alleged T-Mobile failed to properly and  
20 timely pay them all their earned commissions in violation of  
21 Washington law. The King County Superior Court granted final  
22 approval of the \$1.27 million settlement on May 24, 2019.
- 23 g. *Helde v. Knight Transp., Inc.*—Filed in 2012 on behalf of truck  
24 drivers who alleged violations of wage and hour laws in  
25 Washington, including failure to pay for rest breaks and  
26 unlawful deductions from wages. The Western District of  
27 Washington granted final approval of the \$1.45 million  
settlement and separately awarded \$1.2 million in attorneys'  
fees and costs in October 2017.
- h. *Tolliver, et al. v. Avvo, Inc.*—Filed in 2016 on behalf of sales  
employees who alleged they were misclassified as overtime  
exempt. The King County Superior Court granted final approval  
of the \$1.75 million settlement on September 15, 2017.

- 1 i. *Garrett v. The CJS Solutions Grp., LLC*—Filed in 2017 on behalf of  
2 employees who alleged they had been misclassified as  
3 independent contractors and who were therefore not paid  
4 overtime compensation in violation of state and federal law.  
The Southern District of New York granted final approval of the  
\$3.24 million settlement on June 26, 2018.
- 5 j. *Kariuki v. Pacific Bells, LLC*—Filed in 2017 on behalf of  
6 employees of several Taco Bell franchises who alleged they  
7 were not provided with proper rest and meal breaks, among  
8 other violations. The King County Superior Court granted final  
9 approval of the \$750,000 settlement on July 11, 2019.
- 10 k. *Carranza v. Dovex Fruit Co.*—Filed in 2016 on behalf of migrant  
11 and seasonal farm workers who alleged their employer failed to  
12 pay for all hours worked. Terrell Marshall successfully litigated  
13 the claims, which resulted in an opinion by the Washington  
14 Supreme Court in *Carranza v. Dovex Fruit Company*, 190 Wn.2d  
15 612 (2018). Following the Washington Supreme Court decision,  
16 the Eastern District of Washington granted final approval of the  
17 \$1.22 million settlement on August 22, 2019.
- 18 l. *Martinez v. Auvil Fruit Co.*—Filed in 2016 on behalf of more  
19 than 4,000 migrant and seasonal farm workers who alleged  
20 their employer failed to pay for all hours worked, including rest  
21 breaks, in violation of Washington law. The Eastern District of  
22 Washington granted final approval of the \$2.5 million  
23 settlement on October 10, 2018.
- 24 m. *Paz v. Sakuma Brothers Farms, Inc.*—Filed in 2013 on behalf of  
25 almost 1,000 migrant and seasonal berry pickers who alleged  
26 violations of state wage and hour law and the federal  
27 Agricultural Worker Protection Act. The Western District of  
Washington approved two settlements totaling more than  
\$935,000 with a separate payment of attorneys’ fees and costs  
of more than \$239,000. The primary claims in the case settled  
for \$850,000 plus an agreement on injunctive relief, which the  
court approved in November 2014. Terrell Marshall successfully  
litigated additional claims not covered by the 2014 settlement,  
which resulted in a unanimous opinion by the Washington  
Supreme Court in *Lopez Demetrio v. Sakuma Brothers Farms,  
Inc.*, 183 Wn.2d 649 (2015). Following the Washington Supreme  
Court decision, the court approved a final settlement of all

1 claims and ordered payment of plaintiffs' attorneys' fees and  
2 costs on July 8, 2016.

- 3 n. *Witschel v. IMCO General Construction, Inc.*—Filed in 2013 on  
4 behalf of construction employees who alleged wage and hour  
5 violations. The Superior Court of Skagit County granted final  
6 approval of the \$1.1 million settlement on June 16, 2016.
- 7 o. *McCracken v. Pacific Cargo Services, LLC, et al.*—Filed 2011 on  
8 behalf of truck drivers in Washington and Oregon who alleged  
9 wage and hour violations. The Superior Court of King County  
10 granted final approval of the \$475,000 settlement on August  
11 25, 2017.
- 12 p. *Hill v. Xerox Business Services, LLC, et al.*—Filed in 2012 on  
13 behalf of current or former call center workers who allege  
14 violations of state wage and hour laws. The employees  
15 prevailed on an appeal that went to the Ninth Circuit and  
16 Washington Supreme Court. The Western District of  
17 Washington has certified the case as a class action.
- 18 q. *Ramirez, et al. v. Precision Drywall, Inc.*—Filed in 2008 on behalf  
19 of drywall workers who alleged wage and hour violations  
20 including rest and meal break and overtime violations. Terrell  
21 Marshall represented the class through a five-week jury trial  
22 and obtained a judgment for the workers in excess of \$4  
23 million.
- 24 r. *Hudson v. Oatridge Security Grp., Inc., et al.*—Filed in 2018 on  
25 behalf of private security officers who alleged wage and hour  
26 violations including rest and meal break and overtime  
27 violations. The King County Superior Court granted final  
approval of the \$1.75 million settlement on April 9, 2021.
- s. *Tschosik, et al. v. Diamond Freight Systems, Inc., et al.*—Filed in  
2016 on behalf of Washington employees who alleged wage  
and hour violations including rest and meal break, overtime,  
and off-the-clock violations. The Spokane County Superior Court  
granted final approval of the \$385,000 settlement on August  
30, 2019.
- t. *Ortiz, et al. v. Amazon.com, Inc., et al.*—Filed in 2017 on behalf  
of nearly 3,000 Amazon delivery drivers who alleged violations  
of state wage and hour law including rest and meal break,

1 overtime, and off-the-clock violations. The King County Superior  
2 Court granted final approval of the \$8.2 million settlement on  
3 May 7, 2021.

4 10. Additional information about class actions litigated by Terrell Marshall is  
5 available on our website [www.terrellmarshall.com](http://www.terrellmarshall.com).

6 **D. The prosecution and settlement of this action.**

7 11. On November 17, 2024, Mr. Nusser emailed a substantively complete draft of  
8 Plaintiff's motion to Breanne Martell, counsel for Defendant Beacon Sales Acquisition, Inc.  
9 ("Beacon"). On Wednesday, November 20, Ms. Martell replied via email indicating that Beacon  
10 does not oppose the motion for purposes of facilitating the settlement reached in this matter.

11 12. Beacon responded to Plaintiff's discovery requests and produced documents,  
12 including employee handbooks, policy documents, employee paystubs, timekeeping records,  
13 drivers' logs, and other personnel files. On September 14, 2023, the parties agreed to formally  
14 mediate Plaintiff's classwide claims.

15 13. The parties exchanged thousands of records and documents through informal  
16 discovery, including proposed class member timekeeping and payroll data, which my colleagues  
17 and I analyzed to determine potential damages. By the time we began settlement negotiations,  
18 we understood the strengths and weaknesses of the parties' claims and defenses and the  
19 potential range of classwide damages. Beacon has continued to deny any wrongdoing and  
20 liability and that any damages are owed.

21 14. The parties participated in a full-day mediation on March 25, 2024, with  
22 experienced mediator Steve Festor and agreed to settle the matter on a classwide basis. Over  
23 the next several weeks, the parties engaged in arm's-length negotiations on the terms to be  
24 included in the full-length Settlement Agreement executed on May 9.

25 15. Following preliminary approval, Beacon produced an updated class list and  
26 additional data showing the Settlement Class to comprise 311 members.

27 16. If the Court approves the proposed allocations, the 311 drivers and loaders will  
share in a net fund of at least \$733,250. The average estimated award will be more than



1 \$2,357, and Participating Settlement Class Members who worked longer periods will receive  
2 significantly higher awards. At least twenty Participating Settlement Class Members will each  
3 receive awards of more than \$8,000, and the highest award will be more than \$10,300.

4 17. My colleagues and I investigated the rest and meal break, unpaid time, and  
5 overtime claims and gathered relevant facts before filing this lawsuit. After filing, we engaged in  
6 extensive formal and informal discovery regarding class certification, liability, and damages. Our  
7 work resulted in the production of thousands of documents, including critical timekeeping and  
8 payroll data. We have spent more than two years reviewing and analyzing the documents, data,  
9 and legal claims; litigating the action; calculating potential damages; evaluating evidence for  
10 class certification and mediation; and working through data and other discovery issues  
11 throughout settlement negotiations and administration.

12 18. As Class Counsel, my colleagues and I negotiated the settlement with the benefit  
13 of many years of prior experience and a solid understanding of the facts and law of this case.  
14 We believe the settlement is fair, reasonable, adequate, and in the best interest of the  
15 Settlement Class as a whole.

16 19. Based on the knowledge and experience of Terrell Marshall attorneys who have  
17 litigated wage and hour class actions and our evaluation of the strengths and weaknesses of  
18 this case, we believe the settlement is a strong result under the circumstances.

19 20. Class Counsel will file a supplemental brief in support of Plaintiff's motion to  
20 update the Court on the final number of opt-outs and objections, and the parties will respond  
21 to any objections, by December 17, ten days after the deadline to opt out or object.

22 21. There has been no collusion or bad faith throughout the settlement process. The  
23 settlement is the result of extensive, arm's-length negotiations between experienced attorneys  
24 who are familiar with wage and hour class action litigation and the legal and factual issues of  
25 this case. At all times, the negotiations leading to the settlement were adversarial, non-  
26 collusive, and at arm's length.

22. CPT will post Plaintiff's motion and all supporting documents to the settlement website within one business day after filing with the Court so that Settlement Class Members can review Settlement Class Counsel's full fee request well ahead of the deadline to opt out or object.

23. Terrell Marshall has advanced significant costs for and invested numerous hours into the investigation, prosecution, and settlement of this case. To date, Terrell Marshall has incurred attorneys' fees of \$127,822 and litigation costs of \$1,756.56. We will continue to commit the time and resources necessary to obtain final approval and administer the settlement in this case and fairly and adequately represent and protect the interests of the Class.

24. To date, Terrell Marshall and Justice Law Corporation combined have incurred attorneys' fees of \$292,752 and costs of \$4,444.03.

25. The following table identifies the attorneys and staff members from Terrell Marshall who worked on this case and for whom the recovery of fees is sought. For each of the timekeepers below I have stated the current hourly rate, the number of hours worked through November 21, 2024, and the total amount of fees. These time summaries are taken from contemporaneous, daily time reports prepared and maintained by Terrell Marshall in the regular course of business. Copies of these detailed daily time reports can be provided to the Court upon request.

NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
<b>ATTORNEYS</b>				
Toby J. Marshall Founding Member J.D. from Univ. of Washington School of Law, 2002	Investigated and analyzed factual background; researched and analyzed legal issues and claims; worked on draft complaint, discovery requests, and discovery deficiency letter; engaged in	\$575	30.70	\$17,652.50

NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
	discussions with opposing counsel regarding FMCSA preemption and dismissal of meal break claim; email correspondence and telephone, video, and in-person conferences with client, co-counsel, and opposing counsel; worked on discovery issues; reviewed document production; worked on case strategy issues; worked on damages analysis; worked on mediation brief; participated in mediation; worked on settlement issues, settlement agreement, and notice; worked on settlement administration issues; worked on motions for preliminary and final approval.			
Amanda Steiner Member J.D. from UC Berkeley School of Law, 1997	Worked on motion for preliminary approval, related research, and proposed order.	\$575	12.10	\$6,957.50
Eric R. Nusser Member J.D. from Seattle Univ. School of Law, 2016	Investigated and analyzed potential claims and underlying facts; researched and analyzed legal issues and claims; worked on witness disclosures, discovery requests, and stipulated motions; conducted legal research; email correspondence and telephone and video conferences with client, co-counsel, and opposing counsel; worked on discovery issues; reviewed document production; drafted discovery demand letter and email correspondence; participated in meet and confer calls with opposing counsel; worked on case management and strategy	\$375	213.70	\$80,137.50

DECLARATION OF TOBY J. MARSHALL IN SUPPORT OF PLAINTIFF'S  
UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT AND ATTORNEYS' FEES AND COSTS - 11  
CASE NO. 22-2-14226-0 SEA

**TERRELL MARSHALL LAW GROUP PLLC**  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
TEL. 206.816.6603 • FAX 206.319.5450  
www.terrellmarshall.com

NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
	issues; reviewed and analyzed class-wide timekeeping and payroll data; investigated class certification issues; worked on damages analysis; worked on mediation brief; participated in mediation; drafted CR 2A agreement; directed settlement negotiations; negotiated and edited settlement agreement and exhibits; worked on settlement notice; directed settlement administration and worked on notice issues; worked on motions for preliminary and final approval and supporting documents.			
Ben Drachler Associate J.D. from Seattle Univ. School of Law, 2015	Worked on complaint, case management issues, and discovery requests; conducted legal research on FMCSA preemption issues, service regulations, and class certification; and email correspondence with opposing counsel.	\$375	10.30	\$3,862.50
Jasmine Rezaie Associate J.D. from Seattle Univ. School of Law, 2022	Investigated and analyzed factual background; researched and analyzed legal issues and claims; and worked on discovery requests, case management issues, and settlement negotiations.	\$275	22.80	\$6,270.00
<b>PARALEGALS/LEGAL ASSISTANTS</b>				
Jennifer Boschen Senior Paralegal 23 years legal experience	Reviewed document productions; analyzed timekeeping and payroll data; and worked on damages analysis, mediation statement, and settlement administration issues.	\$195	57.60	\$11,232.00

DECLARATION OF TOBY J. MARSHALL IN SUPPORT OF PLAINTIFF'S UNOPPOSED MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND ATTORNEYS' FEES AND COSTS - 12  
CASE NO. 22-2-14226-0 SEA

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NAME AND POSITION	DESCRIPTION OF WORK PERFORMED	RATE	HOURS BILLED	TOTAL
Heather Brown Paralegal 21 years legal experience	Worked on case management issues; processed and reviewed document productions; worked on mediator availability and scheduling; and telephone conference with client.	\$150	4.80	\$720.00
Holly Rota Legal Assistant 19 years legal experience	Finalized and filed briefs and supporting documents; worked on mediation brief, e-service issues, and motions for preliminary and final approval.	\$150	4.60	\$690.00
Krystal Brown Legal Assistant 13 years of legal experience	Worked on case document template and mediation brief and exhibits.	\$150	1.50	\$225.00
Jennifer Murphy Legal Assistant 4 years legal experience	Worked on client contact information file and discovery requests.	\$150	0.50	\$75.00
<b>TOTAL</b>			<b>359.10</b>	<b>\$127,822.00</b>

26. I anticipate the firm will incur additional fees in relation to the approval and settlement administration process.

27. The lodestar calculations of Class Counsel are based on reasonable hourly rates. Class Counsel set their rates for attorneys and staff members based on a variety of factors, including among others: the experience, skill and sophistication required for the types of legal services typically performed; the rates customarily charged in the markets where legal services are typically performed; and the experience, reputation and ability of the attorneys and staff members.

28. Terrell Marshall has incurred out-of-pocket litigation expenses totaling \$1,756.56, including fees for process service, filing, mediation, and online legal research. The following chart summarizes Terrell Marshall's litigation costs:

Category of Expense	Amount
Courier/Process Server Fees	\$90.95
Filing Fees	\$414.94
Mediation Fees	\$1,250.00
Online Legal Research Fees	\$0.67
<b>TOTAL</b>	<b>\$1,756.56</b>

29. Plaintiff Joshua King has been committed to this case from the beginning, assisting my colleagues and I in investigating the claims, gathering evidence, understanding the facts, and preparing the complaint. Mr. King also assisted us with the class certification investigation, providing us with information about company-wide policies and practices and identifying other drivers and loaders with knowledge and information about the claims alleged. Mr. King further provided documentary evidence to support the claims, participated in meetings with my colleagues and me, made himself available during mediation to discuss and approve any settlement proposals, reviewed and approved the proposed settlement terms after consulting with my colleagues and I, and was prepared to testify at deposition and trial should settlement negotiations fail.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

EXECUTED this 22nd day of November, 2024. at Seattle, Washington.

By: /s/ Toby J. Marshall, WSBA #32726  
Toby J. Marshall, WSBA #32726

1 **DECLARATION OF SERVICE**

2 I, Toby J. Marshall, hereby certify that on November 22, 2024, I caused true and correct  
3 copies of the foregoing to be served via the means indicated below:

4 Breanne Martell, WSBA #39632  
5 Email: bsmartell@littler.com  
6 Brian Rho, WSBA #51209  
7 Email: brho@littler.com  
8 Email: cpsaunders@littler.com  
9 Email: lnatividad@littler.com  
10 LITTLER MENDELSON, P.C.  
11 One Union Square  
12 600 University Street, Suite 3200  
13 Seattle, Washington 98101  
14 Telephone: (206) 623-3300  
15 Facsimile: (206) 447-6965

- U.S. Mail, postage prepaid
- Hand Delivered via Messenger Service
- Overnight Courier
- Facsimile
- Electronic Mail
- Via the King County Electronic Filing  
Notification System

16 *Attorneys for Defendant*

17 I declare under penalty of perjury under the laws of the State of Washington and the  
18 United States that the foregoing is true and correct.

19 DATED this 22nd day of November, 2024.

20 By: /s/ Toby J. Marshall, WSBA #32726  
21 Toby J. Marshall, WSBA #32726