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**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WASHINGTON**

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

Plaintiff,

v.

L-3 COMMUNICATIONS
CORPORATION, L-3
COMMUNICATIONS VERTEX
AEROSPACE, LLC and L-3
COMMUNICATIONS
INTEGRATED SYSTEMS L.P.,

Defendants.

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

**DECLARATION OF MICHAEL B.
LOVE IN SUPPORT OF CLASS
COUNSEL'S UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT
AND CLASS CERTIFICATION**

1 I, MICHAEL B. LOVE, pursuant to 28 U.S.C. § 1746, declares 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 have been licensed to practice law in the State of Washington since June
6 3, 1991. I am admitted to practice before all courts of the State of Washington. I
7 am admitted to practice in the United States District Court for both the Western and
8 Eastern District of Washington. I am also admitted to practice before the United
9 States Court of Appeals for the Ninth Circuit and the Federal Circuit. I have been
10 admitted *pro hac vice* in other federal courts, including the United States District
11 Court for the Northern District of California involving representation of a veteran in
12 a USERRA case, *Joshu Osmanski v. Cathay Pacific Airways, et al.*, No. 4:15 Civ.
13 1254.

14 4. I graduated from Gonzaga University with a B.A. *cum laude* in May of
15 1987. I graduated with a J.D. from Willamette University College of Law in May
16 of 1990.

17 5. I have practiced in the area of labor and employment law beginning in
18 1993. My practice since 1993 has focused entirely on labor and employment law, in
19 particular, litigation representing plaintiffs and defendants in the area of wrongful
20 discharge claims, discrimination, and retaliation under both Washington and federal
21 law. I have handled hundreds of employment litigation matters over the years and

1 have also provided advice work to employers. Over time, and since 2015 eighty
2 percent (80%) of my litigation practice is devoted to representing plaintiffs in
3 wrongful discharge, discrimination, and retaliation claims, including in USERRA
4 claims. I have represented both employers and employees in *putative* class action
5 lawsuits.

6 6. I have achieved the highest possible rating AV Preeminent by my peers in
7 Martindale-Hubbell in Legal Ability and Ethical Standards. I have also achieved the
8 highest rating one can receive, a 10 Superb, by Avvo in the area of labor and
9 employment law and litigation devoted to those areas, a rating service that provides
10 information about attorneys from their peers and clients.

11 7. I have been a frequent speaker at continuing legal education seminars for
12 lawyers and human resource representatives on a variety of employment law related
13 topics, including trial practice and strategy relating to discrimination and retaliation
14 claims since 1993.

15 8. I have been retained as an independent investigator by employers, law
16 firms, human resource consultants, and government agencies, including Spokane
17 County, to perform investigations relating to allegations of workplace misconduct
18 and potential violations of the employment laws, including discrimination and
19 retaliation.

20 9. I have appeared numerous times since 1993 before the Division III Court
21 of Appeals, Supreme Court of the State of Washington, and U.S. Court of Appeals

1 for the Ninth Circuit relating to appellate matters involving employment and labor
2 law. Most recently, I appeared before the Washington Supreme Court in *Martin v.*
3 *Gonzaga Univ.*, 425 P.3d 837 (Wash. 2018), in which I represented *Gonzaga* in an
4 alleged wrongful discharge whistleblower case. The Washington Supreme Court in
5 a recent 9-0 decision affirmed summary judgment dismissal of both claims brought
6 by the Plaintiff in *Gonzaga*.

7 10. As a trial lawyer, I began my career as a deputy prosecutor for the City
8 of Spokane from 1991 to 1993, handling criminal matters at the misdemeanor level.
9 During that time, I was successful in over 25 bench and jury trials (mostly DWI,
10 simple assault, and shoplifting) that lasted from 1 to 4 days. Since entering private
11 practice, I have tried over 20 cases in the area of contract, tort, and employment law.
12 The trials relating to employment law involved wrongful discharge, discrimination,
13 and retaliation under numerous federal laws and the Washington Law against
14 Discrimination (“WLAD”). I have obtained plaintiff jury verdicts in employment
15 discrimination cases involving highly contested circumstantial evidence cases.
16 These cases include issues involving USERRA, *Hanson v. Kitsap County*, 13 Civ.
17 5388 (W.D. Wash. March 16, 2015) (jury verdict and finding of willful violation of
18 USERRA in failure to promote retaliation case), and the WLAD, *Zhu v. Educational*
19 *Service District No. 171*, 15 Civ. 183 (E.D. Wash. Sept. 16, 2016) (\$450,000 plus
20 legal fees jury verdict on failure to hire retaliation lawsuit).

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1 12. From May to December 1993, I was an associate attorney with the former
2 law firm of Layman, Loft, Arpin and White in Spokane, Washington, practicing in
3 the area of insurance defense and employment law.

4 13. From 1993 to 1998, I was an attorney with the former law firm of Chase,
5 Hayes & Kalamon, P.S., in Spokane, Washington where I limited my practice to the
6 area of labor and employment law and litigation in those particular areas.

7 14. From December 1998 to May 2010, I was an attorney and partner
8 (admitted January 1, 2001) and Vice Chair of the Labor & Employment Practice
9 Group for the law firm of Paine Hamblen in Spokane, Washington, which, at that
10 time, was the largest law firm in Eastern Washington. I was also a member of the
11 firm's executive committee, which is similar to a board of directors of a corporation,
12 from July 2008 to May 2010.

13 15. From May 2010 to May 31, 2015, I was an attorney and member of the
14 law firm of Workland & Witherspoon, PLLC, in Spokane, Washington.

15 16. On June 1, 2015, I started my current law firm, Michael Love Law,
16 PLLC, in Spokane, Washington.

17 17. With regard to this particular matter, Matthew Crotty and Thomas Jarrard
18 asked me to assist in representing J. Mitch Hall and Nathan Kay. I was involved in
19 preparing both Mr. Hall and Mr. Kay for their depositions and I attended and
20 defended Mr. Hall's deposition. I also attended the first mediation of the individual
21 claims of Mr. Hall and Mr. Kay.

1 I declare under penalty of perjury that the foregoing is true and correct
2 pursuant to 28 U.S.C. § 1746.

3 DATED this 30th day of October, 2018.

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/s/ Michael B. Love
MICHAEL B. LOVE

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