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13 Attorneys for Plaintiff KUMAR and the CLASS

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17 ROHINI KUMAR, individual, on behalf of  
18 herself, the general public and those similarly  
situated

19 Plaintiff,

20 v.

21 SALOV NORTH AMERICA CORPORATION,  
22  
23 Defendant.

CASE NO. 4:14-cv-02411-YGR

**DECLARATION OF RANDALL WULFF  
REGARDING PLAINTIFF'S MOTION  
FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT AND  
APPLICATION FOR ATTORNEYS'  
FEES, COSTS AND INCENTIVE  
AWARDS**

Date: May 30, 2017

Time: 2:00 p.m.

Courtroom 1, Fourth Floor

Judge: Hon. Yvonne Gonzalez Rogers

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1 I, RANDALL WULFF, DECLARE:

2 1. I am a private mediator affiliated with the firm of Wulff, Quinby & Sochynsky. I  
3 make this declaration based on my own personal knowledge, and if called as a witness, I could and  
4 would testify competently thereto.

5 2. I have spent the last 23 years facilitating settlements. Prior to becoming a full time  
6 mediator at Wulff, Quinby & Sochynsky, I spent 20 years as a litigator at Farella, Braun + Martel.  
7 A copy of my biography is attached hereto as Exhibit A.

8 3. On November 8, 2016, I acted as a mediator in connection with a consumer class  
9 action lawsuit concerning the olive oil sold by Salov North America Corp. The mediation involved  
10 complex issues, and counsel for all parties vigorously represented their clients' interests.

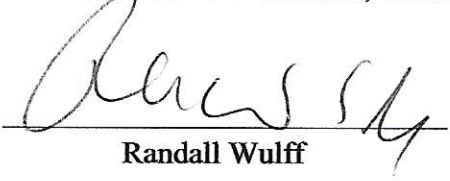
11 4. After a full day of mediation, the parties reached a settlement on all substantive,  
12 issues, including class benefits, claims process, and class notice. It was only after all these issues  
13 had been resolved that the parties addressed plaintiff's attorneys' fees and costs.

14 5. Based on my involvement in the mediation process and my experience as a  
15 mediator, I believe that the settlement reached in this matter is the result of arm's length  
16 negotiations.

17 6. I submit this declaration at the request of counsel for Plaintiff and SNA.

18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct, and that this declaration was executed at Oakland, California.

20 Dated: 5/16/17

  
Randall Wulff

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# **EXHIBIT A**

# Randall W. Wulff



Randall W. Wulff

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Case Manager for Mr. Wulff

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Before becoming a full-time neutral in 1994, Randall Wulff was a trial lawyer with Farella Braun & Martel LLP in San Francisco for 20 years, specializing in complex commercial, construction, intellectual property, securities, insurance coverage, real estate and employment litigation, representing both plaintiffs and defendants. Mr. Wulff received his J.D. from the University of California, Hastings College of the Law, in 1974, where he was ranked first academically in his class in 1972 and 1973, achieving the academic honoraries of the Order of the Coif and Thurston Society. In 1974, he then served as Hastings' first extern for the Chief Justice of the California Supreme Court, and also worked on the editorial staff of the Hastings Law Journal. In addition to his active trial practice at Farella, he was also an adjunct professor at Hastings, having taught courses in "Trial Evidence" and "Complex Litigation." Mr. Wulff has tried cases in federal court, state court and the U.S. Court of Claims. He has also arbitrated many cases and acted as an arbitrator in several more. Mr. Wulff's background in trial work led to his active interest in mediation, looking for faster, more economical results for his clients. He successfully settled roughly 100 cases for his clients as an advocate in mediations or mini-trials.

Because of this extensive experience, Mr. Wulff has been selected as a mediator in over two

thousand diverse cases, settling most of those cases. They have ranged from two-party cases to suits involving more than one hundred parties.

Mr. Wulff successfully mediated the \$2.75 billion agreement between Discover, Mastercard and Visa. He also mediated the \$1.1 billion class action settlement of the Microsoft antitrust claims in California.

In 2004, after a nationwide search for several months, Mr. Wulff was selected by the Chief Judge in the Southern District of New York to lead the panel that heard and decided the property damage claims for the World Trade Center arising from the tragedy on September 11. This included reconstruction costs as well as business interruption claims. These insurance claims were roughly four times larger than any other in the history of the industry.

Mr. Wulff is co-editor of two books, the Alternative Dispute Resolution Practice Guide (West Group 1993-2003), as well as a second book devoted specifically to ADR for the construction industry, both being marketed nationally. He has also published numerous articles on alternative dispute resolution ("ADR"), and contributed the chapter on "Mediation" to the nationally published ADR Handbook. He has spoken on mediation at numerous national and international conferences and conventions.

The Mediation Society selected Mr. Wulff in 2004 as its "Mediator of the Year." Mr. Wulff received the American Arbitration Association's 1990 Award as its outstanding mediator in Northern California. He is regularly selected among the "top" mediators in polls done periodically by the legal newspapers, The Recorder and the Daily Journal. Mr. Wulff regularly appears in each annual selection of SuperLawyers and Best Lawyers in America and other similar published evaluations. He is one of two mediators in California to receive a first tier rating from Chambers & Partners for construction mediation. Mr. Wulff was selected the ADR Lawyer of the Year from Oakland in the Best Lawyers 2011 edition.

Recently published articles profiling Mr. Wulff can be found by clicking on the "Articles" tab on the home page of this site or by [clicking here](#).

#### **PROFESSIONAL EXPERIENCE**

1974 - 2000 Farella, Braun & Martel

1980 - 1999 Partner in the firm

1994 - Present Full-time neutral

#### **EDUCATION**

J.D., 1974, University of California, Hastings College of the Law. Extern to Chief Justice of the California Supreme Court, 1973, Order of the Coif, Law Review.

B.A., 1970, Honors College of University of Oregon. 1968-69, attended Netherlands Institute of International Business.

#### **PROFESSIONAL ACTIVITIES AND AWARDS**

Selected as the Mediation Society's "Mediator of the Year" in 2004; selected as AAA's outstanding mediator in Northern California in 1990; Member of Alameda County Bar and American Bar groups on ADR. Past member of Adjunct Faculty at Hastings College of the Law, having taught courses in Trial Practice and Complex Litigation.

#### **REPRESENTATIVE CASES**

Commercial:

Selected in 2004 to lead the panel that will hear and decide the property damage claims for the World Trade Center complex arising from the tragedy on September 11, 2001, numerous disputes involving high technology, antitrust (including 1.1 billion settlement of Microsoft class action), securities, intellectual property, limited partnerships and real estate, employment issues,

environmental, SuperFund cleanups, energy lease or royalty disputes, legal and accounting malpractice claims, insurance coverage, general contractual disagreements.

Construction:

Claims arising from construction of subway station, dams, hydroelectric facilities, Golden State Warriors' Arena renovation; Arizona Diamondback's ballpark, Staples Center (LA Lakers' and Clippers' arena), Disney Concert Hall, highways, cogeneration plants, chemical plants, water treatment plants, chip fabrication facilities, tunnels and pipelines, offshore oil platform, hospitals, and various high-rise buildings and other structures, both commercial and residential.

### **LECTURES ON ADR**

National or international conventions or conferences include presentations for the Construction SuperConference, the PLI Copyright Trademark Conference; the Construction Users Council of the Business Roundtable, the Engineering News Record Conference, the International Symposium on Dispute Resolution, the International Association of Defense Counsel, the ABA Energy Litigation Committee, the ABA forum, the nationally televised CLESN program on Dispute Resolution, the Mechanical Contractors Association of America, the DPIC Convocation and the Forbes Conference on International Infrastructure.

Regional presentations include keynote speaker to the Hawaii State Bar Convention and programs for the California Society of CPA's, the California Bar, the Risk and Insurance Management Society, the Associated General Contractors, the California County Counsel's Association, the Asia/Pacific Center and the Defense Research Institute.

Local presentations on ADR include programs for the Bay Area Executives Group, Hastings College of Advocacy, the Bar Association of San Francisco, the Mediation Society and numerous local programs and mediator trainings.

### **PUBLICATIONS ON ADR**

Co-Editor, ADR: A Practical Guide to Resolve Construction Disputes, book published and nationally marketed in 1993.

Co-Editor, The Alternative Dispute Resolution Practice Guide (West Group 1993-2003).

Author, "A Mediation Primer," ADR Practice Guide, Wiley and Sons, 1990.

Author, "Alternative Dispute Resolution," ABA Energy Committee Newsletter, 1995.

Co-Author, "Tips for A Successful Construction Mediation," DART Occasional Papers, 1994.

Author, "Mediation," Assn. Of Business Trial Lawyers Report, November, 1993.

Co-author, chapter on Arbitration, California ADR Practice Guide, Shepherds/McGraw-Hill, 1992.

Author, "Approaching Your Opponent about Mediating," AAA Mediation and Arbitration Handbook, 1991.

Author, "Mediation of Construction Claims," AAA Mediation and Arbitration Handbook, 1991.

Co-author, "Mediation and Arbitration of Construction Claims," Digger Reporter, July 1991.