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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

DECLARATION OF THOMAS G.
JARRARD IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL AND CLASS
CERTIFICATION

1 I, Thomas G. Jarrard, 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. My practice is focused on veterans and Uniformed Services Employment and
5 Reemployment Rights Act (“USERRA”) litigation. In the past seven years I have successfully
6 litigated and resolved dozens of USERRA and veterans matters across the United States. I am
7 admitted to practice in Washington State, the U.S. District Courts for the Eastern and Western
8 Districts of Washington, the District of Colorado, the District of Nebraska, the Western District of
9 Tennessee, the District of Wisconsin, the U.S. Courts of Appeals for the Fifth, Seventh, Eighth,
10 Ninth, Tenth, Eleventh, and Federal Circuits, the Merit Systems Protection Board, and the U.S.
11 Supreme Court.

12 4. I have served as class counsel our putative class counsel in numerous federal class
13 action lawsuits and one state class action lawsuit, including cases against United Airlines,
14 American Airlines, Southwest Airlines, L-3 Communications, the Washington State Patrol, and
15 defendants in two Driver’s Privacy Protection Act cases (“DPPA”). The two DPPA cases are
16 pending class certification and involve the sale and improper use of approximately 400,000
17 drivers’ personal identifying information. *See Wilcox v. Bastiste*, No. 2:17-CV-122-RMP, 2017
18 WL 2525309 (E.D. Wash. June 9, 2017); *Wilcox v. Swapp*, No. 2:17-CV-275-RMP, 2017 WL
19 6541514 (E.D. Wash. Dec. 21, 2017). The United Airlines case involved over 1,200 service
20 members and settled for \$6.15 million. *See Tuten v. United Airlines, Inc.*, 41 F. Supp. 3d 1003,
21 1006 (D. Colo. 2014). The American Airlines case involved approximately 1,150 service members
22 and settled for approximately \$6 million. *See Allman v. American Airlines, Inc. Pilot Retirement*
23 *Benefit Program Variable Income Plan*, 1:14-cv-10138 (D. Mass.). The *Martin v. Washington*
24 *State Patrol* case involved over 800 veterans and settled for just under \$15 million and significant
25 changes in hiring and promotions for veterans and service members.

26 5. The Law Office of Thomas G. Jarrard, PLLC is listed as one of Spokane’s “Top
27 Lawyers” in Spokane Coeur d’Alene Living Magazine for six years running. The law firm
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1 received a 10/10 “Superb” rating from the Avvo legal rating forum, and holds “Preeminent” Client
2 and Peer Review ratings at Martindale-Hubble.

3 6. I was selected as a Rising Star by Super Lawyers for Military/Veterans Law and
4 Appellate Law in 2016 and 2017. “Rising Star” is a peer-review driven accolade that is based on
5 jury verdicts, settlements, and representative clients and is awarded to only 2.5% of attorneys who
6 have practiced law for ten years or less.

7 7. Prior to opening my practice, I served as a felony prosecutor for Spokane County
8 Prosecutor’s Office. Prior to service as a prosecutor, I served in a two-year clerkship at the
9 Washington State Court of Appeals, Division III. I received my JD from Gonzaga University
10 School of Law in 2007 and an MBA from the Columbia College School of Business in 2000.
11 During law school, I served as an associate editor for the Gonzaga Journal of International Law
12 and as a Thomas More Scholar.

13 8. I am an accredited attorney for claims against the U.S. Department of Veterans
14 Affairs and my law firm is certified by the Washington State Department of Veterans Affairs as a
15 Service Disabled Veteran Owned Business. My law firm is a first referral among veteran affinity
16 groups, including the Reserve Officers Association of America, the Disabled American Veterans
17 and the Military Order of the Purple Heart and I am a life member in each of these organizations.

18 9. I have experience litigating approximately 60 USERRA cases across the United
19 States. *See e.g., Podliska v. U.S. House of Representatives, Committee on the Events Surrounding*
20 *the 2012 Terrorist Attack in Benghazi*, 1:15-cv-02037 (D.D.C.) (settled case involving reservist
21 who claimed retaliation and discrimination by the House Benghazi Committee); *Hanson v. Kitsap*
22 *County*, 2:13-cv-5388-RJB (W.D. Wash. March 16, 2015) (jury verdict and finding of willful
23 violation of USERRA in failure to promote retaliation case).

24 10. I co-authored the Reserve Officers Association of America, Law Center *amicus*
25 *curiae* brief to the Supreme Court of the United States in the case of *Staub v. Proctor Hospital*,
26 131 S.Ct. 1186 (2011). I have written on behalf *amicus curie* and service members in USERRA
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1 appeals before the New Mexico Court of Appeals and Supreme Court; the Merit System Protection
2 Board; the Fifth, Seventh, Eighth, Ninth, Tenth, Eleventh, and the Federal Circuits.

3 11. I instruct at local and national continuing legal education seminars for USERRA
4 and I authored the following articles related to USERRA: Proving a Violation of Section 4311 of
5 USERRA: *A Case Study*, ROA L. Rev. 170161 (2017); Tax Records in USERRA: *How Both*
6 *Parties May Obtain Each Other's Private Financial Records*, ROA L. Rev. 11029 (2011);
7 *USERRA and Federal Rule of Civil Procedure 68, Offer of Judgment: Awards of Plaintiff's*
8 *Attorney Fees and Prohibition of Charging Costs Under USERRA Are Not Affected by Rule 68*,
9 ROA L. Rev. 1082 (2010). I am a contributor to Kathryn Piscitelli & Edward Still, *The USERRA*
10 *Manual: Uniformed Services Employment & Reemployment Rights* (2012 - 2018 editions).

11 12. I am a founding member and the current Chair of the Washington State Veterans
12 Bar Association, a minority bar association representing veterans' interests and advocacy in the
13 practice of law.

14 13. In addition to the practice of law, I retired from the United States Marine Corps. I
15 retired from 25 years of continuous service in the United States Marine Corps and Reserve with
16 two combat tours in Iraq. These experiences, combined, provide me with a special rapport with
17 service members, including combat veterans, like the service men and women who called my
18 office regarding this matter.

19 14. My office and other members of Class Counsel began working on this matter in
20 2012, when I was contacted by a Southwest Airlines Pilot who raised his concern that his USERRA
21 rights were being violated with respect to his USERRA make-up retirement benefits and other
22 benefits related to periods of military leave. Since then, my office received several calls from
23 Southwest pilots with the same complaints, and I and other members of Class Counsel have spoken
24 with Southwest pilots about their USERRA rights. Other than Jayson Huntsman, none of these
25 Southwest pilots with whom I previously spoke was willing to file a legal action challenging
26 Southwest's policies as a violation of USERRA.

1 15. In 2017, my office and other members of Class Counsel were retained by Plaintiff
2 to file the instant class action lawsuit. Mr. Huntsman is an Air Force reservist, and expressed
3 concern about similar practices at Southwest that other pilots had raised in the past. Mr. Hunstman
4 filed this class action on July 14, 2017 in the Northern District of California.

5 I declare under penalty of perjury under the laws of the State of Washington that the
6 foregoing is true and correct.

7 DATED September 12, 2018.

8
9 /s/ Thomas G. Jarrard

10 Thomas G. Jarrard

11
12 **ATTESTATION OF SIGNATURE**

13 Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence
14 in the filing of this document has been obtained from the other signatory above.

15
16 Dated: September 12, 2018

/s/ Peter Romer-Friedman

17 Peter Romer-Friedman