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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

J. MITCH HALL and NATHAN
KAY, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

L-3 TECHNOLOGIES, INC. ET.
AL.,

Defendants.

Case No. 2:15-CV-00231-SAB

**DECLARATION OF MATTHEW
CROTTY IN SUPPORT OF CLASS
COUNSEL'S UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT
AND CLASS CERTIFICATION**

1 I, Matthew Crotty, pursuant to 28 U.S.C. § 1746, declare as follows:

2 1. I am competent to testify and make this declaration of my personal
3 knowledge.

4 2. I am one of the attorneys representing the Plaintiffs in this lawsuit.

5 3. I am admitted to practice law in the State of Washington and the State
6 of Idaho, the U.S. Courts of Appeal for the Ninth and Tenth Circuits, the U.S.
7 District Court for the District of Idaho, the U.S. District Court for the Eastern
8 District of Washington, the U.S. District Court for the Western District of
9 Washington, and the Federal Court of Claims. I have also been admitted *pro hac*
10 *vice* in over ten federal courts throughout the country for the purpose of prosecuting
11 cases brought under the Uniformed Services Employment and Reemployment
12 Rights Act (“USERRA”).

13 4. I have served as class counsel in USERRA class action lawsuits against
14 United Airlines, American Airlines, the State of Washington, and Southwest
15 Airlines. The first three class actions have been resolved through class settlements
16 that were valued at \$6.15 million (United Airlines), more than \$6 million (American
17 Airlines), and approximately \$15 million (State of Washington). *See Tuten v.*
18 *United Air Lines*, No. 12 Civ. 1561 (D. Colo.); *Allman v. American Airlines, Inc.*
19 *Pilot Retirement Benefit Program Variable Income Plan*, No. 14 Civ. 10138-IT (D.
20 Mass.); *Martin v. State of Washington*, 14-2-00016-7 (Wash. Sup. Ct.). Recently
21 Thomas Jarrard, Peter Romer-Friedman, and I sought preliminary approval of a

1 USERRA class action settlement against Southwest Airlines which plaintiffs
2 estimate to have a value of approximately \$19 million. *Huntsman v. Southwest*
3 *Airlines*, No. 17 Civ. 03972 (N.D. Cal.).

4 5. I have first-chaired numerous state and federal jury trials. I have
5 obtained plaintiff jury verdicts in employment discrimination cases involving highly
6 contested circumstantial evidence issues. These cases include issues involving
7 USERRA, *Hanson v. Kitsap County*, No. 13 Civ. 5388-RJB (W.D. Wash. Mar. 16,
8 2015) (jury verdict and finding of willful violation of USERRA in failure to
9 promote retaliation case), and the Washington Law Against Discrimination
10 (“WLAD”), *Zhu v. Educational Service District No. 171*, No. 15 Civ. 183 (E.D.
11 Wash. Sept. 16, 2016) (\$450,000 plus legal fees jury verdict on failure to hire
12 retaliation lawsuit). I have argued before the Idaho Supreme Court, Washington
13 State Supreme Court, and the U.S. Court of Appeals for the Ninth Circuit.

14 6. I maintain a “Preeminent 5/5” AV rating from Martindale-Hubble and a
15 “Superb” 9.8/10 rating from Avvo, nationwide attorney rating services. In 2015 and
16 2017, I was selected by Super Lawyers, a ratings-driven peer-influenced research
17 service, as a “Rising Star,” an honor that is based on an attorney’s verdicts,
18 settlements, and representative clients and bestowed upon only 2.5% of attorneys
19 who have practiced law for ten years or less. In 2013, I received Avvo’s “Clients’
20 Choice Award” for litigation. In 2013 and 2018, I was recognized as one of the top
21 attorneys in Spokane, Washington by “Spokane & Coeur d’Alene Living Magazine”

1 and, in late 2013, my law practice was featured on the front page of the Spokesman
2 Review Kip Hill, *In their corner: Attorneys help veterans resolve employment*
3 *disputes*, The Spokesman-Review (Dec. 8, 2013), available at
4 [http://m.spokesman.com/stories/2013/dec/08/in-their-corner-attorneys-help-](http://m.spokesman.com/stories/2013/dec/08/in-their-corner-attorneys-help-veterans-resolve/)
5 [veterans-resolve/](http://m.spokesman.com/stories/2013/dec/08/in-their-corner-attorneys-help-veterans-resolve/).

6 7. I graduated *magna cum laude* in the top 5% of my law school class at
7 Gonzaga University and I served as Editor-in-Chief of the Gonzaga Law Review.
8 Following law school, I worked as a litigation associate at Paine-Hamblen, LLP for
9 approximately two years and Witherspoon Kelley for approximately four years. At
10 Witherspoon Kelley, I conducted a substantial amount of class action defense work.
11 Paine-Hamblen and Witherspoon Kelley were, at the time, 50-plus attorney defense-
12 oriented law-firms. In November 2012, I left Witherspoon Kelley to start my own
13 law firm. My law firm, Crotty & Son Law Firm, PLLC, is a state- and federally-
14 recognized veteran-owned business. I left Witherspoon Kelley to focus more of my
15 practice on representing plaintiffs. I am the sole attorney in my firm.

16 8. I have written about USERRA and have had my work published in the
17 Gonzaga Law Review. See Matthew Z. Crotty, *The Uniformed Services*
18 *Employment and Reemployment Rights Act and Washington State's Veteran's*
19 *Affairs Statute: Still Short on Protecting Reservists from Hiring Discrimination*, 43
20 *Gonz. L. Rev.* 169 (2007). I have also published articles in the Reserve Officers
21 Association's online Law Review directory. The National Business Institute has

1 retained me to teach continuing legal education courses on USERRA, the Americans
2 with Disabilities Act, and the Fair Labor Standards Act (“FLSA”), among others. I
3 have litigated FLSA and Washington Minimum Wage Act/Wage Rebate Act
4 collective/class actions, consumer protection class actions, employment
5 discrimination cases, civil rights matters, Freedom of Information Act (“FOIA”)
6 actions, and tort actions, among others.

7 9. In addition, I served over 23 years as an active duty or Army National
8 Guard Intelligence Officer. My military service includes a tour with the Army’s
9 elite 75th Ranger Regiment (1999-2001) and a combat-tour with Special Operations
10 Command - Central (SOCCENT) (2003-2004). I was promoted ahead of my peers,
11 or at first opportunity, to the ranks of Major and Lieutenant Colonel, respectively.
12 In April 2016, I retired from the military following a 30-month command tour as the
13 leader of a 350-soldier unit that deployed soldiers to Afghanistan, Iraq, other parts
14 of the world, and throughout the United States conducting intelligence collection
15 and analysis operations.

16 10. Throughout my career in the U.S. Army and Army National Guard, I
17 have led soldiers who have had their employment rights violated on account of their
18 military service or status. Thus, the USERRA statute has unique meaning to me. I
19 take great pride in advocating for fellow servicemembers and veterans whose
20 USERRA rights have been violated. Further, my military experience has enabled
21

1 me to achieve a positive level of rapport with my veteran clients, including the
2 members of the Class in this case.

3 11. In 2015, J. Mitch Hall and Nathan Kay approached me about the
4 difficulty that Mr. Hall was having with his then-employer, L-3 VERTEX/CIS and
5 the challenges that Mr. Kay encountered in his efforts to obtain employment with
6 the Defendants in this action. Thereafter, I co-counseled with Mr. Jarrard and Mr.
7 Love to represent the Plaintiffs and began developing the facts needed to bring the
8 claims upon which Mr. Hall and Mr. Kay filed their lawsuit in September 2015. I
9 then took the lead role in propounding and analyzing thousands of discovery
10 documents and developing an extensive event timeline.

11 12. After substantial motion practice, the parties attempted to mediate and
12 settle the individual claims of Mr. Hall and Mr. Kay in late 2016. That mediation
13 was unsuccessful. Thereafter Peter Romer-Friedman and his firm, Outten & Golden
14 LLP, joined the case and all of the counsel for the Plaintiffs in this action pursued
15 this case as a putative class action. During the class-based discovery, I played the
16 primary role in speaking with putative class members, investigating the facts of their
17 claims, and working with them to produce declarations that were critical to moving
18 for class certification and settling the case. Overall, I contacted nearly 50 putative
19 class members and obtained declarations from approximately 20 of them. Those
20 declarations were utilized in preparing the case for a second mediation of the class
21 claims, which took place in April 2017 in New York City. I attended that

1 mediation, and after the mediation I continued to communicate with putative class
2 members regarding the case and participate in the settlement discussion that resulted
3 in the final Settlement Agreement.

4 I declare under penalty of perjury under the laws of the United States that the
5 foregoing is true and correct.

6 DATED this 30th day of October, 2018.

7
8 /s/ Matthew Crotty
9 MATTHEW CROTTY

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