
FIRM RESUME

Tostrud Law Group, P.C. was founded in 2011 with offices in Los Angeles and Minneapolis. We have a diversified legal practice, successfully representing plaintiffs in the areas of personal injury, securities and financial fraud, employment discrimination, unlawful employment practices including wage and hour disputes, product defect, consumer protection, antitrust and intellectual property, False Claims Act, and human rights. Our clients include individuals, classes or groups of persons, businesses, and public and private entities.

FIRM BIOGRAPHY:

JON A. TOSTRUD, Admitted to practice in the State of California and the State of Minnesota; U.S. District Court, Eastern District of California, 1999; U.S. District Court, Southern District of California, 1999; U.S. District Court, Northern District of California, 1999; U.S. District Court, Central District of California, 1998; *Education*: William Mitchell College of Law (J.D., 1994); State Bar of California; State Bar of Minnesota.

ANTHONY M. CARTER, Admitted to practice in the Commonwealth of Virginia. *Education*: James E. Rogers College of Law at the University of Arizona (J.D., 1995); State Bar of Virginia; Virginia Bar association.

SETTLED CASES

- a. **Grahl v. Circle K Stores, Inc.**, No. 2:14-cv-305 (United States District Court for the District of Nevada). Tostrud Law Group, P.C., serves as co-counsel for a nationwide class of Store Managers employed by defendant Circle K Stores. Plaintiffs allege Circle K Stores knowingly misclassified its Store Managers as exempt employees and failed to

properly pay them the required minimum and overtime wages. On August 26, 2015, the court granted Plaintiff's motion for conditional certification and agreed the case should proceed as a national class action. On December 21, 2018, the court preliminarily approved the parties' settlement of claims. On April 8, 2019, the parties received final approval of the \$8.25 million settlement for more than 1,200 current and former store managers who have joined the case seeking to recover unpaid wages.

- b. Granados v. County of Los Angeles**, No. BC361470 (Superior Court for the County of Los Angeles). Tostrud Law Group, P.C. served as co-counsel in this class action for the improper collection of telephone user taxes ("TUT") on behalf of all individuals and businesses in the unincorporated areas of the County of Los Angeles who paid for residential landline, business landline, and/or mobile telephone services. The Hon. Maren E. Nelson granted final approval of a \$16.9 million settlement for refunds of the telephone taxes on October 29, 2018.
- c. McWilliams v. City of Long Beach**, No. BC361469 (Superior Court for the County of Los Angeles). Tostrud Law Group, P.C. served as co-counsel in this class action for the imposition and collection of a Utility Users Tax ("UUT") on behalf of all individuals and businesses within the City of Long Beach who paid for residential landline, business landline, and/or mobile telephone services. In 2013, Plaintiffs won a landmark appeal in the California Supreme Court, allowing the case to proceed. The Hon. Maren E. Nelson granted final approval of a \$16.6 million settlement for refunds of the telephone taxes on October 30, 2018.
- d. Eaton v. Hamilton Group Funding, et al.**, No. 18-cv-21463 (United States District Court for the Southern District of Florida). Tostrud Law Group, P.C. served as co-counsel

in this class action on behalf of inside sales loan officers who were employed by Defendant Hamilton Group Funding. Plaintiffs alleged Defendant violated the Fair Labor Standards Act by misclassifying them as exempt from receiving overtime pay and by failing to compensate them at the federally-mandated minimum wage. In March 2019, the parties entered into a settlement agreement for an undisclosed amount and are currently awaiting final approval from the court.

- e. **Luis Bautista, et al. v. Carl Karcher Enterprises, LLC**, No. BC649777 (Superior Court of California, County of Los Angeles). Tostrud Law Group, P.C. served as co-counsel in a class action lawsuit for employees who worked for Carl's Jr. restaurants. Plaintiffs alleged that Carl's Jr.'s parent company, CKE, colluded with its franchisees to suppress the wages of the restaurant-based managers through a "no hire" agreement that expressly forbids franchises from employing or seeking to employ any of the restaurant-based managers who work for other franchisees or for CKE directly. Tostrud Law Group, P.C. recovered damages on behalf of the individual named plaintiffs, and successfully negotiated to permanently enjoin Defendants from enforcing the "no hire" term in its franchise agreement with franchisees.
- f. **Small v. University Medical Center of Southern Nevada**, No. 12-cv-395 (United States District Court for the State of Nevada). Tostrud Law Group, P.C. serves as co-counsel representing employees who allege defendant University Medical Center ("UMC") failed to pay them properly for missed meal breaks under the Fair Labor Standards Act. After the court granted Plaintiffs' motion for conditional certification on June 14, 2013, approximately 600 current and former UMC employees agreed to join the case. After a granting Plaintiffs' motion to compel in July 2013, the court appointed a Special Master to

oversee the discovery process. The Special Master ultimately made numerous factual findings in support of Rule 23 class certification and concluded in a 78-page Report and Recommendation that defendant UMC had failed to identify, preserve, search for, collect and process relevant evidence. Magistrate Judge Leen overruled Defendants' objection on August 9, 2018 in a 123-page ruling. On May 29, 2019, the United States District Judge Andrew Gordon granted approval to a \$4.25 million dollar settlement of the action.

- g. Lane v. First National Bank of Layton**, No. 01-15-0005-5682 (American Arbitration Association). Tostrud Law Group, P.C. helped secure a settlement for a group of former inside sales loan officers who worked for Respondent First National Bank of Layton ("Layton") for alleged violations of the Fair Labor Standards Act and Maryland state labor laws. Claimants received compensatory damages due to Layton's misclassification of its inside loan officers as exempt employees and failure to properly pay these employees the required minimum and overtime wages.
- h. Rocha, et al. v. Gateway Funding**, No. 15-cv-00482 (United States District Court for the Eastern District of Pennsylvania). Tostrud Law Group, P.C. helped secure a seven figure settlement of behalf of a class of inside sales loan officers who worked for defendant Gateway Funding. Plaintiffs received compensatory damages due to Gateway Funding's misclassification of its inside loan officers as exempt employees and failure to properly pay these employees the required minimum and overtime wages.
- i. Ardon v. City of Los Angeles**, No. BC363959 (Superior Court for the County of Los Angeles). Tostrud Law Group, P.C., helped secure a \$92.5 million dollar settlement on behalf of millions of Los Angeles city residents and businesses who paid taxes for telephone services that were improperly collected by the city. In October 2016, the City

of Los Angeles agreed to provide refunds of taxes collected for telephone services on behalf of consumers who paid telephone utility user taxes to the City of Los Angeles for residential landline, business landline, and mobile telephone services.

- j. **Struett v. Susquehanna**, No. 5:15-cv-176 (United States District Court for the Eastern District of Pennsylvania). Tostrud Law Group, P.C. helped secure a settlement on behalf of a Section 216(b) collective class and Rule 23 class of residential mortgage bankers for misclassification violations and failure to properly pay overtime wages.
- k. **Pomphrett, et al. v. American Home Bank, et al.**, No. 1:12-cv-10330 (United States District Court for the District of Massachusetts). Tostrud Law Group, P.C. helped achieve a seven figure settlement of behalf of a Section 216(b) collective class and Rule 23 class of several hundred former loan officers for the failure to pay overtime wages.
- l. **Wyler –Wittenberg, et al. v. Metlife Home Loans, Inc.**, No. 2:12-cv-00366 (United States District Court for the Eastern District of New York). Tostrud Law Group, P.C. helped achieve a seven figure settlement of behalf of a Section 216(b) collective class and Rule 23 class of current and former loan officers for the failure to pay overtime wages.
- m. **Ord, et al. v. First National Bank of Pennsylvania and F.N.B. Corp.**, No. 12-cv-00766 (United States District Court for the Western District of Pennsylvania). Tostrud Law Group, P.C. helped achieve a seven figure settlement of behalf of a Rule 23 class of several hundred account holders at First National Bank of Pennsylvania who were improperly charged overdraft fees on their checking accounts.
- n. **Molyneux, et al. v. Securitas Security Services, Inc.**, No. 4:10-cv-588 (United States District Court for the Southern District of Iowa). Tostrud Law Group, P.C. helped achieve

a six figure settlement of behalf of a Section 216(b) collective class and Rule 23 class of hundreds of hourly paid security officers for failure to pay for off-the-clock work.

- o. **Hansen, et al v. Per Mar Security Services, et al**, No. 4:09-cv-00459 (United States District Court for the Southern District of Iowa). Tostrud Law Group, P.C. helped achieve a confidential settlement of behalf of a Section 216(b) collective class and Rule 23 class of hundreds of hourly paid security officers for back wages.

CASE PROFILES

Current Cases

- a. **In Re: Pork Antitrust Litigation**, No. 18-cv-1776 (United States District Court for the District of Minnesota). Tostrud Law Group, P.C. serves as co-counsel on behalf of indirect purchasers of pork products from defendant pork suppliers. Plaintiffs allege defendants violated federal and state antitrust laws by conspiring to illegally fix, raise, and maintain the price of pork in order to secure massive profits. Plaintiffs are seeking damages sustained by them as a result of Defendants' unlawful behavior.
- b. **In Re: Generic Pharmaceuticals Pricing Antitrust Litigation**, MDL No. 2724 (United States District Court for the Eastern District of Pennsylvania). Tostrud Law Group, P.C. was appointed to serve on the Steering Committee as counsel in a class action lawsuit seeking to represent thousands of independent pharmacies against several defendant generic drug manufacturers. Plaintiffs allege these drug manufacturers violated federal and state antitrust laws. Plaintiffs seek damages sustained by them as a result of Defendants' unlawful behavior and an award of statutory damages to all class members.
- c. **In Re EKSO Bionics Holding Corp. Derivative Litigation**, No. 18-cv-1348 (United States District Court for the Northern District of California). Tostrud Law Group, P.C.

serves as liaison counsel in this shareholder derivative action for the benefit of LendingClub shareholders who were damaged by, among other things, certain of LendingClub's officers and directors who made false and misleading statements and representations about the company's financial condition and future business prospects. Plaintiffs seek damages sustained by them as a result of Defendants' breach of fiduciary duties owed to their company.

d. **Juan Jordan, et al. v. Meridian Bank, et al.**, No. 17-cv-5251 (United States District Court for the Eastern District of Pennsylvania). Tostrud Law Group, P.C. serves as co-counsel in this class action on behalf of inside sales loan officers who were employed by Defendant Meridian Bank. Plaintiffs alleged Defendants violated the Fair Labor Standards Act and state labor laws by misclassifying them as exempt from receiving overtime pay and by failing to compensate them at the federally-mandated minimum wage. On March 19, 2019, the court granted conditional certification in part for those loan officers who were denied overtime wages for all time worked in excess of 40 hours per workweek. On April 3, 2019, the court approved the parties' form of notice to be distributed to the putative class. On September 30, 2019, the court issued an order granting preliminary approval of settlement to the case.

e. **Engquist, et al. v. City of Los Angeles** No. BC591331 (Superior Court of California, County of Los Angeles). Tostrud Law Group, P.C., serves as co-counsel for a class of taxpayers who reside in the City of Los Angeles who paid taxes for gas services that were improperly collected by the City. Tostrud Law Group, P.C. is seeking refunds of taxes collected for gas services on behalf of consumers who paid the City Gas User Tax

(“GUT”) improperly collected by the City of Los Angeles. On May 13, 2019, Judge Buckley certified the case as a class action and a trial date has been set for June 1, 2020.

- f. Suliaman v. Southwest Furniture**, No. 2:14-cv-1854 (United States District Court for the District of Nevada). Tostrud Law Group, P.C. serves as co-counsel and seeks to represent a class of sales associates employed by Southwest Furniture Stores d/b/a Ashley Furniture Stores. Plaintiffs allege defendant Ashley Furniture knowingly misclassified its inside sales associates as exempt employees and failed to properly pay them the required overtime wages. Tostrud Law Group is seeking compensatory damages for a class of sales associates who worked in defendant’s Nevada retail stores.
- g. Gonzalez-Rodriguez v. Mariana’s Enterprises**, No. 2:15-cv-152 (United States District Court of the District of Nevada). Tostrud Law Group, P.C., serves as co-counsel seeking to represent a nationwide class of hourly employees of defendant Mariana’s Enterprises. Plaintiffs allege defendant failed to keep accurate time records for its employees and did not compensate plaintiffs properly for overtime hours worked in violation of the Fair Labor Standards Act. Tostrud Law Group is seeking compensatory damages and an injunction against defendant for its unlawful labor practices.
- h. Granados v. Pepsico, Inc.**, No. 14-cv-01917 (United States District Court for the Central District of California). Tostrud Law Group, P.C., along with co-counsel, represent consumers who allege Pepsico deceptively omits in its advertising and marketing that its Pepsi One soft drink contains dangerous levels of the impurity 4-MEI, or 4-Methylimidazole. Tostrud Law Group seeks to represent all California consumers who purchased Pepsi One and were exposed to the substantial health risks associated with 4-MEI.

- i. **Telford v. Intellectual Capital Management, Inc., et al.**, No. 14-cv-0064 (United States District Court for the Eastern District of New York). Tostrud Law Group, P.C., along with co-counsel, represents plaintiffs who received unsolicited text messages from Muscle Maker Grill, a restaurant franchise with locations throughout the United States. Plaintiffs did not consent to receiving the text messages from Muscle Maker and were harmed as a result of defendants' actions. Tostrud Law Group seeks to represent a nationwide class of persons who received one or more unauthorized text messages from or on behalf of Muscle Maker Grill.
- j. **Shadpour v. Facebook**, No. 14-cv-307 (United States District Court of the Northern District of California). Tostrud Law Group, P.C., serves as co-counsel seeking to represent a nationwide class of individuals who sent, received, or posted private Facebook messages. Plaintiffs allege Facebook reviewed or scanned users' private messages in violation of express privacy agreements. Tostrud Law Group seeks actual and statutory damages on behalf of the putative class.
- k. **In Re Lithium Ion Batteries**, No. 13-MD-2420 (United States District Court for the Central District of California). Tostrud Law Group, P.C., serves as co-counsel representing consumers against Sony, Panasonic, Hitachi, LG Chem, Samsung, and Sanyo for allegedly conspiring to fix and raise the prices of lithium-ion rechargeable batteries in violation of United States antitrust laws. Plaintiffs allege that as a direct result of defendants' anticompetitive conduct, consumers paid artificially inflated prices for lithium-ion rechargeable batteries.
- l. **In Re: Hyundai and Kia Fuel Economy Litigation**, No. MDL 13-2424 (United States District Court for the Central District of California). Tostrud Law Group, P.C., along with

co-counsel, represents Hyundai and Kia vehicle owners who allege the defendants misstated fuel-economy figures for certain 2011-2013 vehicles. Plaintiffs allege Hyundai and Kia mislead consumers by advertising their cars' high highway mpg ratings, not the combined number, which was closer to the real-world fuel-economy and much lower than what was advertised.

- m. Grodzitsky v. American Honda Motor Co.**, No. 12-cv-1142 (United States District Court for the State of Nevada). Tostrud Law Group, P.C., serves as co-counsel representing plaintiffs against American Honda for manufacturing and selling vehicles with allegedly defective window mechanisms. The side windows in the subject Honda vehicles move up and down by a device mounted inside the door frame known as a “window regulator.” When the window regulator fails, the side window becomes inoperable and is often permanently stuck in the fully-open, closed, or partially open position, endangering occupants. Tostrud Law Group is seeking to represent a nationwide class of consumers who purchased or leased certain Honda vehicles that are equipped with the allegedly faulty window regulators.
- n. Starr v. City of Oxnard**, No. 56-2018-00510828 (Superior Court, County of Ventura). Tostrud Law Group, P.C. serves as co-counsel representing plaintiffs against the City of Oxnard alleging improper collection of wastewater sewer fees. Plaintiffs claim that sewer rates billed to residents following the passage of a ballot initiative “Measure M”, which sought to curb increases in sewer wastewater fees, were illegal. Tostrud Law Group, P.C. seeks reimbursement of those wastewater charges and fees illegally collected.

In addition, while with the firm of Cuneo Gilbert & LaDuca, LLP, Mr. Tostrud headed the wage and hour practice and was appointed lead or co-lead counsel and achieved seven-figure and eight-figure settlements in several class and collective actions including:

- a. **Nerland v. Caribou Coffee. Inc. et al.**, Civil No. 05-1847 (United States District Court for the District of Minnesota). As co-lead class counsel, Cuneo Gilbert & LaDuca, LLP achieved a \$2.7 million settlement on behalf of retail store managers improperly classified as exempt from overtime. The class action suit first filed in 2005, charged Caribou with wrongfully denying overtime pay due to current and former Caribou store managers. The lawsuit contended that Caribou misclassified its Store Manager position as exempt under the Minnesota and Federal Fair Labor Standards Acts to avoid paying overtime compensation. After nearly three years of litigation, the parties entered into a Settlement whereby, the Court granted final approval and Caribou Coffee Co. compensated participating class members.
- b. **Oliva, et al v. International Coffee and Tea. LLC d/b/a The Coffee Bean and Tea Leaf, et al.**, Case No. BC296435 (Superior Court of the State of California, County of Los Angeles). As co-lead class counsel, Cuneo Gilbert & LaDuca, LLP achieved a seven-figure settlement on behalf of retail store managers improperly classified as exempt from overtime, as well as hourly-paid barristas who were not compensated for their meal and rest breaks.
- c. **Lagunas v. Cargill Meat Solutions Corp.**, Case No. 10-cv-00220 (United State District Court for the Southern District of Iowa) (Final approval - 1/27/11 Cuneo Gilbert & LaDuca, LLP served as co-lead counsel in six-figure class settlement on

behalf of meat processing plant employees who were not properly paid for donning and doffing activities performed before their shifts, during meal breaks and after their shifts.

- d. **Wineland, et al v. Casey's General Stores, Inc.**, No. 08 CV 00020 (United States District Court for the Southern District of Iowa) (Final approval 10/22/09). Cuneo Gilbert & LaDuca, LLP along with co-counsel was appointed lead counsel and achieved a seven figure settlement on behalf of a Section 216(b) collective class and Rule 23 class of over 60,000 cooks and cashiers for unpaid wages, including time worked before and after their scheduled shifts and while off-the-clock.
- e. **Cedeno et al v. Home Mortgage Desk. Corp. et al.**, No. 08 CV 1168 (United States District Court for the Eastern District of New York) (Final approval - 6/15/10). Cuneo Gilbert & LaDuca, LLP along with co-counsel was appointed lead counsel and achieved a six figure settlement on behalf of a Section 216(b) collective class of loan officers deprived of overtime wages.
- f. **Jones, et al v. Casey's General Stores. Inc.**, No. 07 CV 400 (United States District Court for the Southern District of Iowa) (Final approval - 10/22/09). Cuneo Gilbert & LaDuca, LLP along with co-counsel was appointed lead counsel and achieved a seven figure settlement on behalf of a Section 216(b) collective class and Rule 23 class of more than 6,000 assistant store managers for unpaid wages, including time worked before and after their scheduled shifts and while off-the-clock.

In addition to the above representative cases, Tostrud Law Group, P.C. is currently prosecuting several other class and/or collective actions, including data breach and privacy cases, product liability and securities fraud class actions, and several antitrust cases against large companies.