

# Jason Kandel Fair Value Metrics LLC

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## Professional Profile

Jason Kandel is the founder of Fair Value Metrics LLC, a consultancy providing wage and hour damages analysis, expert testimony, and litigation data support to law firms nationwide. He has worked in wage and hour class and collective litigation for more than a decade, including ten years as the embedded lead data scientist at a national plaintiff side wage and hour firm. Over that time he has analyzed the claims of hundreds of thousands of workers and modeled billions of dollars in claimed damages. He has served as the lead analyst on several of the largest wage and hour resolutions of the past decade, including the approximately \$100 million settlement in *Van Dusen v. Swift Transportation*, among the largest under the Fair Labor Standards Act in U.S. history.

He has worked on dozens of wage and hour class and collective actions from intake through resolution, with hands on responsibility at every stage, including identifying data sources and shaping ESI protocols, negotiating production formats, auditing data quality, building damages and allocation models, filing declarations, supporting mediations, preparing legal teams for Rule 30(b)(6) depositions, assembling Rule 1006 summaries and trial exhibits, and providing deposition, arbitration, and trial testimony. Along the way he has worked opposite many of the largest employment defense firms in the country, including Jones Day, Willkie Farr & Gallagher, McDermott Will & Emery, Sheppard Mullin, Greenberg Traurig, Jackson Lewis, and Ogletree Deakins, auditing and rebutting the analyses of the experts they retained.

He founded Fair Value Metrics in 2025 and since then has provided expert witness services and damage modeling for wage and hour litigation.

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## Areas of Expertise

### ESI and Discovery

- ESI protocols, data production negotiation, and large scale data auditing and validation
- Rule 30(b)(6) deposition preparation for legal teams

### Damages Analysis and Expert Reports

- Wage and hour damages analysis under the FLSA and nationwide state laws, including PAGA, daily overtime, and wage statement claims
- Expert reports, audits, and rebuttals of opposing expert work

### Settlement Negotiations

- Real time dynamic damages modeling for mediation and settlement
- Settlement fund allocation methodologies and calculators

### Testimony and Trial

- Trial ready damages models that adjust in real time as rulings and assumptions change
- Rule 1006 summaries and trial visual aids
- Testimony in depositions, arbitrations, and at trial

## Professional Experience

### Founder, Fair Value Metrics LLC (2025 – Present)

Provides tailored wage and hour damages analysis and discovery support for law firms nationwide, delivering mediation ready Excel models and settlement analytics.

### Lead Data Scientist, Getman, Sweeney & Dunn PLLC (2015 – 2025)

Led damages modeling on large wage and hour matters and provided litigation support across the full arc of the case, including non expert testimony and audits and reports of both plaintiff and defense expert witnesses.

## Education

- M.S. Computer Science, SUNY New Paltz, 2015
- M.S. Chemistry, University of Delaware, 2008
- B.S. Chemistry, Marist College, 2005

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## Representative Matters

### **Van Dusen v. Swift Transportation Co., Inc.**

Approximately \$100 million settlement for about 20,000 owner operators alleging misclassification and below minimum wage net pay, among the largest settlements under the Fair Labor Standards Act in U.S. history. Lead analyst, built per employee and per week mediation models, delivered real time damages models used throughout the case, and developed the allocation methodology and calculators used to distribute the settlement fund to class members.

Opposing counsel: Sheppard Mullin Richter & Hampton and McDermott Will & Emery.

### **Roseman v. Bloomberg, L.P., Analytics Department Representatives.**

\$54.5 million overtime settlement after a mid trial resolution in the Southern District of New York. Built per employee and per week overtime exposure from badge access and scheduling data, modeled off the clock scenarios, delivered live allocation calculators used in negotiations, and provided testimony at trial.

Opposing counsel: Willkie Farr & Gallagher and Jones Day.

### **Kinkead v. Humana, Inc., Humana at Home, and SeniorBridge Family Companies.**

Approximately \$17 million settlement for four certified classes of home health aides in Connecticut and New York. Built per employee and per week overtime exposure and allocation models from electronic visit verification and payroll data and applied state specific live in rules. Supported ESI negotiations, Rule 30(b)(6) depositions, and mediation and trial planning, and filed a declaration in support of plaintiffs' motion for supplemental FLSA notice.

Opposing counsel: Jackson Lewis and Ogletree Deakins.

### **Thomas v. Kellogg Company et al.**

Approximately \$16.75 million settlement for about 750 Territory Managers and Retail Store Representatives alleging unpaid overtime in Washington federal court. Built trial ready damages models and delivered per employee and per week allocation calculators used in settlement negotiations. Was deposed, the court denied Kellogg's motion to preclude his trial testimony, and the case settled before trial.

Opposing counsel: Greenberg Traurig.

### **Herrington v. Waterstone Mortgage Corporation.**

Loan officer overtime and minimum wage claims resolved through AAA arbitration. Built per employee and per week overtime and commission models from payroll data and delivered mediation calculators and allocation tools. Was deposed and presented the claimant's damages when the case was tried before the arbitrator.

Opposing counsel: Offit Kurman, and Ogletree Deakins on appeal.

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## Matters by Industry

### Transportation

- Van Dusen v. Swift Transportation Co., Inc. (D. Arizona, No. 2:2010-cv-00899; Ninth Circuit, No. 15-15257). Declaration, March 2020.
- Brant v. Schneider National Inc. et al. (E.D. Wisconsin, No. 1:2020-cv-01049). Declaration, November 2022.
- Elmy v. Western Express Inc. et al. (M.D. Tennessee, No. 3:2017-cv-01199). Declaration, February 2021.
- Canava v. Rail Delivery Services Inc. et al. (C.D. California, No. 5:2019-cv-00401). Declaration and Rule 1006 trial witness designation, 2022.
- Cervantes v. CRST International, Inc. et al. (N.D. Iowa, No. 1:2020-cv-00075), CRST Independent Contractor Driver Litigation.
- Flores v. Swift Transportation Company et al. (C.D. California, No. 2:2014-cv-02900), Customer Service Representatives.
- Cilluffo v. Central Refrigerated Service, Inc. et al. (C.D. California, No. 5:2012-cv-00886), resolved through AAA collective and individual arbitrations.
- FedEx Ground Package System Inc. and Federal Express Corporation, multiple New York court and arbitration matters.

### Bloomberg

- Roseman v. Bloomberg L.P. (S.D.N.Y., No. 1:2014-cv-02657), Analytics Department Representatives. Trial testimony, 2018.
- Doe et al. v. Bloomberg L.P. (D. New Jersey, No. 3:2019-cv-09471), Global Data.
- Martinez et al. v. Bloomberg L.P. (S.D.N.Y., No. 1:2017-cv-04555), Installations Department.
- Jackson v. Bloomberg L.P. (S.D.N.Y., No. 1:2013-cv-02001), Global Customer Support Representatives.
- Siegel et al. v. Bloomberg L.P. (S.D.N.Y., No. 1:2013-cv-01351), Service Desk Representatives.
- Enea et al. v. Bloomberg L.P. (S.D.N.Y., No. 1:2012-cv-04656), Technical Support Representatives.

### Healthcare and Home Care

- Kinkead v. Humana, Inc. et al. (D. Connecticut, No. 3:2015-cv-01637). Declaration, September 2019.
- Severino v. Avondale Care Group, LLC (S.D.N.Y., No. 1:2021-cv-10720).
- Cruz v. Ultimate Care, Inc. (E.D.N.Y., No. 1:2022-cv-07520).
- Moreno v. Future Care Health Services, Inc. et al. (Kings County Supreme Court, New York).
- Jackson v. Mississippi Behavioral Health Services, LLC (S.D. Mississippi, No. 3:2022-cv-00697).

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## **Insurance, Claims Adjusting, and Mortgage Lending**

- Herrington v. Waterstone Mortgage Corporation (W.D. Wisconsin, No. 3:2011-cv-00779). Deposed; damages testimony at the AAA arbitration hearing, November 2019.
- Smith v. Alamo Claim Service et al. (C.D. Illinois, No. 1:2013-cv-01481).
- Ferguson v. Burton Claim Service, Inc. and Seibels Claims Solutions, Inc. (D. South Carolina, No. 3:2021-cv-00580).
- Amoko v. N&C Claims Service, Inc. et al. (D. South Carolina, No. 3:2020-cv-04346).

## **Retail and Consumer Products**

- Thomas v. Kellogg Company et al. (W.D. Washington, No. 3:2013-cv-05136), Kellogg and Keebler Foods. Deposed.
- Miracola v. Kellogg Company (W.D. Michigan, No. 1:2018-cv-01341), filed as Smith v. Kellogg.
- Walter v. Buffets Inc. (D. South Carolina, No. 6:2013-cv-02995).
- Coats v. Williams-Sonoma, Inc. (N.D. Mississippi, No. 3:2022-cv-00019).

## **Technology and Industrial Services**

- Sitemetric mass arbitrations, settlement approved in S.D. Texas (No. 4:2024-cv-02326).
- Charlot v. Ecolab, Inc. (E.D.N.Y., No. 2:2012-cv-04543; D. New Jersey, No. 2:2018-cv-10528).