

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMES TUCCORI *et al.*, individually and
on behalf of similarly situated
individuals,

Plaintiffs,

V.

AT WORLD PROPERTIES, LLC *et al.*,

Defendants.

No. 1:24-cv-00150

Hon. Lindsay C. Jenkins

Consolidated with:

No. 24-cv-02399

No. 24-cv-03160

No. 24-cv-3356

No. 24-cv-9039

No. 24-cv-11735

No. 25-cv-04207

**PLAINTIFFS' MOTION AND MEMORANDUM OF LAW IN SUPPORT OF
APPROVAL OF PLAN OF ALLOCATION**

Plaintiffs, James Tuccori, Courtney Foregger, Kevin Cwynar, Dawid Zawislak, Michael D’Acquisto, and Alejandro Lopez a/k/a Aleandro Lopez, by and through their undersigned counsel respectfully move the Court, pursuant to Federal Rule of Civil Procedure 23(e), Section M of the Class Settlement Agreement¹, and the Court’s Preliminary Approval Order, for approval of the proposed Plan of Allocation (the “Plan”) governing distribution of the Global Settlement Fund in this antitrust class action, attached hereto as Exhibit A. In support of this Motion, Plaintiffs state as follows:

I. INTRODUCTION

This case rests on a straightforward economic proposition. Plaintiffs allege that the Settling Defendants and the Opt-In Settlers participated in a conspiracy, in violation of Section 1 of the Sherman Act and analogous state laws, to adopt and enforce rules that held buyer-broker

¹Unless otherwise defined herein, capitalized terms have the same meanings ascribed to them in the Class Settlement Agreement (Dkt. 58-1) and the Court's Preliminary Approval Order (Dkt. 65).

commissions above competitive levels on homes listed through Multiple Listing Services. Those commissions were passed through to the buyer in the form of a higher purchase price. The injury Plaintiffs seek to redress on behalf of the Settlement Class is therefore the overcharge embedded in the price each class member paid for a home.

The Court certified the Settlement Class for settlement purposes, preliminarily approved the Settlement as fair, reasonable, and adequate, and appointed the undersigned as Class Counsel under Rule 23(g). Preliminary Approval Order ¶¶ 3, 5, 10, Dkt. 65. After the Opt-In Period closed, the Court reaffirmed that certification and preliminarily approved Opt-In Agreements with additional alleged co-conspirators. Preliminary Approval Order ¶¶ 3, 5, 10 & n.1, Dkt. 177. Each of those agreements added to a non-reversionary Global Settlement Fund to which the 26 Settling Defendants and Opt-In Settlers have collectively agreed to contribute a total of \$120,334,500, and from which no money will return to any Defendant, whatever the volume of claims.²

Plaintiffs now submit the Plan that will translate that Fund into payments. Class Counsel developed the Plan in conjunction with Joseph A. Krock, Ph.D., an economist and Managing Director of the Economic Consulting Practice at Stout. *See* Declaration of Matthew W. Ruan, Ex. 1 (the “Krock Report”). Epiq Class Action & Claims Solutions, Inc., the Court-appointed Settlement Administrator, will implement it. Preliminary Approval Order ¶ 14, Dkt. 65.³

² The final amount of the “Net Settlement Fund” will be reported to the Court in connection with final approval. The “Net Settlement Fund” refers to the net amount of the Global Settlement Fund available for distribution to the Settlement Class Members after subtracting Court-approved incentive awards, the costs of notice and administration, and any award of reasonable attorneys’ fees. Because the Plan allocates the Net Settlement Fund by *pro rata* share rather than by fixed dollar award, it operates identically whatever that final figure proves to be.

³ The Court appointed the Hon. James F. Holderman (ret.) of JAMS Chicago as Special Master for Mediation, and he conducted or supervised the mediations that produced the Opt-In Agreements. Dkt. 65 ¶ 15; Dkt. 177 ¶¶ 15-16.

The Plan does one thing, and it does it directly: it pays each Authorized Claimant a share of the Net Settlement Fund proportional to the harm Plaintiffs’ own theory of liability says that claimant suffered. There are no preferences, no carve-outs, no categorical discounts, and no subgroups. Every claim is measured by a single formula applied to the claimant’s own purchase price and the buyer-broker commission paid on that purchase. Two claimants recover different amounts only because they bought different homes on different terms—which is to say, only because the alleged conspiracy injured them in different amounts.

That design satisfies each requirement the case law imposes. The Plan was formulated by counsel this Court has twice found qualified and experienced, working with a testifying economist retained in more than one hundred cases. It measures each Authorized Claimant’s Gross Claim Amount by taking the sum of all qualifying buyer-broker commissions paid, then distributes the Net Settlement Fund on a *pro rata* basis, the method courts in this District have approved repeatedly in price-fixing class actions. And it asks Settlement Class Members for nothing beyond information they can read off their own closing documents. The Plan should be approved.

II. PROPOSED PLAN OF ALLOCATION

Each Settlement Class Member who wishes to participate in the Settlement must submit a Claim Form providing the purchase price and the buyer-broker commission paid for each qualifying home purchase, together with such other information as the Claims Administrator may require to verify the transaction. Exhibit A ¶¶ 3–5.

Using that information, the Claims Administrator will calculate a “Gross Claim Amount” for each Settlement Class Member who submits a timely and valid Claim Form (*i.e.*, an Authorized Claimant), equal to the sum of all buyer-broker commissions paid on the Authorized Claimant’s qualifying residential property purchases—that is, the purchase price multiplied by the buyer-broker commission rate. *Id.* ¶ 9. The Net Settlement Fund will then be distributed *pro rata*, with

each Authorized Claimant's share equal to that Authorized Claimant's Gross Claim Amount divided by the total of all Authorized Claimants' Gross Claim Amounts. *Id.* ¶¶ 10–11.

Because allocation proceeds by ratio rather than by fixed dollar award, the Plan is self-adjusting: it distributes the entire Net Settlement Fund whatever its final size and however many valid claims are filed, and no portion of the Fund reverts to any Settling Defendant or Opt-In Settlor.

III. LEGAL STANDARD

Federal Rule of Civil Procedure 23(e)(2) requires district courts to assess both (1) “the effectiveness of any proposed method of distributing relief to the class, including the method of processing class-member claims” and (2) that “the proposal treats class members equitably relative to each other.” Fed. R. Civ. P. 23(e)(2)(C)(ii) and (D); *see also Summers v. UAL Corp. ESOP Comm.*, No. 03 C 1537, 2005 WL 3159450, at *2 (N.D. Ill. Nov. 22, 2005) (“As with all aspects of class action settlements, we must ensure that any allocation plan is reasonable and equitable to all class members.”); 2 McLaughlin on Class Actions § 6:23 (22nd ed.) (the district court's prime function is to ensure that the fund distribution is fair and reasonable).

Distributing a class action settlement fund is an inherently equitable function, not a precise damages-calculation exercise. *Accord Curtiss-Wright Corp. v. Helfand*, 687 F.2d 171, 174-75 (7th Cir. 1982) (holding “the class action procedure is equitable in origin” and allocation of the settlement fund is a “judgment based on broad ethical principles rather than narrow rules”); *see also In re Folding Carton Antitrust Litig.*, 557 F. Supp. 1091, 1105 (N.D. Ill. 1983), *aff'd in part*, 744 F.2d 1252 (7th Cir. 1984) (“courts have the power and the responsibility to exercise equitable discretion to achieve substantial justice in the distribution of the funds”). In fact, in some instances, “allocating a settlement fund ‘in proportion to the precise harm suffered by each plaintiff’ could result in ‘substantial costs as well as delays in the ultimate distribution of the settlement award.’”

Lucas v. Vee Pak, Inc., 2017 WL 6733688, at *13 (N.D. Ill. Dec. 20, 2017) (quoting *Women in City Gov't United v. City of New York*, 1989 WL 153059, at *5 (S.D.N.Y. Dec. 13, 1989)).

Moreover, courts approach this inquiry with a “generally deferential nature . . . towards the nitty gritty of settlement allocation.” *Shah v. Zimmer Biomet Holdings, Inc.*, No. 3:16-cv-815-PPS-MGG, 2020 WL 5627171, at *6 (N.D. Ind. Sept. 18, 2020). Where a plan is “formulated by competent and experienced counsel,” it “need have only a reasonable, rational basis in order to be fair and reasonable.” *Id.* (quoting *In re IMAX Sec. Litig.*, 283 F.R.D. 178, 192 (S.D.N.Y. 2012)); *see also* 2 McLaughlin on Class Actions § 6:23 (22nd ed.) (judgment of competent and experienced class counsel that a settlement and plan of allocation is fair and reasonable is entitled to deference). That deference is well founded. Allocation requires economic and legal judgments about how to measure injury across a large and heterogeneous class—judgments that the counsel who litigated the case and the experts they retained are best positioned to make, and that no plan can render with perfect precision. The standard therefore asks for a rational basis, not for the individualized damages adjudication that the settlement itself exists to avoid.

IV. DISCUSSION

A. The Plan is Fair and Reasonable.

Under *Shah*, the analysis begins with who designed the plan. 2020 WL 5627171, at *6. This Court has already answered that question, twice. It appointed the undersigned as Class Counsel under Rule 23(g) and found that the Settlement Class is “represented by qualified, reputable counsel who are experienced in prosecuting class action cases, including those concerning antitrust violations.” Preliminary Approval Order ¶¶ 10-11, Dkt. 65; *accord* Preliminary Approval Order ¶¶ 10-11, Dkt. 177. Those findings rest on Class Counsel’s successful conduct of this litigation—the negotiation of the original Settlement, the design and execution of

an opt-in structure that grew the Fund and yielded additional compensation for the Class, and the mediations conducted before the Court-appointed Special Master.

Class Counsel did not design the Plan alone. They retained Dr. Krock, an economist who leads the Economic Consulting Practice at Stout, holds a doctorate in economics from the University of Chicago, has worked on class and collective actions for approximately 26 years, and has been retained as an expert in more than 100 cases in state and federal courts across some two dozen jurisdictions. Ruan Declaration ¶¶ 4-5.⁴ He has testified at trial and by deposition on class certification and economic damages, and he formed the opinions underlying the Plan to a reasonable degree of professional certainty. Krock Report §§ I-II. His compensation does not depend on the outcome of this litigation.⁵ That is precisely the pedigree that warrants deference. *Shah*, 2020 WL 5627171, at *6 (approving an “allocation model devised by plaintiffs’ counsel and their retained experts”).

“Federal courts have held that an allocation plan that reimburses class members based on the extent of their injuries is generally reasonable.” *Lucas*, 2017 WL 6733688, at *13 (collecting cases); *see also Russo v. Walgreen Co.*, No. 1:17-CV-02246, 2026 WL 878331, at *16 (N.D. Ill. Mar. 30, 2026) (“courts regularly find that allocation plans ‘that reimburse[] class members based on the extent of their injuries’ are ‘generally reasonable’”) (quoting *In re Oracle Sec. Litig.*, 1994 WL 502054, at *1 (N.D. Cal. June 18, 1994)). The Plan does exactly that.

In price-fixing cases, courts within the Seventh Circuit consistently approve plans of allocation that use each class member’s volume of purchases from defendants as a proxy for

⁴ Krock Report § I. Dr. Krock holds M.A. and Ph.D. degrees in Economics from the University of Chicago and a B.A. in Economics-Mathematics from the University of California, Santa Barbara, and has served as a lecturer in Economic Theory at the University of Chicago. *Id.*

⁵ Krock Report § I (“My compensation and my staff’s compensation are not dependent on the outcome of this litigation.”).

individual damages, without requiring exact damages calculations for every class member. This approach recognizes that, in a price-fixing conspiracy, class members are typically harmed in direct proportion to the amount of the price-fixed product that was purchased. *See, e.g., Standard Iron Works v. ArcelorMittal*, 2014 WL 7781572, at *4 (N.D. Ill. Oct. 22, 2014) (approving plan of allocation distributing settlement fund on a *pro rata* basis calculated by dividing each respective claimant's total eligible purchases by the total eligible purchases made by all claimants); *In re Bromine Antitrust Litig.*, 203 F.R.D. 403, 416 (S.D. Ind. 2001) (approving settlement where funds “would be distributed pro rata based on each plaintiffs’ amount of purchases” and holding that such an allocation plan alleviated concerns of inequitable treatment of class members); *In re Brand Name Prescription Drugs Antitrust Litig.*, 1999 WL 639173, at *4 (N.D. Ill, Aug. 17, 1993) (approving *pro rata* distribution based on each class member’s cumulative purchases of brand name prescription drugs because damages were directly proportional to such purchases, and explicitly rejecting argument that a more granular calculation was necessary). The Plan follows this well-worn path, using the total amount of buyer-broker commissions paid by each Settling Class Member as a proxy for individual damages.

For these same reasons, Rule 23(e)(2)(D)’s equity requirement is satisfied here in the most direct way available: the Plan treats every Settlement Class Member identically. One formula governs all claims. No claimant or category of claimants is preferred, discounted, capped, or excluded, and no claimant’s recovery turns on anything other than the transaction-specific facts that determine how much that claimant overpaid. Differences in recovery are therefore not disparities in treatment, but rather differences in injury. And because the Fund is non-reversionary and allocated by ratio, no dollar returns to a defendant—the entire Net Settlement Fund is distributed to the class.

B. The Plan Permits Class Members to Participate in the Settlement in a Simple and Efficient Manner.

A distribution plan must not only be fair in principle; it must work in practice. “[T]he goal of any distribution method is to get as much of the available damages remedy to class members as possible and in as simple and expedient a manner as possible.” 4 William B. Rubenstein, *Newberg on Class Actions* § 13:53 (5th ed. 2021). The Plan is built around that goal.

The burden the Plan places on Settlement Class Members is deliberately slight. The claimant supplies basic, readily available information about the qualifying purchase—including the purchase price and the buyer-broker commission paid, both of which appear on ordinary closing documents—and the Settlement Administrator does the rest. In substance, the Plan asks class members for the handful of facts only they can supply and supplies everything else itself.

Notably, this motion and the Plan itself will be made available to Settlement Class Members on the Settlement Website, where they will be able to see precisely how a Gross Claim Amount and a *pro rata* share are computed, and to raise any concern with the Settlement Administrator or with the Court.

The Plan is equally efficient on the administrator’s side. Because a single formula governs every claim, valuation is a computational exercise that Epiq—a nationally recognized administrator this Court has appointed and reaffirmed in this case—can perform uniformly and at scale, without individualized adjudication of damages, mini-hearings, or claim-by-claim negotiation. Preliminary Approval Order ¶ 14, Dkt. 65; *accord* Preliminary Approval Order ¶ 14, Dkt. 177. That uniformity conserves the Fund for the class and avoids the disputes and delay that more intricate allocation schemes invite. A plan that is simple to claim, inexpensive to administer, and transparent in its operation is one that maximizes both participation and recovery—which is precisely what the standard asks. *See Lucas*, 2017 WL 6733688, at *13.

V. CONCLUSION

The Plan was designed by experienced Class Counsel together with a qualified economist; it measures each class member's recovery by the amount they paid for buyer-broker commissions—the price-fixed services at issue; it distributes the Net Settlement Fund *pro rata*, as courts in this District have repeatedly approved in price-fixing litigation; it treats every Settlement Class Member on identical terms; and it is simple to claim and efficient to administer. For these reasons, Plaintiffs respectfully request that the Court approve the proposed Plan of Allocation and grant such other and further relief as the Court deems just and proper.

Dated: September 3, 2026

Respectfully Submitted,

JAMES TUCCORI, COURTNEY
FOREGGER, KEVIN CWYNAR, DAWID
ZAWISLAK, MICHAEL D'ACQUISTO,
and ALEJANDRO LOPEZ A/K/A
ALEANDRO LOPEZ, individually and on
behalf of similarly situated individuals

By: /s/ Paul T. Geske

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*Counsel for Plaintiffs and the Settlement
Class*

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2026, I caused a true and correct copy of the foregoing to be filed electronically through the Court's CM/ECF system, which will send notification of such filing to all counsel of record in this matter.

/s/ Paul T. Geske

EXHIBIT A

[PROPOSED] PLAN OF ALLOCATION

Tuccori, et al. v. At World Properties, LLC, et al., No. 1:24-cv-00150 (N.D. Ill.)

1. This [Proposed] Plan of Allocation sets forth the method by which Plaintiffs propose to distribute the Net Settlement Fund to Settlement Class Members.¹ The “Net Settlement Fund” refers to the net amount of the Global Settlement Fund available for distribution to the Settlement Class Members after subtracting Court-approved incentive awards, the costs of notice and administration, and any award of reasonable attorneys’ fees. For more information concerning these Settlements and the rights of Settlement Class Members, see the settlement website at <https://homebuyersettlement.com/>.

2. The [Proposed] Plan of Allocation must be approved by the Court before it is administered. It may be changed at any time without further notice, before or after the Court’s Fairness Hearing and/or Final Approval of the Settlements, by Court order. Any such changes will be made available on the settlement website at <https://homebuyersettlement.com/>. Settlement Class Members should regularly visit this website to keep apprised of important developments.

ELIGIBILITY OF CLAIMANTS

3. The proceeds of the Net Settlement Fund will be paid to Settlement Class Members who submit valid Claim Forms by the claims filing deadline set by the Court (the “Claims Deadline”). This section describes the administrative procedures that will be used to determine

¹Unless otherwise defined herein, capitalized terms have the same meanings ascribed to them in the Class Settlement Agreement (ECF No. 58-1) (the “Settlement Agreement”) and the Court’s Preliminary Approval Order (ECF No. 65).

each Settlement Class Member's eligibility and the effect of submitting (or not submitting) a valid Claim Form.

4. Each Settlement Class Member who wishes to receive a distribution from the Net Settlement Fund must submit a Claim Form providing the information necessary to determine eligibility and calculate a distribution. Settlement Class Members must also provide such additional information, documents, or other proof as the Claims Administrator may reasonably require to verify the home-purchase transactions identified on the Claim Form.

5. The Claims Administrator will review each Claim Form to determine whether the claimant is a Settlement Class Member and whether the Claim Form was submitted in accordance with the Settlement Agreement and any relevant orders of the Court ("Orders"). Claims that are not submitted in accordance with the Settlement Agreement and Orders will be rejected.

6. Prior to rejection of a Claim Form, the Claims Administrator will provide claimant with a claim deficiency notice, notifying claimant of the Claims Administrator's intention to reject the Claim Form, in whole or in part, and setting out the reason(s) therefore. Claimant will then be afforded an opportunity to respond within a reasonable time as determined at the Claims Administrator's discretion.

7. Any Settlement Class Member who does not timely submit a complete Claim Form, or whose Claim Form is rejected by the Settlement Administrator and not re-submitted by the Claims Deadline, will not be entitled to receive any proceeds from the Net Settlement Fund, but will in all other respects be subject to and bound by the provisions of the Settlement Agreement (including the releases contained therein) and the Judgment and Order of Dismissal, and will thus

be barred from bringing any action or proceeding against the Released Parties concerning the Released Claims.

8. Settlement Class Counsel shall have the discretion, but not the obligation, to accept late-submitted Claim Forms for processing by the Settlement Administrator, so long as the distribution of the Net Settlement Fund shall not be materially delayed.

CALCULATION OF AWARDS

9. For purposes of this Plan, a “Gross Claim Amount” will be calculated for each Settlement Class Member who submits a timely and valid Claim Form (an “Authorized Claimant”). The Gross Claim Amount will be equal to the sum of all buyer-broker commissions paid for all qualifying residential property transactions by the Authorized Claimant.

$$[(\text{Residential Property Purchase Price}) \times (\text{Buyer-Broker Commission Rate})] =$$

Buyer-Broker Commission

10. The Gross Claim Amount will then be used to compute each Authorized Claimant’s *pro rata* share of the Net Settlement Fund.

$$[(\text{Authorized Claimant’s Gross Claim Amount}) \div (\text{Total of All Authorized Claimants’ Gross Claim Amounts})] =$$

Authorized Claimant’s Pro Rata Share of the Net Settlement Fund

11. Each Authorized Claimant’s Payment Amount will initially be calculated by multiplying the Authorized Claimant’s *pro rata* share by the Net Settlement Fund.

12. However, if Settlement Class Counsel reasonably determine that the cost of administering claims to a particular Authorized Claimant would exceed the value of the award to that Authorized Claimant, Settlement Class Counsel will instruct the Claims Administrator to

preserve the value of the Net Settlement Fund and make an alternative minimum payment to satisfy such claims. The alternative minimum payment will be a set amount for all Authorized Claimants and will be based on the participation rate of the Settlement Class in the Settlement. Any portion of the Net Settlement Fund remaining after such alternative minimum payments have been made will be reallocated on a *pro rata* basis among the remaining Authorized Claimants.

DISTRIBUTION

13. After the Effective Date of the Settlement and once the Claims Administrator has determined each Authorized Claimant's *pro rata* award or alternative minimum payment under this Plan, Settlement Class Counsel will apply to the Court for an order approving distribution of the Net Settlement Fund.

14. If there is any remaining balance in the Net Settlement Fund after a reasonable period of time after the initial date of distribution of the Net Settlement Fund, Settlement Class Counsel and the Claims Administrator will, if feasible, allocate such balance among all Authorized Claimants in an equitable and economic fashion. Such redistributions will be repeated until no balance remains or until the remaining balance is impractical to distribute equitably and economically to Authorized Claimants, at which point any remaining balance will be donated to an appropriate 501(c)(3) non-profit selected by Settlement Class Counsel and approved by the Court. For the avoidance of doubt, Authorized Claimants who receive an alternative minimum payment may, at the discretion of Settlement Class Counsel, be excluded from subsequent distributions entirely.

3. I submit this Declaration in support of Plaintiffs' Motion and Memorandum of Law in Support of Approval of Plan of Allocation (the "Motion"), filed contemporaneously herewith.

4. JJLM is a nationally recognized law firm that focuses its practice on class actions and complex antitrust litigation, and whose partners have decades of collective experience litigating and settling complex antitrust class actions, including several of the largest antitrust class action settlements in Seventh Circuit history. As such, JJLM has designed numerous plans of allocation, including many in antitrust class actions approved in this District. *See, e.g., In re Opana ER Antitrust Litigation*, Lead Case No. 14-cv-10150 (N.D. Ill.) (ECF No. 1091); *Kleen Products, LLC et al. v. International Paper Company, et al.*, Case No. 1:10-cv-05711 (N.D. Ill.) (ECF No. 1411). My colleague Jonathan M. Jagher, also a partner at JJLM, has co-led JJLM's prosecution of this Litigation and has played a key role in negotiating the settlements achieved to date. Based on this experience, together with the experience of my co-counsel at McGuire Law, P.C., I believe Settlement Class Counsel are well qualified to formulate a plan that fairly and equitably allocates the Net Settlement Fund among Settlement Class Members.

5. To develop the Plan, Settlement Class Counsel retained Joseph A. Krock, Ph.D., a Managing Director in the Economic Consulting Practice at Stout, to design and apply a methodology for equitably calculating the gross claim amounts for each Settlement Class Member. Dr. Krock's analysis, findings, and the resulting formula are set forth in detail in the Expert Report of Joseph A. Krock, Ph.D. (the "Krock Report"), submitted concurrently in support of the Motion. Attached hereto as **Exhibit 1** is a true and correct copy of the Krock Report.

6. Settlement Class Counsel are also working with Epiq Class Action & Claims Solutions, Inc., the Court-appointed Settlement Administrator, to develop a Claim Form and

claims process designed to be straightforward and efficient for Settlement Class Members, consistent with the Plan described in Exhibit A. Preliminary Approval Order ¶ 14.

7. By design, no member of the Settlement Class has previously released the claims asserted in this Litigation through a settlement reached in any other litigation. Because no Settlement Class Members' claims are subject to a risk of release by a separate settlement, no legal-risk discount is necessary or appropriate under the Plan, and every Authorized Claimant's Gross Claim Amount will be calculated using the same formula and the same pro rata methodology described in the Plan.

8. Based upon my own knowledge of the facts and circumstances of this Litigation, my review of the Krock Report, and my professional judgment and experience litigating and settling complex antitrust class actions, it is my opinion that the Plan is fair, reasonable, and adequate, and that it treats Settlement Class Members equitably relative to one another.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 3, 2026, 2026 in Denver, Colorado.

/s/ Matthew W. Ruan
Matthew W. Ruan
JUSTICE JAGHER LONDON &
MILLEN LLC
100 Tri-State International, Ste. 128
Lincolnshire, IL 60069

Exhibit 1

CONFIDENTIAL – UNDER PROTECTIVE ORDER

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMES TUCCORI <i>et al.</i> , individually	)	
and on behalf of similarly situated	)	
individuals,	)	No. 1:24-cv-00150
	)	
<i>Plaintiffs,</i>	)	Hon. Lindsay C. Jenkins
	)	
v.	)	Consolidated with:
	)	
AT WORLD PROPERTIES, LLC <i>et al.</i> ,	)	No. 24-cv-02399
	)	No. 24-cv-03160
<i>Defendants.</i>	)	No. 24-cv-3356
	)	No. 24-cv-9039
	)	No. 24-cv-11735
	)	No. 25-cv-04207
	)	

EXPERT REPORT OF JOSEPH A. KROCK, Ph.D.

I. INTRODUCTION

1. My name is Joseph A. Krock, Ph.D. I reside in Los Angeles County, California. I am an economist and Managing Director of Stout, a global investment bank and advisory firm specializing in corporate finance, transaction advisory, valuation, financial disputes, claims and investigations. My office is located in Los Angeles, California.

2. I earned Master of Arts and Doctorate degrees in Economics from the University of Chicago, and a Bachelor of Arts degree in Economics-Mathematics from the University of California, Santa Barbara. I have extensive training in statistical and econometric methods at both the undergraduate and graduate level. I have served as a lecturer in Economic Theory at the University of Chicago, and I regularly speak before professional groups regarding, among other topics, the use of sampling and statistics in litigation, database management and analysis, and damages calculation.

3. I lead the Economic Consulting Practice at Stout, and I have been retained in connection with various types of litigation including antitrust, wage and hour class and collective actions, consumer class actions, as well as intellectual property and breach of contract matters. I have testified in numerous cases in which class certification and economic damages were at issue. Prior to joining Stout, I worked for The Claro Group, which was acquired by Stout; Micronomics, Inc.; and Deloitte & Touche, LLC, performing similar duties as I am for Stout.

4. My experience with class and collective actions extends over 26 years. I have been retained by numerous clients to provide testimony regarding suitability and feasibility of calculating liability and damages on a class wide basis. I regularly review complex databases and provide opinions as to econometric and statistical analyses, as well as calculating damages on a classwide basis. My opinions and support work have also been used in class certification disputes. Broadly speaking, my industry experience includes, among others, consumer products, building products, commercial and residential services, financial services, agriculture, manufacturing, oil and gas, and transportation.

5. I have been designated as an expert witness and testified at trial and in depositions as an expert witness in several cases in state and federal district courts in Arizona, California, Colorado, Delaware, Florida, Georgia, Indiana, Illinois, Louisiana, Minnesota, Nevada, New Jersey, New York, Oregon, and Texas, including Federal Multi-District Litigation (“MDL”) matters. I have been retained as an expert in more than 100 cases in state and federal courts in Arizona, California, Colorado, District of Columbia, Delaware, Florida, Georgia, Indiana, Illinois, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, Ohio, Oregon, Texas, Vermont, Washington, and Wisconsin.

6. My curriculum vitae, including a list of all publications I authored in the previous ten years and a list of all other cases in which I have testified as an expert at trial or by deposition in the last four years, is attached at Exhibit A. Stout is being compensated for my time at a rate of \$895 per hour. I have been assisted by members of my staff whose rates may range from \$275 to

\$1,000 per hour. My compensation and my staff's compensation are not dependent on the outcome of this litigation.

7. I also rely upon my training and experience as an economist, statistician, and expert witness. I have been involved in class action litigation matters for approximately 26 years. My experience in these matters involves pre-trial exposure calculations, class certification analysis, review of trial plans and methods related to statistical sampling and surveys, the execution of surveys and interpretation of results, damages and liability calculations, and post-trial claims-made processes.

II. ASSIGNMENT

8. I have been retained by co-counsel for Plaintiffs and the Settlement Class in the above-captioned case (the "Matter") to develop a proposed Plan of Allocation for the Settlement in this Matter (the "Tuccori Plan of Allocation").

9. I have formed my opinions to a reasonable degree of professional certainty.

III. THE TUCCORI PLAN OF ALLOCATION

A. Class Definition

10. Under the proposed Tuccori Plan of Allocation, the Settlement Class eligible to receive a distribution from the Global Settlement Fund net of deductions (the "Net Settlement Fund") consists of "*all persons who purchased a home that was listed on an MLS anywhere in the United States where a commission was paid to any brokerage in connection with the transaction during the Class Period*".¹

11. The Settlement Class includes persons who purchased a home listed on any MLS, regardless of affiliation with NAR, including the Real Estate Board of New York ("REBNY"), the REBNY Residential Listing Service ("RLS"), the Northwest Multiple Listing Service

¹ Preliminary Approval Order at 2, Tuccori et al. v. At World Properties, LLC et al., No. 1:24-cv-00150 (N.D. Ill. Oct. 16, 2025), ECF No. 65; Preliminary Approval Order at 3, Tuccori et al. v. At World Properties, LLC et al., No. 1:24-cv-00150 (N.D. Ill. May 26, 2026), ECF No. 177.

(“NWMLS”), West-Penn Multi-List, Inc. (“WPMLS”), and MLS Property Information Network (“MLS PIN”).²

12. Excluded from the Settlement Class are persons who submit a valid request to be excluded from the Settlement Class; persons who have separately released the Released Claims against a Settling Defendant or Opt-In Settlor in a court approved class settlement in *Burnett, Gibson, Keel, or Hooper*, but only as to that Settling Defendant or Opt-In Settlor; the Parties’ counsel; the Special Master for Mediation; the Court and staff to whom this case is assigned, and any immediate family members of the Court or its staff.

B. Eligibility for Payment

13. I understand from Class Counsel that, subject to Court approval, the Net Settlement Fund will be distributed to Settlement Class Members who submit a valid claim by the claims submission deadline set by the Court.

14. I further understand that claim forms submitted by Settlement Class Members will include information related to their individual home purchase transactions, including the home purchase price, commissions paid to the agents involved in the transaction, and supporting documents.

15. Thus, the following method of distribution relies upon readily available information that can be obtained from ordinary closing documents submitted by the Settlement Class Members.

C. Calculation of Gross Claim Amounts

16. As alleged by Plaintiffs in this Matter, “the typical residential real estate transaction includes a real estate professional on the buy-side (‘buyer-agent’) and a sell-side broker (‘seller-agent’ or ‘seller-broker’) that work for brokerage firms” like the Defendants in the Matter.³ The brokers in the transaction are “paid commissions based on a percentage of the

² *Id.*

³ Dkt. 167 ¶ 4.

home's sale price.”⁴ The total commission is split between the seller-broker, who represents the seller and facilitates the listing and sale of the property, and the buyer-broker, who represents the buyer.⁵

17. When the house is purchased, the buyer pays the purchase price into an escrow account where it is then paid to the seller, less the commissions, which are paid to the seller-broker and the buyer-broker.⁶

18. Under the proposed Tuccori Plan of Allocation, each Settlement Class Member who timely submits a valid claim (“Authorized Claimant”) will be assigned a “Gross Claim Amount” calculated based on their home purchase price and the buyer-broker commission paid to the buyer-broker involved in their transaction. The Gross Claim Amount corresponds to the alleged harm sustained by each Authorized Claimant as part of their respective home purchase transaction.

19. The formula for calculating the dollar amount of each buyer-broker commission is:

$$\text{Purchase Price} \times \text{Buyer-Broker Commission Rate}$$

20. Alternatively, the formula for calculating the percentage of the buyer-broker commission is:

$$\text{Buyer-Broker Commission} / \text{Purchase Price}$$

21. By way of example, a Settlement Class Member who purchased a \$100,000 home involving a 3% buyer-broker commission would be assigned a Gross Claim Amount of \$3,000.

22. The Gross Claim Amount will be used to compute each claimant's *pro rata* allocation of the Net Settlement Fund by dividing it by the sum of all Settlement Class Members' Gross Claim Amounts, as determined by the Claims Administrator using information included in the Court-approved claim forms.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* ¶ 89.

D. Pro Rata Share Determinations

23. The Net Settlement Fund will be distributed to the Authorized Claimants based on the *pro rata* fraction of the Authorized Claimant's Gross Claim Amount divided by the sum of Gross Claim Amounts for all Authorized Claimants. The payment amount will initially be calculated by multiplying the Authorized Claimant's *pro rata* share by the Net Settlement Fund.

$$\begin{aligned} & [\text{Gross Claim Amount}] / [\text{Total of All Authorized Claimants' Gross Claim Amounts}] = \\ & \qquad \qquad \qquad \text{Class Member's Pro Rata Share} \end{aligned}$$

24. In creating this formula, more nuanced formulas were considered that included additional variables, but these were determined not to be justified in view of the increased costs of developing those formulas and the small size of potential adjustments that would have resulted.

IV. CONCLUSION

25. The Tuccori Plan of Allocation distributes the Net Settlement Fund to Authorized Claimants *pro rata* based on a Gross Claim Amount calculated using the total buyer-broker commissions each Authorized Claimant paid in connection with all qualifying home purchases.

26. This method of distribution ensures that each Authorized Claimant receives a share of the Net Settlement that is roughly proportional to the harm he or she suffered as a result of the anticompetitive conduct alleged in this Matter.

27. Every Authorized Claimant's Gross Claim Amount is measured using a single formula which is applied to that Authorized Claimant's purchase price and the buyer-broker commission actually paid on the purchase. Thus, variations in the Authorized Claimants' Gross Claim Amounts accurately reflect the fact that the alleged conspiracy injured them in different amounts due to their respective home purchase price and commission rate paid.

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

Executed this 2nd day of September 2026 in Torrance, California.



Joseph A. Krock, Ph.D.

EXHIBIT A - Curriculum Vitae of Joseph A. Krock, Ph.D.

Joseph A. Krock, Ph.D.
Managing Director



Los Angeles, CA USA
Office: +1.213.784.3079
jkrock@stout.com

Education

Ph.D., Economics, University of Chicago

M.A., Economics, University of Chicago

B. A., Economics – Mathematics,
University of California, Santa Barbara

Practice Areas

Economics Consulting
Complex Business Litigation
Investigations

Joseph A. Krock, Ph.D., is a Managing Director in the Disputes, Claims, & Investigations group. He provides consulting and expert witness testimony services for antitrust, consumer class action, breach of contract, and complex commercial litigation matters. Dr. Krock specializes in economic and statistical analysis, including the use of advanced techniques involving econometrics, risk analysis, sampling, and survey design, with an emphasis on collecting, managing, and analyzing complex financial, economic, and statistical data.

As an expert economic and statistical witness, Dr. Krock has provided written and oral testimony in matters pending before the U.S. District Courts in California, District of Columbia, Illinois, Louisiana, Minnesota, Nevada, New Jersey, New York, Oregon, and Texas, the Superior Court of the State of California, the Circuit Court of Florida, the Circuit Court of Illinois, the Civil District Court of Louisiana, the Circuit Court of Missouri, and Circuit Court of Wisconsin, as well as Federal Multi-District Litigation matters. He also participates in private arbitration and mediation matters, and assists clients with corporate decision-making.

Dr. Krock has provided testimony in over 80 class and collective action matters related to wage and hour, consumer products, consumer credit, civil rights, Americans with Disabilities Act, privacy, and qui tam. Of these, he has provided testimony regarding the appropriateness of class treatment and trial plans in more than 40 matters. His testimony has been cited by trial and appellate courts to substantiate his client's position.

Additionally, Dr. Krock consults and testifies on a wide variety of matters relating to antitrust, consumer class action, breach of contract, labor and employment, lost profits, valuation, and other general commercial litigation issues. His experience spans a wide variety of industries, including transportation, commercial and residential services, agriculture, manufacturing, consumer products, hospitality, foodservice, oil and gas, banking, healthcare, and retail.

Prior to joining Stout, Dr. Krock held senior positions at The Claro Group, Micronomics, Inc. and Deloitte & Touche. He also served as a lecturer in Economic Theory at University of Chicago.

Professional Memberships

- American Bar Association, Associate Member
- American Economics Association, Member
- National Association of Business Economists, Member
- Los Angeles County Bar Association, Associate Member
 - Litigation Section, Labor and Employment Section
- Loyola High School – Alumni Association
- St. Lawrence Martyr Parish Finance Council, Chairman

Joseph A. Krock, Ph.D.
Managing Director



Fields of Concentration

Labor and Employment, Antitrust, Damages Calculation, Econometrics, Statistical Analysis, Surveys and Sampling, Valuation, Risk Analysis, Complex Data Management and Analysis

Select Consulting Experience

Statistical Analysis

Pharmaceutical Industry - Analyzed patterns of breakthrough bleeding and spotting for various formulations of oral contraceptives

Labor Class Action - Performed statistical analysis to ascertain whether response rates in a class action claims process were representative of the whole class

Healthcare Billing Disputes – Prepared and evaluated random sampling plans and performed statistical calculations

Discrimination - Reviewed data and prepared an econometric analysis of government agricultural lending practices in a lending discrimination matter

Discrimination - Analyzed reduction-in-force data for age discrimination claims

Directed sampling and review of documents to determine extent of duplication in document production

Assisted clients with sampling, survey design, and hypothesis testing

Econometrics

Antitrust - Performed econometric analysis of antitrust pass-through damages in connection with indirect purchaser antitrust matter

Antitrust -- Performed econometric analysis of sales migration across fuel pricing territories

Pharmaceutical Industry - Estimated own- and cross-price elasticity of demand for pharmaceuticals

Labor Class Actions - Analyzed differences among groups of potential class members in labor and employment matters using econometric and statistical techniques

Discrimination - Reviewed data and prepared an econometric analysis of government agricultural lending practices for a lending discrimination matter

Employed event study methodology in connection with securities fraud, intellectual property, and breach of contract matters

Prepared and evaluated revenue and earnings forecasts on behalf of plaintiffs and defendants involved in commercial litigation

Assisted clients with survey design, sampling, and hypothesis testing

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Managing Director



Class and Collective Actions

Provided analysis and expert testimony regarding the economic and statistical appropriateness of proposed class action trial plans

Prepared evaluations of random sample survey plans

Executed random sample surveys regarding damages calculations

Performed post-trial damages calculations, including processing, reporting, and advising on claims-made damages

Evaluated economic exposure associated with putative class claims for numerous clients across a wide range of industries

Consumer Products - Performed statistical analyses to determine whether and to what extent various product characteristics are valued by consumers

Consumer Products - Performed analyses to determine whether and to what extent alleged product failures could be remedied under product warranties

Consumer Credit - Evaluated the effect of negative credit reporting on the cost and ability to obtain consumer credit

ADA - Performed statistical analyses related to the compliance of retail establishments with regard to various ADA standards

Illinois Right to Privacy Act - Evaluated whether social media data could be used to reliably identify potential violations of the IRPA

Civil Rights - Evaluated various data regarding criminal defendants being held as incompetent to stand trial and the ability of the mental health system to treat those patients

Civil Rights - Performed economic analysis regarding the potential impact of food trucks on brick-and-mortar restaurants related to elements of city ordinances

Economic Damages / Lost Profits

Commercial Litigation - Calculated lost profits and economic damages on behalf of plaintiffs and defendants in connection with contract disputes, fraud, business interruption, and other causes of action. Addressed lost sales, incremental costs, capacity, and mitigation

Breach of Contract/Non-Compete - Performed damages calculation for alleged breach of contract claims associated with non-compete covenant, including lost profits and tortious interference aspects

Real Estate - Valued real estate and other assets lost as a result of wrongful conduct

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Wrongful Death - Calculated lost wages and benefits in connection with wrongful death and personal injury matters

Determined lost sales and lost profits as a result of alleged wrongful conduct and breach of contract

Antitrust

Prepared econometric analyses in direct purchaser and indirect purchaser price fixing antitrust matters

Conducted studies of market definition, below-cost pricing, price discrimination, and economic damages on behalf of plaintiffs and defendants involved with antitrust litigation

Consumer Class Action

Evaluated appropriateness of class treatment for large consumer class action

Analyzed and rebutted plaintiffs' class-wide damages model for alleged false advertising claims

Analyzed economic value of injunctive relief related to consumer credit class action

Risk Analysis

Assisted law firms, corporate legal departments, and mediators with assessments of litigation risk and the expected value of litigation

Analyzed risk associated with litigation versus settlement in insurance claim disputes on behalf of insurers and insured parties

Healthcare

Performed billing review for a regional hospital to assess potential exposure for Medicare billing non-compliance issues

Built comprehensive Medicare billing database to assist a client in the re-pricing of Medicare billings for services provided to correct for reimbursement rates under OPPS, APC, and the Physician Fee Schedule, which were incorrectly billed

Created and analyzed comprehensive payroll and timekeeping database for multi-facility health system to assist with class certification issues

Performed statistical sampling and analyses related to alleged billing irregularities

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Labor and Employment

Retained as economic and statistical expert for state and federal labor and employment cases

Developed and implemented sampling strategies for large state and federal wage and hour class actions

Assisted counsel in creating interview and deposition scripts regarding labor and employment issues

Managed large employment-related databases and determined class eligibility for numerous state and federal labor and employment class actions

Performed statistical and econometric analyses related to labor and employment issues

Assessed past and ongoing exposure regarding potential wage and hour issues to assist executives in corporate decision-making

Valuation

Sports - Developed model for valuing NFL franchises and studied impact of stadium construction and naming rights on franchise value

Insolvency - Analyzed value of a proposed reorganized entity seeking to emerge from Chapter 11 bankruptcy

Determined actual and but-for market capitalization in connection with wrongful conduct and breach of contract matters

Performed option valuation calculations in connection with wrongful conduct and breach of contract matters

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TESTIMONY/EXPERT REPORTS/MEDIATION

1. Abelardo Garcia, et al., v. Point Sal Packing, Inc., et al.
Superior Court of California, County of Santa Barbara
Case No. 20CV03676
Wage & Hour
Report
2. Ford Motor Company v. Blue Cross Blue Shield of Michigan and
The Blue Cross Blue Shield Association
U.S. District Court, Eastern District of Michigan
Case No. 2:23-cv-11286-LVP-EAS
Antitrust
Report
3. Ian Alvarado, et al., v. Lewis Operating Corp.
Superior Court of California, County of Alameda
Case No. 34-2014-00159707
Wage & Hour
Trial, Deposition
4. Walnut Creek Associates², Inc. (DBA Walnut Creek Honda), et al.
Superior Court of California, County of Alameda
Case No. C-16-00996
Wage & Hour
Deposition, Report
5. James Salgado, et. al., v. Flowers Foods, Inc.
U.S. District Court, District of Arizona
Case No. CV-22-00420-TUC-JGZ
Wage & Hour
Deposition, Report
6. Rollie Cannon, et al., v. Blue Sky Casino, LLC
U.S. District Court, Southern District of Indiana
Case No. 25-cv-134
Wage & Hour
Deposition, Report
7. Maricela Diaz, et al., v. Tri-City Autowash, Inc. (DBA Autopia Car Wash), et al.
Superior Court of California, County of Alameda
Case No. 21CV003425
Wage & Hour
Report

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8. J.M., et al., v. Six Flags Entertainment Corp., et al.
U.S. District Court, Eastern District of California
Case No. 1:23CV-01769-KES-CBD
ADA Violations
Report
9. ALJ Hearing Request for Medicare Appeal #1-15294519333
HHS Office of Medicare Hearings and Appeals
Medicare Payment Dispute
Hearing, Report
10. Javier Felix, et al., v. Staples Contract & Commercial LLC
U.S. District Court, Central District of California
Case No. 5:24-cv-01968-KK-SP
Wage & Hour
Deposition, Report
11. Shantre Scott, et al., v. Southwest Airlines Co.
Superior Court of California, County of Santa Clara
Case No. 19CV360906
Wage & Hour
Report
12. Lisa Rouse, et al., v. H.B. Fuller Company and H.B. Fuller Construction Products, Inc.
U.S. District Court, District of Minnesota
Case No. 0:22-cv-02173-JMB-JFD
Consumer Class Action, Product Defect
Deposition, Report
13. Mark Douglas and Matthew LaPointe, v. Redwire Holdings, LLC
Superior Court of California, County of Ventura
Case No. 2023CUFR009694
Breach of Contract, Fraud
Trial, Deposition
14. Maxwell Graham, v. Honeywell International, Inc.
U.S. District Court, Northern District of California
Case No. 3:23-cv-04865-RFL
Breach of Contract, Discrimination
Report
15. In re: Steward Health Care System, LLC, et al.
U.S. Bankruptcy Court, Southern District of Texas, Houston Division
Case No. 24-90213 (CML)
Bankruptcy Dispute
Trial, Deposition, Report

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16. United Farm Workers of America, v. Tri-Fanucchi Farms
State of California, Agricultural Labor Relations Board
Case No. 40 ALRB No. 4
Labor Dispute
Hearing, Report
 17. State of Vermont, v. 3M Company, et al.
Superior Court of Vermont, Crittenden Unit
Case No. 547-6-19
Environmental Dispute
Report
 18. Roosevelt Espinosa, et al., v. CEVA Freight, LLC
U.S. District Court, Central District of California
Case No. 2:23-cv-00659 ODW
Wage & Hour
Report
 19. Daniel Whitfield, et al., v. Thompson Management, Inc., et al.
District Court of Colorado, County of El Paso
Case No. 2022CV30713
Wage & Hour
Deposition, Report
 20. Hasim A. Mohammed, et al., v. American Airlines, Inc.
Superior Court of California, County of Santa Clara
Case No. 19CV342788
Wage & Hour
Deposition, Report
 21. U.S. Equal Employment Opportunity Commission, et al., v. Fresh Venture Foods, LLC
U.S. District Court, Central District of California
Case No. 2:21-cv-07679
Discrimination
Deposition, Report
 22. Alex Aguiluz, et al., v. Flowers Foods, Inc., et al.
U.S. District Court, Southern District of Ohio, Western Division
Case No. 2:23-cv-05712
Wage & Hour
Report
 23. LKQ Corporation, v. Overall Parts Solutions.
Court of Chancery of the State of Delaware
Case No. 2022-0036-PAF
Breach of Contract
Deposition, Report

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24. Celina Claudio, et al., v. KC Pharmaceuticals, Inc.
Superior Court of California, County of Los Angeles, Central District
Case No. 23STCV27214
Wage & Hour
Report
 25. David Chavez, et al., v. Teasdale Foods, Inc.
Superior Court of California, County of Merced
Case No. 21CV-03035
Wage & Hour
Deposition, Report
 26. Robert Hendricks, et al., v. Total Quality Logistics, LLC
U.S. District Court, Southern District of Ohio, Western Division
Case No. 1:10-cv-649
Wage & Hour
Report
 27. United States of America, *ex rel.* Cheryl Taylor v. Healthcare Associates of Texas, LLC, et al.,
U.S. District Court, Northern District of Texas, Dallas Division
Case No. 3:19-cv-02486-N
False Claims Act
Trial, Deposition, Report
 28. Clara Depina, et al., v. FedEx Ground Package System, Inc.
U.S. District Court, Northern District of California
Case No. 3:23-cv-00156-TLT
Wage & Hour
Deposition, Report
 29. Amy Hamm, et al., v. Acadia LaPlace Holdings, LLC, et al.
U.S. District Court, Eastern District of Louisiana
Case No. 20-1515
Wage & Hour
Hearing, Deposition, Report
 30. Doctors Emergency Service, P.A. v. Professional Management, Inc., and AdvantEdge
Healthcare Solutions, Inc.
Circuit Court for Baltimore City Maryland
Case No. 24-C-23-001840
Medical Billing Dispute
Report
 31. Steven Henkes, v. Tesla Energy Operations, Inc.
JAMS
Case No. 1100111388
Wrongful Termination
Deposition

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32. Sabino Marquez v. Danell Custom Harvesting
Superior Court of California, County of Kings
Case No. 21C-0284
Wage & Hour
Report
 33. Jimmy Herrera, et al., v. Flowers Baking Co. of Modesto, et al.
U.S. District Court, Eastern District of California
Case No. 2:21-CV-02217
Wage & Hour
Deposition, Report
 34. Anjali Joshi, v. Altruist Corp.
JAMS
Case No. 5220000821
Wrongful Termination, Disability Discrimination
Arbitration, Deposition
 35. Gustavo Mora, et al., v. C.E. Enterprises, et al.
Superior Court of California, County of Ventura
Case No. 56-2018-00521275
Wage & Hour
Trial, Deposition
 36. Vista Santa Rosa, Inc., et al., v. Division of Labor Standards Enforcement
Superior Court of California, County of Riverside
Case No. PSC1806608
Wage & Hour
Trial
 37. Daniel Ludlow, et al., v. Flowers Foods, Inc., et al.
U.S. District Court, Southern District of California
Case No. 18-CV-1190
Wage & Hour
Report
 38. Selena Staley, et al., v. FSR International Hotel Inc. d/b/a Four Seasons Hotels and Resorts,
et al.
U.S. District Court, Southern District of New York
Case No. 22-cv-6781
WARN Act Dispute
Deposition, Report
 39. Marisol Gomez, et al., v. J Jacobo Farm Labor Contractor, Inc.
U.S. District Court, Eastern District of California
Case No. 1:15-cv-01489
Wage & Hour
Report

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40. Jarrod Johnson, et al., v. 3M Company, et al.
U.S. District Court, Northern District of Georgia
Case No. 4:20-cv-0008-AT
City of Rome, v. 3M Company, et al.
Superior Court of Georgia, Floyd County
Case No. 19-cv-02405-3
Environmental Dispute
Deposition, Report
 41. Shannon Carpenter, et al., v. McDonald's Corporation
U.S. District Court, Northern District of Illinois
Case No. 21-cv-02906
Illinois Biometric Information Privacy Act
Report
 42. Troy Willis, et al., v. Koning & Associates, et al.
U.S. District Court, Northern District of California
Case No. 5:21-cv-00819-BLF
Wage & Hour
Report
 43. Leah Snyder, v. Alight Solutions, LLC
U.S. District Court, Central District of California
Case No. 8:21-CV-00187
Wrongful Termination
Report
 44. Jeremy Mason, et al., v. Lion Raisins, Inc.
Superior Court of California, County of Fresno
Case No. 15CDECG00733
Wage & Hour
Report
 45. Edwin Minassian v. Toughbuilt Industries, Inc. and Michael Panosian
Superior Court of California, County of Los Angeles
Case No. ECo65533
Breach of Contract
Deposition
 46. GM Financial, Americredit Financial Services, Inc., v. Nicole M. Bell
Circuit Court of Missouri, County of St. Louis
Case No. 15SL-AC24506-01
Consumer Credit Class Action
Report

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47. Simeon Hunter, v. Rivian Automotive, LLC
American Arbitration Association
Case No. 01-20-0015-8379
Wrongful Termination
Report
 48. Rickey Henry, et al., v. Central Freight Lines, Inc.
U.S. District Court, Eastern District of California
Case No. 2:16-CV-00280
Wage & Hour
Report
 49. Roger Flores, et al., v. Element Materials Technology Huntington Beach LLC
Superior Court of California, County of Los Angeles
Case No. 18STCV10074
Wage & Hour
Report
 50. Norma Espino, et al., v. Sky Chefs, Inc.
Superior Court of California, County of Los Angeles
Case No. 19STCV44265
Wage & Hour
Report
 51. Julian Vargas, et al., v. Quest Diagnostics, Inc.
U.S. District Court, Central District of California
Case No. 2:19-CV-08108
ADA Violations
Deposition, Report
 52. Alvaro Lopez Cabrera, et al., v. South Valley Almond Company, LLC
U.S. District Court, Eastern District of California
Case No. 1:21-CV-00748-AWI-JLT
Wage & Hour
Report
 53. Fabian Gonzalez, et al., v. HUB International Midwest, LTD
Superior Court of California, County of San Bernardino
Case No. CIVDS1900463
Wage & Hour
Report
 54. Ethan Noyer, v. AEROTEK, Inc., and GM Cruise Holdings
JAMS
Case No. 1100108393
Wrongful Termination, Disability Discrimination
Arbitration, Deposition, Report

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55. Mark Luna, et al., v. Penske Logistics, LLC
U.S. District Court, Eastern District of California
Case No. 2:21-cv-00081
Wage & Hour
Report
 56. Roosevelt Luckett, v. McDonald's Restaurants of California, Inc.
Superior Court of California, County of Los Angeles
Case No. 20STCV05066
Wage & Hour
Report
 57. Michell Fernandez, et al., v. Suburban Propane LP
Superior Court of California, County of Fresno
Case No. 16CECG00418
Wage & Hour
Report
 58. Alfred Johnson, et al., v. WinCo Foods, LLC and WinCo Holdings, Inc.
U.S. District Court, Central District of California
Case No. 5:17-cv-02288
Wage & Hour Wage & Hour
Report
 59. Kevin Edwards v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6486
Wage & Hour
Report
 60. Tessema Estifanos v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6487
Wage & Hour
Report
 61. Richard Grinesey-Miller v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6488
Wage & Hour
Report
 62. Marc Grozinger v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6489
Wage & Hour
Report

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- 63. Alex Luevano v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6490
Wage & Hour
Report
 - 64. Angel Zamora, et al., v. Penske Truck Leasing Co.
U.S. District Court, Central District of California
Case No. 2:20-cv-2503
Wage & Hour
Report
 - 65. Omero Torres, v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6469
Wage & Hour
Arbitration, Report
 - 66. Patrick Kinney, v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6468
Wage & Hour
Arbitration, Report
 - 67. Andrew Anderson, v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6465
Wage & Hour
Arbitration, Report
 - 68. Rudy Garcia, v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6478
Wage & Hour
Arbitration, Report
 - 69. Robert Blakeley, v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6476
Wage & Hour
Arbitration, Report
 - 70. Joe Azevedo, v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6474
Wage & Hour
Arbitration, Report

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71. Stacy Bauman, v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-6475
Wage & Hour
Arbitration, Report
 72. Pamela Rubin-Knudsen, et al., v. Arthur J. Gallagher & Co.
U.S. District Court, Central District of California
Case No. 2:18-cv-6227
Wage & Hour
Report
 73. Kristal Nucci, et al., v. Rite Aid Corp., et al.
U.S. District Court, Central District of California
Case No. 19-cv-01434
Wage & Hour
Report
 74. Rina Acosta, et al., v. Remington Lodging & Hospitality, LLC
Superior Court of California, County of Contra Costa
Case No. 016-02404
Wage & Hour
Report
 75. Jasmine Estrada, v. Paletz and Agatstein Urology Medical Group, Inc.
Superior Court of California, County of Los Angeles
Case No. 18STCV03003
Discrimination, Wage & Hour
Report
 76. Mark Brewer, v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-1056
Wage & Hour
Arbitration, Report
 77. Morgena Carter and Cornelia Brandon, v. Telecare Corp.
U.S. District Court, Central District of California
Case No. 2:18-cv-10748
Wrongful Termination, Discrimination
Deposition, Report
 78. Stephen Craig, v. Ecolab, Inc.
American Arbitration Association
Case No. 01-19-0000-1058
Wage & Hour
Arbitration, Report

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79. Maria Vecchio, et al., v. Quest Diagnostics Inc., et al.
U.S. District Court, Southern District of New York
Case No. 1:16-cv-05165
Wage & Hour
Deposition, Report
 80. Lloyd T. Briggs III, et al., v. OS Restaurants Services, LLC, et al.
U.S. District Court, Central District of California
Case No. 2:18-cv-08457-JAK-AFM
Wage & Hour
Report
 81. Elizabeth Khaled, v. Library Systems & Services, LLC
Superior Court of California, County of Riverside
Case No. RIC1903238
Wage & Hour
Report
 82. Eduardo Chavez, v. Smurfit Kappa North America LLC
U.S. District Court, Central District of California
Case No. 2:18-cv-05106
Wage & Hour
Report
 83. William Sario, v. California Rail Builders, LLC, et al.
Superior Court of California, County of Los Angeles
Case No. BC679635
Wrongful Termination
Trial, Deposition
 84. Robert Bankwitz, v. Ecolab, Inc.
American Arbitration Association
Case No. 01-18-0003-2812
Wage & Hour
Arbitration, Report
 85. Matthew Bruers, v. Flowers Foods, Inc., et al.
U.S. District Court, Central District of California
Case No. 18-cv-01442-JLS-ADS
Wage & Hour
Report
 86. William Jacobo, v. Ecolab, Inc.
American Arbitration Association
Case No. 01-18-0003-2797
Wage & Hour
Arbitration, Deposition, Report

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87. Todd Bedingfield, Jack Hall, v. American International Group, Inc.
U.S. District Court, Central District of California
Case No. 2:18-cv-04249-DSF-AFM
Wrongful Termination, Age Discrimination
Report
 88. Farah, et al., v. Claim Jumper Restaurants, Inc., et al.
Superior Court of California, County of Los Angeles
Case No. BC583679
Wage & Hour
Report
 89. United States of America and State of New York, ex rel. Edward Lacey, v. Visiting Nurse Service of New York
U.S. District Court, Southern District of New York
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 92. Kenneth Hernandez, et al., v. AutoZone, Inc.
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 93. Scott Reising, v. Western Alliance Bank
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95. Victor Zepeda, et al., v. Wonderful Citrus Packing LLC
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 96. Christine Dancel, et al., v. Groupon, Inc.
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 98. Stephanie Stiavetti, et al., v. Pamela Ahlin, et al.
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 99. Miguel Valadez, et al., v. CSX Intermodal Terminals, Inc.
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 100. Jeffrey Johnston, et al., v. Schiff Nutrition International and Reckitt Benckiser
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 102. Patrick E. Runyon, et al., v. Bostik, Inc., et al.
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 104. Manuel de Luna, et al., v. Pacific Rim Dairy, et al.
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 105. Cynthia Arroyo v. CERES, Inc.
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 106. Talbert Mitchell v. SEIU Local 721, et al.
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 109. Kevin Woodruff, et al., v. Broadpectrum Downstream Services, Inc.
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 117. LMP Services, Inc., v. City of Chicago, IL
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 125. Pablo Amado, et al., v. ServiceMaster Global Holdings, Inc., et al.
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 128. Claudia DeSilva, et al., v. North Shore-Long Island Jewish Health System Inc., et al.
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 129. Patrick Bellinghausen, et al., v. Tractor Supply Company
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 130. Scott Nance, Frederick Freedman, et al., v. May Trucking Co.
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 131. Benjamin Nilsson, Michael Meeks, et al, v. Longs Drug Stores, LLC
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 137. Bay Point Oil Corp., et al., v. Motiva Enterprises LLC, et al.
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 139. Edward Arciniega, v. D.R. Horton, Inc., et al.
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 142. Jose Jimenez v. Sears, Roebuck & Co.
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 144. Clarke and Rebecca Wixon, et al., v. Wyndham Resort Development Corp., et al.
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 145. Maisah Muhammad, et al., v. Bare Escentuals, Inc.
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 146. Kim McBride, et al., v. Jenny Craig, Inc., et al.
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 147. Hans J. Rapold, v. Baxter International, Inc.
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 148. Daynna Wood, et al., v. Vie-Del Company
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 149. Thomas La Parne, et al., v. Monex Deposit Company, et al.
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 155. Ruben Pablo, et al., v. ServiceMaster Global Holdings, Inc., et al.
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 156. Holly Walker, Carol Paradise, et al., v. Bankers Life & Casualty Co.
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 157. Cynthia Fernandez, et al., v. Victoria's Secret Stores, Inc.
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 158. In re Terminix Employment Practices Litigation
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 160. Christopher Roy, et al., v. Terminix International Co., L.P.
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 162. Janice Millius, et al., v. Los Angeles Unified School District
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 163. Ortho-McNeil Pharmaceutical Inc., et al., v. Barr Laboratories, Inc.
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 165. In re Farmers Insurance Exchange Claims Representatives' Overtime Pay Litigation
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 168. Gary J. Milner, et al., v. Farmers Insurance Exchange, et al.
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 169. Robert Salcido, et al., v. Farmers Insurance Exchange, et al.
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 170. Robert C. Westcott, et al., v. Farmers Insurance Exchange
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 171. Robert B. Dietz, et al., v. Farmers Insurance Exchange Co., Inc.
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 172. Jennifer Petre v. Farmers Insurance Exchange, et al.
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 173. Rose M. Bell, et al., v. Farmers Insurance Exchange
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 174. Guadalupe L. Garcia, Jr., et al., v. Ann Veneman
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- 175. Raymond Verdin, et al., v. R&B Falcon Drilling USA, Inc., et al.
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 - 176. Inter-Tel, Inc., v. Bank of America
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PUBLICATIONS & PRESENTATIONS

- “Damages at Class Certification,” (with Kiley Grombacher, Bradley/Grombacher), MCLE Presentation, Bridgeport Continuing Education, Certifying Class Actions: Navigating the Legal Landscape, Webinar, June 2, 2023.
- “Damages & Penalties in Exemption and Misclassification Cases,” (with Robert Drexler, Capstone Law, and Bradley Hamburger, Gibson Dunn), MCLE Presentation, Bridgeport Continuing Education, Independent Contractor, Joint Employment Misclassification Litigation 2019, Los Angeles, California, July 12, 2019.
- “Practical/Discovery Data Management Issues Facing In-House HR” (with Andrew J. Cook, Ph.D.), 14th Annual Labor and Employment Law Advanced Practices Symposium, Las Vegas, Nevada, April 11, 2018.
- “An In-Depth Examination of Class Certification Featuring a Close Look at Daubert Considerations,” (with David Scheidemantle, Scheidemantle Law Group, and Andre Mura, Gibbs Law Group), MCLE Presentation, Bridgeport Continuing Education, 2018 Consumer Class Action Litigation Conference, Costa Mesa, California, January 19, 2018.
- “A Careful Look at Spokeo and Its Meaning in Wage & Hour Litigation,” (with Christina Humphrey, Humphrey & Rist, and Timothy Long, Orrick), MCLE Presentation, Bridgeport Continuing Education, 2017 Wage & Hour Litigation and Management, Los Angeles, California, December 8, 2017.
- “When and How to Use Experts” & “Live Deposition and Trial Demonstration: Economists,” (with MiRi Song, Paul Hastings, and Phil Horowitz, Law Office of Phil Horowitz), MCLE Presentation, The State Bar of California Program on Using Expert Witnesses to Win Employment Cases, San Francisco, California, August 10, 2017.
- “Practical/Discovery Data Management Issues Facing In-House HR,” (with Andrew Cook, The Claro Group, and Kathy Perkins, Kathy Perkins LLC), 13th Annual Labor and Employment Law Advanced Practices Symposium, Las Vegas, Nevada, March 29, 2017.
- “Tips on Damages Analysis for Mediation and Settlement,” (with Christina Humphrey, Humphrey & Rist), MCLE Presentation, Bridgeport Continuing Education, 2016 Wage & Hour Litigation and Management, Los Angeles, California, December 9, 2016.
- “Changing Standards for Class Certification: Experts and Statistical Sampling in Light of Spokeo and Tyson,” (with Rachel R. Brass, Gibson Dunn; E. Michelle Drake, Berger & Montague, P.C.; and Vandy M. Howell, Ph.D., Cornerstone Research), MCLE Presentation, Bridgeport Continuing Education, 2016 Class Action Litigation Conference, San Francisco, California, September 16, 2016.
- “How to Leverage Your Company’s Data to Prevent and Win Employment Lawsuits,” (with Andrew Cook, The Claro Group), 12th Annual Labor and Employment Law Advanced Practices Symposium, Las Vegas, Nevada, March 16, 2016.
- “Consumer Class Action Claims: Give Peace a Chance,” (with Dan Cunningham, Tressler, LLP; David Nelson, Barnes & Thornburg, LLP; and Brad Seiling, Manatt), MCLE Presentation, Emerging and Complex Insurance Claims Forum 2016, Los Angeles, California, February 25, 2016.

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- “Bell to Duran: The Evolution of the Use of Sampling & Statistics in Wage & Hour Litigation & A Brief Primer on the California Fair Pay Act,” (with Andrew Cook), MCLE Presentation, Carothers DiSante & Freudenberger, Irvine, California, October 16, 2015.
- “Bell to Duran: The Evolution of the Use of Sampling & Statistics in Wage & Hour Litigation,” (with Andrew Cook and Christopher Paskach), MCLE Presentation, Morrison & Foerster, Los Angeles, California, May 27, 2015.
- “Data Analytics in Discovery – Structured and Unstructured ESI,” (with Christopher Paskach), CPE Presentation, OC-ACFE, Irvine, California, March 19, 2015.
- “The Use of Experts in the Certification Phase of Class Litigation,” (with Mark Campbell, Loeb & Loeb, and Graham LippSmith, Girardi|Keese), MCLE Presentation, Bridgeport Continuing Education, 2013 Class Action Litigation & Management Conference, Los Angeles, California, April 11, 2013.
- “New Rules for the Use of Statistical Evidence in Wage & Hour Cases,” MCLE Presentation, Bridgeport Continuing Education Conference on Wage & Hour Litigation, San Diego, California, June 15, 2012.
- “Damage Modeling in Wage and Hour Class Actions Including Lost Income & PAGA Penalties,” (with Fraser A. McAlpine, Hunton & Williams), MCLE Presentation, Bridgeport Continuing Education Conference on Wage & Hour Litigation, San Francisco, California, October 14, 2011.
- “Damage Modeling in Wage and Hour Class Actions,” (with Daniel Chammas, Venable, and Steven Pearl, The Pearl Law Firm), MCLE Presentation, Bridgeport Continuing Education Conference on Wage & Hour Litigation, Los Angeles, California, December 16, 2010.
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- “Working With Experts: The SET Approach,” (with Gary Holmen, Farmers Insurance), ACC Docket, May 2008.
 - “Efficient Management of Data in Class Action Litigation,” (with Jean Nicole Taylor Moore, Micronomics), California Litigation, Volume 21, Number 1, 2008.
 - “Efficient Management of Data in Wage & Hour Class Actions,” MCLE Presentation, Bridgeport Continuing Education Conference on Wage & Hour Litigation, Sacramento, California, March 6, 2008.
 - “Managing Experts,” MCLE Presentation, TroyGould, Los Angeles, California, February 28, 2008.
 - “Sampling Class Action,” (with Stevan Porter, Micronomics), The Los Angeles Daily Journal, January 7, 2008.
 - “Statistics: Sampling, Descriptive Statistics and Regression,” (with Stevan Porter), MCLE Presentation, Davis Wright Tremaine, Los Angeles, California, September 19, 2007.
 - “Efficient Discovery and Management of Data in Wage and Hour Litigation,” (with Karen Santos, Micronomics), MCLE Presentation, The Quisenberry Law Firm, Los Angeles, California, July 10, 2007.