

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)

Eduardo Garcia (State Bar #290572)

3990 Old Town Avenue, Suite C204

San Diego, CA 92110

Telephone: (619) 599-8292

Facsimile: (619) 599-8291

jlapuyade@jcl-lawfirm.com

egarcia@jcl-lawfirm.com

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)

Jackland K. Hom (State Bar #327243)

3990 Old Town Avenue, Suite C204

San Diego, CA 92110

Telephone: (619) 255-9047

Facsimile: (858) 404-9203

shani@zakaylaw.com

jackland@zakaylaw.com

Attorneys for Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN BERNARDINO

ELAINE MUNOZ, individually and on behalf
of all persons similarly situated

Plaintiffs,

vs.

AMTCR CALIFORNIA, LLC, a California
limited liability company, and Does 1 through
50, Inclusive,

Defendants.

Case No: CIV-DS2001914

**DECLARATION OF JEAN-CLAUDE
LAPUADE, ESQ. IN SUPPORT OF
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: August 24, 2021

Hearing Time: 10:00 a.m.

Department S-26

I, Jean-Claude Lapuyade, declares as follows:

1. I am the owner of the JCL Law Firm, APC, and attorneys for Plaintiff ELAINE MUNOZ ("Plaintiff") in this matter. As such, I am fully familiar with the facts, pleadings and history of this matter. I am submitting this declaration in support of Plaintiffs' Motion for Final Approval of Class Action. The following facts are within my own personal knowledge, and if called as a witness, I could and would testify competently to the matters stated herein.

2. I have been personally involved in the above-captioned litigation since

1 approximately October 2019. I am personally familiar with the facts, claims, defenses and legal
2 theories at issue. Based on my involvement in this matter, and based on my experience set forth
3 below, I believe the proposed settlement before the Court meets the criteria for approval.

4 3. For the reasons and arguments set forth in both the motion for preliminary
5 settlement approval and motion for final approval of this class action settlement, I believe that this
6 Settlement is a fair and reasonable recovery on these claims (which were subject to considerable
7 uncertainty, both as to the merits and certification). The response of the Class has been positive.
8 Accordingly, I respectfully submit that the Class Settlement should be finally approved as fair,
9 reasonable, and adequate.

10 4. Class Counsel in this matter has extensive class action experience in multiple fields
11 and has represented tens-of-thousands of persons in class actions. Counsel has previously litigated
12 similar wage and hour class actions involving similar meal and rest period violations. Class
13 Counsel has been approved as class counsel in similar wage and hour class actions throughout the
14 State of California, including in the Superior Court for the County of San Bernardino. As such,
15 courts throughout the California have deemed Class Counsel experienced and knowledgeable in
16 this area of law. Class Counsel has participated in every aspect of the settlement discussions and
17 has concluded the settlement is fair, adequate and reasonable and in the best interests of the Class.

18 5. Plaintiff, the Settlement Class Members and the Aggrieved Employees are
19 represented by competent and experienced counsel to pursue their claims. I established the JCL
20 Law Firm, APC (“Firm”), in 2010. The Firm is a boutique plaintiff firm representing aggrieved
21 employees and consumers throughout California in wage and hour class actions, PAGA Actions
22 and complex multi-party product liability matters. The Firm currently consists of myself, Jean-
23 Claude Lapuyade, Esq. (Partner/Owner), Eduardo Garcia (Associate), Tesla Stone (Paralegal),
24 and Leilani Edmunds (Legal Secretary), Peyton Turner (Law Clerk), Amanda Rasmussen (Law
25 Clerk); Sara Christensen (Legal Assistant).

26 6. I am qualified to represent the Plaintiff, the State of California and the Aggrieved
27 Employees. I have extensive experience with wage and hour class and representative actions
28 litigation like this matter, and employment matters in general. Additionally, I have extensive
complex mass tort litigation experience and complex construction product liability experience. I

1 can, will and have adequately represented the interests of the Plaintiff, the State of California and
2 the Aggrieved Employees throughout this action.

3 7. I have represented consumers and employees in California class actions, and
4 complex multi-party product liability actions exclusively for more than 13 years. I have been in
5 practice as a plaintiffs' civil litigation attorney since April 2007.

6 8. I have significant class counsel and collective action counsel experience. I sample
7 of my appointed class counsel and representative counsel experience is listed below in the
8 following matters:

9 a. *Rodriguez v. RSI Home Product, Inc.*, San Bernardino Superior Court Case
10 No. CIVDS 2023354 (July 30, 2021 – Hon. David Cohn approved a \$1,450,000
11 wage and hour class and PAGA action settlement for, *inter alia*, Defendants'
12 failure to pay piece-rate employees for all non-productive time. The JCL Law
13 Firm, APC was appointed and approved as Class Counsel.)

14 b. *Salerno v. H Granados Communications, Inc.*, Los Angeles Superior
15 Court Case No. 19STCV13627 (February 17, 2021 – Hon. Elihu Berle approved a
16 class action and PAGA representative action settlement for, *inter alia*, improperly
17 compensated piece-rate employees and appointed the JCL Law Firm, APC, as
18 class counsel.

19 c. *Jer Vang v. Bridge Property Management*, Alameda County Superior
20 Court, Case No. RG19047434 (January 8, 2021 – Hon. Winifred Smith approved
21 a class and PAGA settlement for, *inter alia*, unpaid off the clock work. The JCL
22 Law Firm, APC acted as class counsel for the settlement class and as
23 representative PAGA counsel the State of California and the Aggrieved
24 Employees.)

25 d. *Johnson v. Volt Management Corp., Inc. et al.*, Los Angeles County
26 Superior Court, Case No. 19STCV16466 (December 11, 2020 – Hon. Amy Hogue
27 approved a PAGA Settlement negotiated on behalf of the State of California and
28 the aggrieved employees by the JCL Law Firm, APC.)

1 e. *Salazar v. Frontier Auto Sales Inc., dba Frontier Toyota*, Los Angeles
2 Superior Court, Case No. 19STCV20382 (November 24, 2020 – Hon. John P.
3 Doyle appointed the JCL Law Firm, APC as class counsel and approved a class
4 and PAGA settlement for, *inter alia*, missed meal and rest periods.)

5 f. *Villalobos v. Alterra Group, LLC et al.*, Los Angeles County Superior
6 Court, Case No. 19STCV19448 (November 11, 2020 – Hon. Richard Fruin
7 approved a PAGA Settlement for, *inter alia*, unreimbursed business expenses.
8 The JCL Law Firm, APC acted as counsel for the plaintiff, the State of California
9 and the Aggrieved Employees.)

10 g. *Stevens et al., v. Bank of England*, San Diego County Superior Court Case
11 No. 37-2019-00018662-CU-OE-CTL (October 16, 2020 – Hon. John Meyer
12 appointed JCL Law Firm as Class Counsel and granted final approval of wage and
13 hour class action for, *inter alia*, off-the-clock work.)

14 h. *Frazier v. ASA Carlton, Inc.*, San Diego Superior Court Case No. 37-2019-
15 00036147 (October 9, 2020 Hon. Kenneth Medel appointed the JCL Law Firm as
16 Class Counsel and granted final approval of wage and hour class action for off-
17 the-clock work.)

18 i. *Krake et al., v. Central Valley Diner, Inc.*, Placer County Superior Court
19 Case No. SCV0041645 (September 4, 2020 – Hon. Michael Jones appointed JCL
20 Law Firm as class counsel and granted final approval of wage and hour class
21 action for meal period violations.)

22 j. *Conner v. Ascendant Marketing, LLC et al.*, San Diego Superior Court
23 Case No. 37-2019-00026864-CU-OE-CTL (July 24, 2020 Hon. Joel Wohlfeil
24 granted approval of PAGA Settlement for, among other things, off-the-clock
25 work. JCL Law Firm, APC acted as lead counsel.)

26 k. *Guerrero v. Estancia Operations, LLC.*, San Diego Superior Court Case
27 No. 37-2019-00028963 (August 25, 2020 – Hon. Katherine Bacal approved
28

1 PAGA Settlement for, *inter alia*, missed meal and rest periods. JCL LAW Firm,
2 APC, acted as lead counsel.)

3 l. *Moreno v. Dash Lube, et al.*, United States District Court, Southern
4 District of California, Case No. 18cv1922 DMS (AHG) (December 13, 2019 –
5 Granted class certification of Labor Code Section 226 claim and appointed JCL
6 Law Firm, APC, as Class Counsel.)

7 m. *Perkins et al., v. Tahiti Enterprises, Inc., et al.*, Orange County Superior
8 Court Case No. 30-2016-00863095 (October 22, 2019 – Hon. Peter Wilson
9 appointed JCL Law Firm, APC, as Class Counsel and granted final approval for
10 an unlawful housing class action settlement arising out of Civil Code Section
11 1940.1.)

12 n. *Hill v. Stemak Holdings, Ltd.*, San Diego Superior Court Case No., 37-
13 2018-00000747 (January 28, 2020 – Hon. Kenneth Medel appointed JCL Law
14 Firm, APC as class counsel and granted final approval of wage and hour class
15 action for unpaid overtime.)

16 o. *Shachno et al., v. KT Hotels, LLC, et al.* San Diego Superior Court Case
17 No Case No. 37-2018-00043601 (May 31, 2019 – Hon, Gregory Pollack
18 appointed JCL Law Firm, APC, as Class Counsel and granted preliminary
19 approval for the wage and hour class action settlement involving nearly 900
20 current and former employees. Final approval scheduled for October 4, 2019)

21 p. *Almanza v. The Express Group, Inc.*, San Bernardino Superior Court Case
22 No. CIVDS1722542 (April 19, 2019 – Hon. David Cohn appointed the JCL Law
23 Firm, APC, as Class Counsel and granted final approval for a wage and hour class
24 action settlement for *inter alia*, missed meal and rest periods and independent
25 contractor misclassification.)

26 q. *Moschetto v. Pillow Global, Inc.* San Diego Superior Court, Case No. 37-
27 2017-00024031-CU-OE-CTL (April 5, 2019 – Hon. John S. Meyer appointed JCL
28

1 LAW Firm, APC, as Class Counsel and granted final approval for a wage and
2 hour wage class action settlement involving misclassified house cleaners.)

3 r. *Burke v. Friendship Hotel, LLC*, San Diego County Superior Court Case
4 No. 37-2017-00022517-CU-OE-CTL (March 10, 2019 – final approval granted on
5 for an unlawful housing class action arising under Civil Code Section 1940.2)

6 s. *Terrado et al., v. Accredited Debt Relief, LLC*, San Diego County Superior
7 Court Case No. 37-2018-00014181-CU-OE-CTL (February 8, 2019 – Hon.
8 Gregory W. Pollock appointed JCL Law Firm, APC as Class Counsel and granted
9 final approval for a wage and hour class action settlement for meal and rest period
10 violations);

11 t. *Macaspac v. San Antonio Regional Hospital*, San Bernardino Superior
12 Court Case No. CIVDS1512625, (July 27, 2018 – Hon. Thomas S. Garza
13 appointed JCL Law Firm, APC, as Class Counsel and granted final approval for a
14 wage and hour class action settlement involving claims for on duty meal and rest
15 periods.);

16 u. *Summerlin et al. v. Maplebear, Inc. dba Instacart*, Los Angeles Superior
17 Court Case No. BC603030 (2018 - certified and settled wage and hour class
18 action.)

19 v. *Ortega v. Prime Healthcare*, San Diego Superior Court Case No. 37-2014-
20 00011240-CU-OE-CTL (2018 – Approved PAGA only settlement for on duty
21 meal and rest periods)

22 w. *Engstrom v. Bender-Rosenthal, Inc.* San Diego Superior Court Case No.
23 37-2016-00012373-CU-OE-CTL (2017 - Certified and settled class action for
24 employee misclassification);

25 x. *Crawford v. Outlook Amusements, Inc.*, Los Angeles Superior Court Case
26 No. BC617160 (2017 - Certified and settled wage and hour class action.);

1 y. *Hernandez v. Sunglass Hut Trading, LLC*, San Bernardino Superior Court
2 Case No. CIVDS1505181 (2016 - Certified and settled wage and hour class
3 action);

4 z. *Burns v. Shalom, LLC*, San Diego Superior Court, Case No., 37-2013-
5 00058356-CU-BT-CTL (2015 - certified and settled class action for unlawful
6 housing practices arising out of Civil Code Section 1940.1);

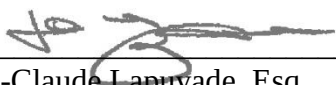
7 9. Since 2010, I have successfully tried two (2) cases to conclusion, each resulting in
8 a favorable verdict for the firm's clients.

9 10. Finally, I have published appellate experience in *William Blanchette et al., v. The*
10 *Superior Court of Imperial County, (GHA Enterprises)*, 8 Cal.App.5th 521.

11 11. Consequently, I have been named to the prestigious Thomson Reuters, Super
12 Lawyers, Rising Star in 2015, 2016, 2017 and, again, in 2018. According to Thomson Reuters,
13 the Super Lawyers, Rising Star list recognizes the top 2.5% of eligible attorneys. (see
14 https://www.superlawyers.com/about/selection_process.html.)

15 I declare under the penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct. Executed this 2nd day of August 2021, at San Diego, California.

17 **JCL LAW FIRM, APC**

18
19 By: 
20 Jean-Claude Lapuyade, Esq.
21 Attorneys for Plaintiff
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