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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JAYSON HUNTSMAN, on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

SOUTHWEST AIRLINES CO.,

Defendant.

Case No. 3:17-cv-03972-JD

**DECLARATION OF MATTHEW  
CROTTY IN SUPPORT OF MOTION FOR  
PRELIMINARY APPROVAL 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 knowledge.

3 2. I am one of the attorneys representing the plaintiff in this lawsuit.

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

11 4. I have served as co-lead counsel in USERRA class action lawsuits against United  
12 Airlines, American Airlines, and the State of Washington, and I am currently litigating a putative  
13 class action under USERRA against L-3 Communications Corporation. The first three class actions  
14 have been resolved through class settlements that were valued at \$6.15 million (United Airlines),  
15 more than \$6 million (American Airlines), and \$15 million (State of Washington). *See Tuten v.*  
16 *United Air Lines*, 1:12-cv-01561-WJM-MEH (D. Colo.); *Allman v. American Airlines, Inc. Pilot*  
17 *Retirement Benefit Program Variable Income Plan*, 1:14-cv-10138-IT (D. Mass.); *Martin v. State*  
18 *of Washington*, 14-2-00016-7 (Wash. Sup. Ct.).

20 5. I have first-chaired numerous state and federal jury trials. I have obtained plaintiff  
21 jury verdicts in employment discrimination cases involving highly contested circumstantial  
22 evidence issues. These cases include issues involving USERRA, *Hanson v. Kitsap County*, 2:13-  
23 cv-5388-RJB (W.D. Wash. Mar. 16, 2015) (jury verdict and finding of willful violation of USERRA  
24 in failure to promote retaliation case), and the Washington Law Against Discrimination (WLAD),  
25 *Zhu v. Educational Service District No. 171*, 2:15-cv-183-JLQ (E.D. Wash. Sept. 16, 2016)







1 Additional work performed by me and other members of Class Counsel on the case is described in  
2 the declaration of Peter Romer-Friedman.

3 15. I would like to attest to the high caliber of Jayson Huntsman and his critical  
4 leadership in this case. From 2012 through the commencement of this lawsuit, I spoke to numerous  
5 SWA pilots who were members of the military reserves. All knew or strongly suspected that SWA  
6 was not following USERRA in various respects. But none of those individuals were willing to put  
7 his or her name on a lawsuit against SWA, primarily because they feared being retaliated against or  
8 the fear of being deemed “litigious.”

9  
10 16. The pilots’ concern about retaliation are real. I have seen what happens when  
11 someone has the courage to sue his or her employer. The above-referenced *Zhu v. ESD 171* lawsuit  
12 involved a Chinese-American teacher who filed (and later settled) a Title VII lawsuit against his  
13 employer, but then experienced full-on blacklisting and retaliation in his community once word of  
14 the Title VII settlement reached the local news media. Although his initial lawsuit resolved in 2010,  
15 he still has not found educational work in his community. Like Mr. Zhu, many of my clients and  
16 prospective clients are reasonably afraid of retaliation, and the decision to file a class action lawsuit  
17 against one’s current employer requires significant courage.

18  
19 17. Mr. Huntsman fully understood those risks, filed suit, and did so even though he  
20 personally stood to gain, at most, a few thousand dollars in make-up 401(k) contributions and the  
21 replenishment of his sick leave bank. Such conduct should be applauded. Moreover, throughout  
22 this case Mr. Huntsman has taken a proactive approach to analyzing SWA’s discovery production,  
23 identifying potential witnesses, and taking time out of his own life to travel across the country to  
24 meet me and my colleagues to arm us with the information we needed to successfully prosecute this  
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1 case. In one instance he left behind a sick family member to ensure he attended a key planning  
2 meeting involving this case.

3 18. Finally, during my career in the military I have had the honor of working with our  
4 nation's military special operations community—a community consisting of Navy SEALs, Army  
5 Special Forces, Army Rangers, among others. The officer leadership that I worked with was second  
6 to none when it came to qualities candor, competence, and moral courage. Mr. Huntsman readily  
7 displayed those attributes during the course of this litigation and I am confident that he would  
8 represent this class with intelligence, determination, and grace.

9  
10 I declare under penalty of perjury under the laws of the United States that the foregoing is  
11 true and correct.

12  
13 DATED this 12th day of September, 2018.

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17 MATTHEW CROTTY