

COHELAN KHOURY & SINGER

Michael D. Singer (SBN 115301)

msinger@ckslaw.com

Diana M. Khoury (SBN 128643)

dkhoury@ckslaw.com

Jeff Geraci (SBN 151519)

jgeraci@ckslaw.com

605 C Street, Suite 200

San Diego, CA 92101

Tel: (619) 595-3001/Facsimile: (619) 595-3000

LAW OFFICES OF SAHAG MAJARIAN II

Sahag Majarian II (SBN 146621)

sahagii@aol.com

18250 Ventura Blvd.

Tarzana, CA 91356

Tel: (818) 609-0807/Facsimile: (818) 609-0892

Attorneys for Plaintiff Manuel Gutierrez, on behalf of himself
and all others similarly situated

SUPERIOR COURT OF CALIFORNIA

FOR THE COUNTY OF ORANGE

MANUEL GUTIERREZ, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

KITE ELECTRIC INCORPORATED, a
California corporation; and DOES 1 through 10,
Inclusive,

Defendants.

CASE NO. 30-2020-01133960-CU-OE-CXC
ASSIGNED FOR ALL PURPOSES TO:

The Honorable Peter J. Wilson

Department CX 102

CLASS ACTION

**DECLARATION OF SAHAG MAJARIAN
II IN SUPPORT OF MOTION FOR
ORDER GRANTING FINAL APPROVAL
OF CLASS ACTION SETTLEMENT**

Hearing Set by Court; 3/4/2022 Order (ROA137)

Date: July 7, 2022

Time: 2:00 p.m.

Dept: CX 102

Judge: Honorable Peter J. Wilson

1 **DECLARATION OF SAHAG MAJARIAN II**

2 I, Sahag Majarian II, declare as follows:

3 1. I am an attorney duly licensed to practice in the State of California and am the principal
4 of the Law Offices of Sahag Majarian II, one of the attorneys of record for Plaintiff Manuel Gutierrez
5 in this action against Defendant Kite Electric Incorporated. I have personal knowledge of the
6 following, and if called and sworn as a witness, I could and would competently testify thereto. This
7 declaration is made in support of preliminary approval of the class action settlement in this case.

8 2. I graduated from Loyola Law School in 1990. Since my graduation, I have been in private
9 practice primarily representing consumers against insurance companies and workers against their
10 employers. I have devoted a significant portion of my practice to employment law and class actions,
11 and have been appointed co-class counsel for the plaintiffs in no less than 50 wage and hour class
12 actions. A sample of these cases are: *Ayvazi v. Ralph Grocery Company*, LASC Case No. BC 382980;
13 *Sandoval vs. Chevron Stations, Inc.*, MCSC Case No. CV061690; *Nieves v. Roy's Worldwide, Inc.*,
14 OCSC Case No. 06CC0076; *Corado v. Good Year Rubber Corp.*, SBSC Case No. RCV095476;
15 *Pleitez v. Johnson Controls*, LASC Case No. BC353315; *Serrano v. BCI Coca Cola Bottling Co. of*
16 *L.A.*, LASC Case No. BC349904; *Urbina v. Valley Crest Co.*, LASC Case No. BC356023; *Moraza v.*
17 *OK International*, OCSC Case No. 06CC0148; *DeLuna v. Target*, LASC Case No. BC353080;
18 *Daglian v. Staples, Inc.*, LASC Case No. BC375325; *McCoy v. Kimko*, OCSC Case No. 07CC00007;
19 *Ayvazi v. Ralphs Grocery Company*, LASC Case No. BC382980; *Razo v. C & D Zodiac, Inc.*, OCSC
20 Case No 07-CC01373; *Sandoval v. Chevron Stations, Inc.* MCSC Case No. CV061690; and *Gomez v.*
21 *Spenuzza, Inc. et al*, RCSC Case No RIC524075.

22 3. In the employment class action arena, I have participated in over 300 class action
23 mediations. I have also been designated co-class counsel in various cases where we prevailed in
24 contested class certification motions. These cases include *Herrera v. Mountain Meadow Mushroom*
25 *Farms, Inc.*, SDCSC Case No. 37- 2009-00092416-CU-MT-CTI; *Aguirre v. California Drop Forge,*
26 *Inc.*, LASC Case No. BC374521; and *Marroquin v. Swissport North America, Inc.*, LASC Case No.
27 BC390001.

28 4. Throughout my thirty-one-year career in law, my practice has been exclusively

1 contingent fee work. Within the class action arena, I have been designated co-class counsel in no less
2 than 30 class actions that have settled for over \$1 million each. Given my success and experience, in
3 my contingent fee practice I have averaged over \$750 per hour worked. Therefore, I believe it
4 appropriate to set my lodestar at no less than \$750 per hour in this case. This request is fair in view of
5 the much higher rate per hour that can be justified by the broadly accepted Laffey Matrix which shows
6 hourly rate of \$919 for attorneys out of law school for more than 20 years

7 5. My participation in this case has included legal research, communication with client and
8 co-counsel, development of a thorough knowledge of the legal issues related to certification and
9 liability, and preparation for the mediation against Defendant. The settlement in this case was reached
10 after extensive negotiations during a full day mediation with an experienced and well-respected
11 mediator Hon. Jeffrey Winikow (Ret.). Based upon the totality of circumstances, I believe that the
12 result achieved in this case is an extremely good outcome for all class members.

13 6. Throughout the past thirty-one months, I have been involved in the handling of this
14 matter. In that timeframe, I have spent a total of 8.10 hours in this case (See Exhibit "A"). Based on
15 my hourly rate of \$750, my lodestar amount is \$6,075.00. I have incurred incidental and minimal
16 costs in the case that are being waived.

17 7. Based on my experience as Class Counsel, and given the legal and factual realities
18 presented in this case, I believe the proposed settlement is fair, reasonable and adequate for the class.
19 As a result of my prior experience as class counsel in other class actions, I am fully aware of the
20 responsibilities I would owe as Class Counsel to the Class in this action.

21
22 I declare under the penalty of perjury under the laws of the State of California the foregoing is
23 true and correct and this declaration is executed June 14, 2022, in Tarzana, California.

24 DocuSigned by:

Sahag Majarian

3142D8828E0E4A2...

Sahag Majarian II

EXHIBIT A

LAW OFFICES OF

SAHAG MAJARIAN II
A PROFESSIONAL CORPORATION

18250 VENTURA BOULEVARD
TARZANA, CALIFORNIA 91356
Tel: (818) 609-0807 • Fax: (818) 609-0892

June 14, 2022

LEGAL SERVICES

Re: GUTIERREZ V. KITE ELECTRIC

10/9/19	Client intake	0.90 hours
11/3/19	Analyze records from client	0.20 hours
11/4/19	Draft email to staff	0.10 hours
11/12/19	Analyze records from Kite	0.90 hours
11/16/19	Legal research; Draft email to co-counsel	1.40 hours
11/18/19	Draft email to co-counsel	0.10 hours
12/5/19	Draft email to staff	0.10 hours
1/28/20	Review PAGA notice/letter	0.50 hours
3/3/20	Review email form co-counsel	0.10 hours
3/17/20	TC with client	0.20 hours
3/18/20	Respond to email from co-counsel	0.10 hours
5/27/20	Review Answer	0.60 hours
8/17/20	Review email form co-counsel	0.20 hours
1/12/21	Meeting with staff re call with client; Review email from co-counsel	0.30 hours
2/18/21	Review mediation brief; Draft email To co-counsel	1.10 hours
2/19/21	TC with co-counsel; Review email from co-counsel	0.30 hours

GUTIERREZ V. KITE ELECTRIC

Page 2 of 2

12/3/21	Declaration for preliminary approval	0.20 hours
3/10/22	Review email from administrator	0.10 hours
6/14/22	Draft declaration for final approval	0.70 hours

Total Hours: 8.10

Hourly Rate: \$ 750.00

Total Costs: \$ waived