

Larry W. Lee (State Bar No. 228175)
Mai Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
ktulyathan@diversitylaw.com

Attorneys for Plaintiff Smith, the Class, and Aggrieved
Employees

[Additional counsel information on next page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

CLARENCE SMITH, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

v.

WATLOW ELECTRIC MANUFACTURING
COMPANY, a Missouri corporation; and
DOES 1 through 50, inclusive,

Defendants.

PHUOC TRUONG, on behalf of himself and
all "aggrieved employees" pursuant to Labor
Code § 2698 et seq.,

Plaintiff,

v.

WATLOW ELECTRIC MANUFACTURING
COMPANY, a Missouri corporation, and
DOES 1 through 10, inclusive,

Defendants.

CASE NO. 20CV365250
Consolidated with Case No. 20CV362069

*[Assigned for all purposes to the Hon. Sunil
R. Kulkarni, Dept. 1]*

CLASS ACTION

**DECLARATION OF DANIEL F. GAINES
IN SUPPORT OF UNOPPOSED MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
UNOPPOSED APPLICATION FOR
APPROVAL OF ATTORNEYS' FEES
AND COSTS, CLAIMS
ADMINISTRATION FEES, AND CLASS
REPRESENTATIVES' SERVICE
PAYMENTS**

DATE: May 26, 2021
TIME: 1:30 P.M.
DEPT.: 1

Complaint filed: March 18, 2020
Trial Date: None

1 I, DANIEL F. GAINES, declare as follows:

2 1. I am an attorney duly admitted to the practice of law in the State of
3 California. I am a shareholder of Gaines & Gaines, APLC, counsel for Plaintiff Phuoc
4 Truong ("Truong" or "Plaintiff") and Class Counsel in this action. I have personal
5 knowledge of the facts set forth herein and if called as a witness to testify to them, could
6 and would do so competently.

7 **Class Counsel's Experience and Recommendation:**

8 2. I obtained my BS degree from the University California at Berkeley in
9 2003. I majored in Business Administration at the Haas School of Business.

10 3. Thereafter, I attended the University of Virginia School of Law. At
11 Virginia, I was a member of the editorial board of the Virginia Tax Review. I was also
12 the recipient of the Lacy Armour Scholarship, awarded to recognize academic
13 excellence. At Virginia, I focused my studies on tax and real estate. I earned my JD and
14 became a member of the California Bar in 2007.

15 4. Before he retired, I have practiced law with my partner/father, Kenneth, at
16 Gaines & Gaines, APLC. Our practice specializes in litigation, with an emphasis in
17 business, real estate, and employment disputes like this one. Over 95% of my practice is
18 devoted to complex employment litigation similar to the instant action.

19 5. My firm has represented employees in complex employment matters such
20 as this one, with an emphasis on wage and hour issues. I have participated in and have
21 been certified as class counsel in dozens of class action matters since my admission to
22 the Bar. A list of the cases in which I have been appointed as class counsel is attached
23 hereto as **Exhibit A**.

24 6. Based on my years of experience and my own independent investigation
25 and evaluation, I am of the opinion that the recovery for each settlement Class Member
26 is on very fair, reasonable, and adequate terms. I am familiar with class action
27 settlements involving employment wage and hour claims similar to those at issue in this
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1 lawsuit. Based on my extensive experience, and factoring in the unique nuances of this
2 case, I am of the opinion that the settlement reached here is on very fair and favorable
3 terms.

4 7. Based on my experience, I believe that I have a strong understanding of
5 the trends in the value of settlements in these types of cases. My opinion takes into
6 consideration the amounts received in other similar employment class actions, the risks
7 inherent in litigation of this genre, and the reasonable tailoring of each settlement Class
8 Member's claim to the amounts received. Based on that knowledge, I am of the opinion
9 the settlement is fair, reasonable and adequate and is in the best interests of the settlement
10 Class.

11 **Background and Procedural History**

12 8. On October 31, 2019, Plaintiff Truong filed his written PAGA notice with
13 the LWDA, alleging violations of Labor Code §§ 212, 225.5, 226(a), 226.3, 226.7, and
14 512.

15 9. Plaintiff Truong filed his complaint against Defendant in the Santa Clara
16 County Superior Court on January 17, 2020. *Id.* The *Truong* complaint was filed as a
17 representative PAGA complaint seeking penalties for violations of Labor Code §§ 225.5,
18 226(a), 226.3, 212, 226.7, and 512.

19 **The Settlement is Fair, Reasonable and Adequate:**

20 10. The Settlement is the result of extensive, arms-length negotiations. The
21 Settlement for each Class Member is fair, reasonable, and adequate given the inherent
22 risks of litigation, including the critical class certification process and trial.

23 11. Fairness of the Settlement is demonstrated by the uncertainty and risks to
24 the named Plaintiffs and the Settlement Class in not successfully certifying the class or
25 prevailing on one or more causes of action or theories alleged in the complaint. The
26 Settlement takes these risks into account.

1 12. The Settlement is a good compromise for the damages of absent Class
2 Members. It also provides the named Plaintiffs and Class Representatives each with a
3 reasonable general release/service payment to compensate them for the risks they have
4 taken and the time and effort they have expended in coming forward to provide valuable
5 information in support of the claims alleged in the Action and their participation in the
6 discovery and settlement process.

7 13. Prosecution of this case resulted in tangible benefits for the Settlement
8 Class Members in the following respects: (1) By this Settlement, Settlement Class
9 Members will receive their recoveries in a prompt manner as opposed to waiting
10 additional time for the same, or possibly a worse, result; (2) Settlement Class Members
11 will receive a substantial (and guaranteed) result; and (3) Settlement at this juncture will
12 translate into significant savings in my firm's fees and costs which inevitably would have
13 increased had the case progressed through trial, appeals, etc.

14 14. In addition, the Settlement provides significant benefits for the State and
15 the LWDA. The LWDA will receive \$60,000, a substantial payment that, according to
16 Labor Code § 2698, must be used for the enforcement of labor laws and education of
17 employers and employees about their rights and responsibilities under the California
18 Labor Code.

19 15. My colleagues and I have conducted an extensive investigation of the
20 factual allegations involved in this case. We reviewed relevant documents, analyzed
21 survey information regarding the composition of the class during the class period, and
22 engaged in meaningful discussions with Defendant's counsel regarding the facts of this
23 case and the legal merits of the class claims.

24 16. Prior to settlement, my colleagues and I created a comprehensive damage
25 analysis using sampling information obtained through informal discovery. This damage
26 analysis reveals that the negotiated settlement falls within a realistic range of recovery on
27 Settlement Class Members' claims.

1 17. When the costs and risks of non-certification and loss on the merits are
2 considered, my colleagues and I are of the opinion that the settlement reached is clearly a
3 favorable one.

4 **The Risk, Expense, Complexity, and Likely Duration of Further Litigation:**

5 18. Based on my experience and that of my co-counsel in dozens of wage and
6 hour class actions, heavily litigated and strongly disputed class action cases can endure
7 for years. It is our experience that if this case was not resolved by settlement, litigation
8 might extend for up to 3 more years.

9 19. The areas of law at issue in this case (e.g., California's wage and hour
10 laws) are dynamic and change frequently. Extended litigation equates to substantial risk
11 for class members, some of whose individual claims do not have substantial value from
12 the onset. It is our opinion that the prompt and fair resolution of the claims alleged in the
13 Action is in the best interest of class members in light of the likelihood of extended
14 litigation and potential changes in case law.

15 20. It is my experience, as well as that of my co-counsel, that costs in these
16 types of cases increase exponentially as the case proceeds to trial. Through the
17 conclusion of this litigation, and as detailed herein, Plaintiffs' counsel will have advanced
18 over \$13,000 in costs. If this litigation continued for 2 more years and experts were
19 retained, costs would likely exceed \$50,000.

20 **The Risk of Maintaining Class Action Status Through Trial:**

21 21. An adverse appellate court decision or change in law by the legislature
22 may defeat certification of some or all of the claims alleged in Plaintiffs' complaint. In
23 fact, I am familiar with many class action cases where certification and/or liability were
24 immediately defeated as a result of an adverse appellate court ruling, or a change in law
25 by the legislature. Settlement at this juncture has avoided this risk.

26 **Presence of a Governmental Participant:**

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1 22. Prior to amending their complaints to seek PAGA penalties, Plaintiffs
2 each complied with the administrative exhaustion requirements of PAGA, and the State
3 of California's LWDA declined to investigate the Labor Code violations alleged against
4 Defendant by Plaintiffs. This Court's review of the amount agreed to be paid to the
5 LWDA will protect the interests of the governmental participant here.

6 **Class Representative Service Payments:**

7 23. It is appropriate to recognize the contributions of the Class
8 Representatives in prosecuting this litigation. The service payments serve as recognition
9 for the amount of time and effort each of them has spent assisting in the prosecution of
10 this case and the personal hardships and pressures they faced as a result of filing this
11 lawsuit against their former employer. The named Plaintiffs' declarations are submitted
12 with the Motion for Final Approval. It is fair and reasonable that the named Plaintiffs be
13 awarded \$10,000 each as a service payment, which also compensates them for a general
14 release of all claims – a far broader release than Class Members. Based on my
15 experience, the proposed service payments here are well within an accepted range.

16 24. The named Plaintiffs and proposed Class Representatives are former
17 employees of Defendant employed in California. They contend that all class members
18 were subject to the labor law violations alleged in the Action. They contend that they
19 have the same claims as those that the members of the Settlement Class would reasonably
20 be expected to bring based on the course of conduct alleged herein.

21 25. Plaintiffs have also demonstrated that they will aggressively and
22 competently assert the interests of the proposed settlement class; they have taken active
23 roles in this litigation and have no apparent conflicts with other class members. Plaintiffs
24 participated frequently and substantially in the litigation and in the settlement thereof.
25 They have also taken significant risks in bringing this lawsuit – they face the very real
26 risk that because of the stigma associated with this lawsuit, they may be unable to obtain
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1 employment in the future. The stigma and risk associated with filing a class action
2 lawsuit against any employer is significant.

3 26. Plaintiffs have retained competent counsel by hiring Diversity Law Group,
4 P.C. and Gaines & Gaines, APLC to represent the Class. My colleagues and I are
5 experienced and established attorneys with many decades worth of litigation experience.
6 *See also* the Declarations of Alex P. Katofsky submitted with the Motion for Final
7 Approval.

8 **Attorneys' Fees:**

9 27. This Court can undoubtedly appreciate that litigating a large class action
10 case in dynamic, ever-changing areas of law is not appealing to most lawyers,
11 particularly when the plaintiff's lawyer undertakes the obligation to finance the litigation
12 and effectively bears the risk in the event of an unsuccessful outcome, at trial or
13 otherwise. This case was taken on a contingency basis with the real risk that my firm
14 would receive no compensation whatsoever for our efforts. The potential costs which we
15 can be required to advance in wage and hour class actions like this one are substantial.

16 28. My firm has spent approximately 63 hours to date litigating this case. My
17 firm will incur out-of-pocket expenses of approximately \$7,860.90. We expect to spend
18 an additional 15 hours finalizing the final approval motion, preparing for and attending
19 the Final Approval Hearing, and administering the settlement through its conclusion,
20 including anticipated communications with class members, the settlement administrator,
21 the LWDA, and Defendant's counsel. My firm has aggressively litigated this case from
22 the start.

23 29. Even with my firm's combined extensive experience litigating
24 employment cases, prosecuting these cases still carries a considerable amount of risk.
25 There is the significant risk that Plaintiffs would fail in obtaining class certification or
26 would not succeed in proving Defendant's liability at trial.

1 30. I have spent, and expect to spend, a total of 15.6 hours on this matter. Our
2 of counsel, Alex P. Katofsky, will spend a total of 42.8 hours on this matter. Our former
3 associate Sepideh Ardestani spent 6.4 hours on this matter. Our associate Evan Gaines
4 has spent 13.2 hours on this matter. Attached hereto as **Exhibit B** is a true and correct
5 copy of a time/task chart reflecting all work performed by my firm and its members (and
6 anticipated to be performed by members of our firm through the conclusion of this matter)
7 in connection with this litigation.

8 31. My reasonable hourly rate is \$650. This is the rate prevailing in the
9 community for similar work performed by attorneys of comparable skill, experience, and
10 reputation. Based on my education and experience as detailed above, this rate is
11 reasonable, as has been found by multiple other Los Angeles courts over the past year.

12 32. Mr. Katofsky is a highly skilled and experienced litigator with over 22
13 years of experience, as detailed in his supporting declaration. His reasonable hourly rate
14 of \$700 reflects this.

15 33. Sepideh Ardestani is a ten-year lawyer with substantial experience in
16 litigation matters, including employment law and class actions. She is a 2004 graduate of
17 University of California, Los Angeles (B.A.), a 2009 graduate of Whittier School of Law
18 (J.D.), and a 2010 graduate of Santa Clara School of Law (L.L.M.). Her hourly rate of
19 \$550 is reasonable based on her education and experience and comports to the market
20 rate.

21 34. Evan S. Gaines is a ten-year lawyer and a graduate of Michigan State
22 University College of Law. He graduated from the University of California, Santa
23 Barbara in 2005. Evan's reasonable hourly rate is \$550, which is based on his education
24 and experience. This rate comports to the market rate.

25 35. In total, our lodestar is \$51,210.

26 36. One difficulty in determining hourly rates of attorneys of similar skill and
27 experience in the relevant community is the scarcity of hourly fee-paying clients in class
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1 action litigation. As a practical matter, few if any individual employees or consumers
2 pay attorneys' fees on an hourly basis for such extensive litigation, and thus retainer
3 agreements in such cases are based on a contingency fee relationship. Therefore, there is
4 no customary billing rate, but the nature of class action work should be strongly
5 considered by the Court.

6 37. Class action work also requires specialized learning and the willingness to
7 take large risks. My firm has extensive experience in class action litigation, particularly
8 in the employment context, as detailed herein. *See also* the Declaration of Alex P.
9 Katofsky.

10 38. Furthermore, as described above, the Settlement Class and the State of
11 California reaped significant benefits. The success achieved by the Settlement supports
12 my firm's fee request.

13 39. Further, no Class Member objected to the proposed attorneys' fee request
14 contained in the Settlement. The overwhelming rate of acceptance of the Settlement by
15 Class Members supports my firm's fee request.

16 40. A small firm like ours can only properly litigate a limited number of cases
17 at one time. The requirements of this case were significant. Had we not reached a
18 settlement with Defendant, the demands of this case would have required a significant
19 portion of our resources. We were precluded from taking other employment cases due to
20 the demands of litigating this case.

21 **Class Counsel's Costs:**

22 41. My firm's total costs to date are approximately \$7,484.90 and include
23 court fees, mediation fees, research fees, postage, service of process, expenses associated
24 with mediation, travel expenses, and photocopy charges. My firm expects to incur
25 additional costs of approximately \$376 in copying, courier, and filing fees related to the
26 final approval motion and hearing. A true and correct copy of an itemized list of costs
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1 incurred (and expected to be incurred) by my firm in this action is attached hereto as
2 **Exhibit C.** These costs were reasonably incurred in litigating this matter.

3 I declare, under penalty of perjury under the laws of the State of California, that
4 the foregoing is true and correct. Executed on this 29th day of April, 2022 at Calabasas,
5 California.

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7 *Daniel F. Gaines*
8 DANIEL F. GAINES
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EXHIBIT A

Adams v. Newell Rubbermaid, USDC – Central District of California (Los Angeles), Case No. EDCV 08-1499 JTM (CTx)

Adams v. Sam's West, Inc., San Bernardino County Superior Court, Case No. CIVDS1403987

Agredano v. GS Brothers, Inc., Los Angeles County Superior Court, Case No. BC445561

Allen v. Toms Sierra Company, Nevada County Superior Court, Case No. CU18-082823

Allen v. Valley Inventory Service, Inc., Solano County Superior Court, Case No. FCS034682

Alvarez v. Pilot Travel Centers, LLC, San Joaquin County Superior Court, Case No. STK-CV-UOE-2018-4605

Alonzo v. Camblin Steel Service, Inc., Placer County Superior Court, Case No. SCV0034165

Amenhotep v. Google, Inc., Santa Clara County Superior Court, Case No. 17CV311528

Anaya v. Progressive Logistics Services, LLC, Riverside County Superior Court, Case No. RIC1308270

Andre v. Newell Rubbermaid, Inc., San Bernardino County Superior Court, Case No. CIVVS1200282

Anduha v. ABC Phones of North Carolina, Inc., Stanislaus County Superior Court, Case No. 2022729

Anslow v. Wellington Energy, Inc., USDC – Northern District of California (San Francisco), Case No. CV11-1596-JCS

Aranda, et al. v. Universal Lumpers of California, Inc., San Joaquin County Superior Court, Case No. STK-UOE-2017-7826

Armendariz v. Integrated Pain Management Medical Group, Inc., Kern County Superior Court, Case No. BCV-19-100267-SDS

Barrow, et al. v. Desmond Foods, L.P., Sacramento County Superior Court, Case No. 34-2015-00187227

Batmanghelich v. Sirius XM Radio Inc., USDC – Central District of California (Los Angeles), Case No. CV 09-9190 VBF (JCx)

Bosser v. Hooked on Solar, Yolo County Superior Court, Case No. CVCV-2016-876

Bourland v. Horizon Personnel Services, Inc., Sacramento County Superior Court, Case No. 34-2014-00161365-CU-OE-GDS

Bowen v. IMI Material Handling Logistics, Inc., San Joaquin County Superior Court, Case No. STK-CV-UOE-2016-0000192

Branson v. Mladen Buntich Construction, San Bernardino County Superior Court, Case No. CIVDS1609129

Brandt v. Sacramento Auto Insurance Center, Inc., San Joaquin County Superior Court, Case No. 39-2009-00202938-CU-OE-STK

Brown v. 22nd District Agricultural Association, United States District Court, Southern District of California, Case No. 15-cv-2578-DHB

Brown v. Sierra Central Credit Union, Sutter County Superior Court, Case No. CVCS18-0002161

Burgess v. Blue Cross and Blue Shield of South Carolina, San Joaquin County Superior Court, Case No. 39-2012-00277449-CU-BT-STK

Burgess v. Strategic Retail Solutions, LLC, Los Angeles County Superior Court, Case No. BC413791

Calhoun v. Celadon Trucking Services, Inc., USDC – Central District of California (Los Angeles), Case No. 5:16-cv-01351-PSG-FFM

Caporicci v. Owens & Minor Distribution, Inc., San Joaquin County Superior Court, Case No. 39-2013-00295662-CU-OE-STK

Carl v. Advanced Call Center Technologies, LLC, Sacramento County Superior Court, Case No. 34-2013-00148310

Carlisle, et al. v. Professional Technical Security Services, Inc., Case No. CGC18569791

Carrete v. Gamestop, Inc., Imperial County Superior Court, Case No. ECU08501

Carrillo v. Bimbo Bakeries, Inc., San Bernardino County Superior Court, Case No. CIVDS1606813

Caudillo v. Aegis Treatment Centers, LLC, Merced County Superior Court, Case No. 18CV-0744

Cerami v. Metlife, Inc., USDC – Central District of California (Orange County), Case No. 11-CV-00681-CJC (MLGx)

Charles v. Aaron's Inc., Los Angeles County Superior Court, Case No. BC431468

Charles v. Nursefinders, LLC, Imperial County Superior Court, Case No. ECU07422

Cheifer v. JetBlue Airways Corporation, Los Angeles County Superior Court, Case No. BC451887

Cheifer, et al. v. WHGM, Inc., Los Angeles County Superior Court, Case No. LC104900

Chong, et al. v. Crescent Northwoods Inn, Inc., Del Norte County Superior Court, Case No. CVUJ-2018-1133

Church v. GameStop, Inc., et. al., USDC – Central District of California (Los Angeles), Case No. 11-CV-00132-VAP-RZ

Clothier v. Spar Marketing Services, Inc., Alameda County Superior Court, Case No: RG12-639317

Coleman v. Wireless Lifestyle, Inc., USDC – Western District of Missouri, Case No. 4:12-cv-00855-ODS

Colombo-Beyeler, et al. v. Viking River Cruises, Inc., San Bernardino County Superior Court, Case No. CIVDS1611608

Conlee v. Clark Pacific Corporation, Yolo County Superior Court, Case No. CV14-1409

Contreras v. Osmose Utilities Services, Inc., San Bernardino County Superior Court, Case No. CIVDS1513998

Contreras v. West American Service Corporation, Kings County Superior Court, Case No. 14C0280

Corona v. Yosemite Meat & Locker Service, Inc., Stanislaus County Superior Court, Case No. 2006828

Cortellessa v. Dotnext, Inc., Alameda County Superior Court, Case No. RG09429971

County v. Ingram Mirco, Inc., San Bernardino Superior Court, Case No. CIVRS 1304445

Covarrubias, et al. v. Petersendean Builder Group, Inc., Kern County Superior Court, Case No. BCV-16-101122

Cowen, et al. v. Evergreen Alliance Golf Limited, L.P., d/b/a Arcis Golf, San Bernardino County Superior Court, Case No. CIVDS1719283

Cruz-Garcia v. Lemonade Restaurant Group, LLC, Los Angeles County Superior Court, Case No. BC478205

Cunningham v. Performance Contracting, Inc., Contra Costa County Superior Court, Case No. C16-02157

Dabney v. Coneybeare, LLC, et al., Orange County Superior Court, Case No. 30-2018-00999989-CU-OE-CXC

Dabney, et al. v. Panera, LLC., San Bernardino County Superior Court, Case No. CIVDS1516030

Diaz, et al. v. Seaworld Entertainment, Inc., Imperial County Superior Court, Case No. ECU10046

Diggs v. Western Waterproofing Company, Inc., San Francisco County Superior Court, Case No. CGC-14-539281

Dismuke v. Rhodes Retail Services, Inc., Sacramento County Superior Court, Case No. 34-2011-00105001

Dorsette v. TA Operating, LLC, USDC – Central District of California (Los Angeles), Case No. EDCV 09-1350 PA (RZx)

Duran v. The Image of California, Inc., Kern County Superior Court, Case No. S-1500-CV-284056 DRL

Edwards v. Trans World Entertainment Corp., San Diego County Superior Court, Case No. 37-2010-00095123-CU-OE CTL

Esakhani v. Central Valley Gaming, Stanislaus County Superior Court, Case No. 2020667

Escobar v. SMSSI of California, Inc., San Francisco Superior Court, JCCP No. 4776

Espinosa v. Taltech Construction, et al., Los Angeles County Superior Court, Case No. BC590176

Espinosa v. Bodycote Thermal Processing, Inc., Los Angeles County Superior Court, Case No. BC501617

Espinoza v. Pabco Building Products, LLC, Los Angeles County Superior Court, Case No. VC065660

Estrada v. Net Source Communications, Inc., Los Angeles County Superior Court, Case No. BC431169

Estrada v. OS Restaurant Services, LLC, Santa Clara County Superior Court, Case No. 16CV293249

Estupinan v. Global Development Strategies, Inc., Santa Clara County Superior Court, Case No. 110CV178898

Fadhl. v. Siemens Healthcare Diagnostics Inc., Sacramento County Superior Court, Case No. 34-2017-00209518

Fernandez v. The Regents of the University of California, Los Angeles County Superior Court, Case No. BC656256

Ferrer v. Dish Network Corporation, Los Angeles County Superior Court, Case No. BC441354

Findora v. Barry Callebaut USA LLC, Napa County Superior Court, Case No. 19CV000219

Flores v. Cintas Corporation, Los Angeles County Superior Court, Case No. BC400422

Friel v. Midwest Construction Services, Inc., San Joaquin County Superior Court, Case No. 39-2015-00329204-CU-OE-STK

Gagnon v. Banc of California, Contra Costa County Superior Court, Case No. C 15-00196

Galarza v. Bayou Well Services, LLC, Kern County Superior Court, Case No. S-1500-CV-279372 DRL

Galarza v. C & H Testing Service LLC, Kern County Superior Court, Case No. BCV-15-100008 SPC

Garcia v. Old Dominion Freight Line, Inc., San Bernardino County Superior Court, Case No. CIVDS1404636

Geer v. Applied Aerospace Structures Corp., San Joaquin County Superior Court, Case No. 39-2014-00313702-CU-OE-STK

Getz v. California Cinema Investments, Inc., Ventura County Superior Court, Case No. 56-2013-00437706-CU-MC-VTA

Gibbs v. M. Lehmann Enterprises, Orange County Superior Court, Case No. 30-2013-00678538-CU-OE-CXC

Gilles v. Schaefer Ambulance Service Inc., Imperial County Superior Court, Case No. ECU07970

Goldman, et al. v. Defender's, Inc., San Joaquin County Superior Court, Case No. STK-CV-UOE-2018-0009973

Gomez v. Low Desert Empire Pizza, Inc., San Bernardino County Superior Court, Case No. CIVVS900392

Gomez v. Pizza Hut of Southeast Kansas, Inc., San Bernardino County Superior Court, Case No. CIVVS900679

Gonzalez v. Harris Farms, Inc., USDC – Eastern District of California (Fresno), Case No. 1:14-cv-00038-LJO-SAB

Guerrero v. Main Electric Supply Company LLC, Ventura County Superior Court, Case No. 56-2019-00525427-CU-OE-VTA

Gutierrez v. Asset Management Specialists, Inc., Fresno County Superior Court, Case No. 12CECG03577

Gutierrez v. Linkus Enterprises, Inc., Madera County Superior Court, Case No. MCV065774

Gutierrez v. Shiekh, LLC, San Bernardino County Superior Court, Case Nos. CIVRS1206525, CIVRS1303408

Hairston v. Stanislaus Surgical Hospital, Stanislaus County Superior Court, Case No. CV-19-000651

Hindman v. Service Quick, Inc., San Bernardino County Superior Court, Case No. CIVDS1724229

Hogan v. iMobile of CA LLC, San Bernardino County Superior Court, Case No. CIVDS1409263

Hogan v. Wireless Evolution Inc., Riverside County Superior Court, Case No. MCC1300669

Hogan v. Wireless That's It! LLC, Riverside County Superior Court, Case No. RIC1201997

Holmes v. Bottling Group, LLC, Stanislaus County Superior Court, Case No. 2022584

Hooper, et al. v. URS Midwest, Inc., et al., San Bernardino Superior Court, Case No. CIVDS1607489

Humphrey v. Freedomroads, LLC, Shasta County Superior Court, Case No. 178228

Hurtado v. Rush Truck Centers of California, Inc., Los Angeles County Superior Court, Case No. BC427672

Hyde v. Dent Wizard International Corporation, Sacramento County Superior Court, Case No. 34-2015-00173882

Ibrihim v. Imperfect Foods, Inc., San Joaquin County Superior Court, Case No. STK-VI-UOE-2019-0000846

Id-deen v. Educational Services of America, Solano County Superior Court, Case No. FCS040803

Isherwood v. Mason Dixon Intermodal, Inc., San Joaquin County Superior Court, Case No. 39-2012-00279891-CU-OC-STK

Jahanbin v. Pacific Mercantile Bank, Orange County Superior Court, Case No. 30-2011-00480705CU-OE-CXC

Jenkins v. Sedgwick Claims Management Services, Inc., Los Angeles Superior Court, Case No. LC101648

Job v. California Security Services, Yuba County Superior Court, Case No. 14-0000820

Johnson v. The Goodyear Tire & Rubber Company, USDC – Northern District of California (San Francisco), Case No. 3:13-cv-01069-MMC

Jolin v. Bay Cities Recovery, Inc., El Dorado County Superior Court, Case No. PC20100458

Jordan v. Sutter Memorial Hospital, Stanislaus County Superior Court, Case No. 2023344

Keebaugh v. Mike Thompson Recreational Vehicles, San Bernardino County Superior Court, Case No. CIV-DS-1500718

Kelly v. Robin's Enviro Vac, Inc., Kern County Superior Court, Case No. S-1500-CV-282277
DRL

King v. Levy Premium Foodservice Limited Partnership, Alameda County Superior Court, Case No. HG15786353

Kunsman v. Punch Bowl Sacramento, LLC, et al., Sacramento County Superior Court, Case No. 34-2018-00243175

LaFear v. Encore Education Corporation, San Bernardino County Superior Court, Case No. CIVDS1802251

Lanzarin v. AWI Management Corporation, Solano County Superior Court, Case No. FCS041809

Lee, et al. v. Foster Dairy Farms, Stanislaus County Superior Court, Case Nos. 2006542, 2015679

Lemus, et al. v. Eastridge Workforce Technology, Inc., San Bernardino County Superior Court, Case No. CIV-DS-1611470

Lewis v. American Casino & Entertainment Properties LLC, San Bernardino County Superior Court, Case No. CIVDS1719094

Lemus v. On Assignment Staffing Services, San Bernardino County Superior Court, Case No. CIV-DS-1600497

Leon v. Piercey West Inc., Los Angeles County Superior Court, Case No. BC656874

Lopez v. Creative Communication Technologies, Inc., Imperial County Superior Court, Case No. ECU07851

Lopez v. Go Green Auto Spa Franchise, Inc., et al., Los Angeles County Superior Court, Case No. BC 562212

Lopez v. Truck Accessories Group, LLC, Yolo County Superior Court, Case No. CV13798

Ludlow v. Prince Telecom, LLC, Stanislaus County Superior Court, Case No. 684239

Luna v. Express Locations, LLC, Imperial County Superior Court, Case No. ECU09779

Macias v. American Tire Distributors, Inc., Kern County Superior Court, Case No. BCV-18-101586

Maldonado v. Hardwood Flooring Liquidators, Inc., Los Angeles County Superior Court, Case No. BC642170

Mansfield v. Cambridge Real Estate Services, Inc., Butte County Superior Court, Case No. 160175

Martinez v. DPI Specialty Foods West, San Joaquin County Superior Court, Case No. 39-2015-00327311-CU-OE-STK

Martinez v. Styles For Less, Inc., San Bernardino County Superior Court, Case No. CIVVS1203057

Mayne v. John Muir Behavioral Health, Contra Costa County Superior Court, Case No. C17-00998

Maze v. Bulldog Freightway, Inc., Imperial County Superior Court, Case No. ECU08716

McCormick v. G & O Body Shop, Inc., El Dorado Superior Court, Case No. PC20130291

McCrary v. Campbell Soup Supply Company, San Joaquin County Superior Court, Case No. 39-2013-00297698-CU-OE-STK

McDaniel v. Vancary, Inc., Tulare County Superior Court, Case No. 268036

Melgar-Farela v. Guardian Compliance, Inc., Los Angeles County Superior Court, Case No. BC481865

Mendiola v. Tyco Electronics Corporation, Riverside County Superior Court, Case No. RIC1400721

Mettler v. Les Schwab Tire Centers of California, Inc., San Joaquin County Superior Court, Case No. STK-CV-UOE-2018-476

Miller v. California Subshine, Inc., Los Angeles County Superior Court, Case No. BC637754

Miller v. Southwest Airlines Co., USDC – Northern District of California (San Francisco), Case No. 3:12-cv-05978-CRB

Mitchell v. Crossmark, Inc., USDC – Central District of California (Los Angeles), Case No. CV 11-2818-JAK (FMOx)

Moghrabi v. Vitaligent, Inc., San Joaquin County Superior Court, Case No. STK-CV-UOE-2018-1650

Molina v. Berkshire Hathaway Energy Company, et al., Imperial County Superior Court, Case No. ECU000522

Moore v. Horizon Solar Power, Inc., San Bernardino County Superior Court, Case No. CIVDS1410001

Murray v. Select Media Services, LLC, Los Angeles County Superior Court, Case No. BC424506

Myles v. Central Transport LLC, San Bernardino County Superior Court, Case No. CIVDS1401434

Navarro v. Mariana Packing Co., Inc., Solano County Superior Court, Case No. FCS045935

Nehrlich, et al. v. RPM Mortgage, Inc., Orange County Superior Court, Case No. 30-2013-00666783-CU-OE-CXC

Overton v. Hat World, Inc., USDC – Eastern District of California (Sacramento), Case No. 2:11-CV-01645-LKK-KJN

Perez v. Alcatel-Lucent USA Inc., Imperial County Superior Court, Case No. ECU07977

Perez v. Major Gloves and Safety, Inc., San Bernardino County Superior Court, Case No. CIVDS1710445

Perry v. Cardinal Health 200, LLC, Solano County Superior Court, Case No. FCS035303

Phraxayavong-Briones v. RSM, Inc., Sacramento County Superior Court, Case No. 34-2012-00117524

Pugh v. Wi Spa, LLC, Imperial County Superior Court, Case No. ECU07932

Quist v. Knight Transportation, Inc., San Bernardino Superior Court, Case No. CIVDS 1615414

Quitco v. Aviation Fuel Systems Repair, Inc., San Bernardino Superior Court, Case No. CIVRS1302311

Rambeau v. C.C.M. Corporation, et al., Sacramento County Court, Case No. 34-2018-00244842

Rankins v. Roman Empire Living Skills, Inc., Los Angeles County Superior Court, Case No. BC713399

Rees v. Advantel, Incorporated, Santa Clara County Superior Court, Case No. 16-CV-292219

Renfrow v. Janra Enterprises, Inc., Sacramento County Superior Court, Case No. 3402010-00080471

Reynolds v. Diamond Pet Food Processors of Ripon, San Joaquin County Superior Court, Case No. 39-2014-00310818

Richard v. A-Para Transit Corp., Alameda County Superior Court, Case No. HG17870373

Richardson v. TEC Equipment, Inc., et al., Los Angeles County Superior Court, Case No. VC065536

Robles v. North County Health Project Incorporated, San Diego Superior Court, Case No. 37-2014-00001751-CU-OE-NC

Rodas v. Monetary Management of California, Inc., USDC – Eastern District of California (Sacramento), Case No. 2:14 cv 01389 TLN AC

Rodriguez v. 20/20 Plumbing & Heating, Inc., San Bernardino County Superior Court, Case No. CIVDS1705362

Rodriguez v. Commerce Distribution Company, Los Angeles County Superior Court, Case No. BC656259

Rodriguez v. Valley Oak, San Joaquin County Superior Court, Case No. STK-CV-UOE-2016-7980

Roden v. Service Champions, San Bernardino County Superior Court, Case No. CIVDS1613183

Russell v. Bradshaw International, Imperial County Superior Court, Case No. ECU00853

Rutledge, et al. v. Healthport Technologies, LLC, Alameda County Superior Court, Case No. RG16835813

Sabala v. Econtactlive, Inc., Stanislaus County Superior Court, Case No. 684981

Sabatier v. Picture Perfect Installation, Inc., Riverside County Superior Court, Case No. RIC10004953

Salameh v. Sonomaidence OPCO, LLC, Sonoma County Superior Court, Case No. SVC264228

Salazar v. Tag-3 Medical Investment Group, LLC, Los Angeles County Superior Court, Case No. BC527698

Salbeck v. Ingredion Incorporated, San Joaquin County Superior Court, Case No. STK-UOE-2017-0012622

Sampson v. Healthnet of California Inc., Sacramento County Superior Court, Case No. 34-2015-00183785-CU-OE-GDS

Sanchez v. Don Roberto Jewelers, Inc., Imperial County Superior Court, Case No. ECU06819

Sanders v. Lionakis, Sacramento County Superior Court, Case No. 34-2017-00223601

Santana v. United Staffing Associates, LLC, Tulare County Superior Court, Case No. 249338

Schrader v. Adidas Promotional Retail Operations, Inc., Los Angeles County Superior Court, Case No. BC414168

Sebrell v. Pomeroy IT Solutions, San Bernardino County Superior Court, Case No. CIVDS1721560

Seymour v. Quest Service Group, LLC, Sacramento County Superior Court, Case No. 34-2017-00206917

Silva v. Trical, San Benito County Superior Court, Case No. CU-16-00218

Simler v. Polly's Inc., Riverside County Superior Court, Case No. RIC 1117862

Sipin, Scott v. Salesforce.com, Inc., San Joaquin County Superior Court, Case No. STK-CV-UOE-2019-0004629

Skuro v. BMW of North America, LLC, USDC – Central District of California (Los Angeles), Case No.: CV 10-8672-GW (FFMx)

Smith v. Steelcase, Inc., San Bernardino County Superior Court, Case No. CIVDS1725850

Sohal v. Foster Poultry Farms, Stanislaus County Superior Court, Case No. 2026605

Solomon v. City of Los Angeles, Los Angeles County Superior Court, Case No. BC570345

Solano v. Vozzcom, Inc., Imperial County Superior Court, Case No. ECU09519

Smith, et al. v. Sente Development, Inc., Sacramento County Superior Court, Case No. 34-2016-00196614

Solorzano v. FDS Manufacturing Corporation, Los Angeles County Superior Court, Case No. BC542532

Solowitz v. BakeMark USA LLC, Los Angeles County Superior Court, Case No. BC467838

Spampinato v. Wind & Sea Restaurants, Inc., San Bernardino County Superior Court, Case No. CIVVS1205154

Spitzer, et al. v. FRHI Hotels & Resorts (Canada) Inc., San Bernardino County Superior Court, Case No. C IVDS1712220

Stephens v. C.S., Inc., Riverside County Superior Court, Case No. PSC1301224

Stevenson v. Harvest Management Sub LLC, Ventura County Superior Court, Case No. 56-2011-00397420-CU-OE-SIM

Thompson v. Continental Labor Resources, Inc. d/b/a Continental Labor & Staffing Resources, Kern County Superior Court, Case No. S-1500-CV-278751-DRL

Thompson v. Sidhu Truck Line, Inc., Kern County Superior Court, Case No. BCV-15-101308-DRL

Tigas v. Ajilon Communications, Los Angeles County Superior Court, Case No. BC409737

Torres v. Coastal Employment Inc., Los Angeles County Superior Court, Case No. BC529207

Tran v. CSP Fiber Services, San Bernardino County Superior Court, Case No. CIVDS172758

Tripp v. California Guest Services, Inc., Plumas County Superior Court, Case No. CV16-00036

Valdez v. Diamond Landscaping, Inc., Los Angeles County Superior Court, Case No. BC497097

Valencia v. American Team Managers, Inc., Orange County Superior Court, Case No. 30-2016-00857365-CU-CR-CXC

Van Son v. Rush Truck Centers of California, Inc., Los Angeles County Superior Court, Case No. BC494747

Vasquez v. Schurman Fine Papers, San Joaquin County Superior Court, Case No. STK-CV-LMC-2015-10035

Velasquez v. Modesto Ventures, LLC, Sacramento County Superior Court, Case No. 32-2012-00126159

Victoria v. Bali Limousines Inc., San Mateo County Superior Court, Case No. CIV507774

Victorian v. Vision X, Inc., Los Angeles County Superior Court, Case No. BC400333

Wade v. Frito Lay, Kern County Superior Court, Case No. BCV-17-102014

Walls v. E. & J. Gallo, Stanislaus County Superior Court, Case No. 2015874

Warner v. Waterdrops Express Car Wash, LLC, Tulare County Superior Court, Case No. 265708

Waybright v. EAH, Inc., Stanislaus County Superior Court, Case No. 2011677

Weiss v. C.A.R. Enterprises, Inc., Riverside County Superior Court, Case No. RIC1113165

White v. Sally Beauty Supply, LLC, Imperial County Superior Court, Case No. ECU08177

Williams v. Dennis Dillon RV, LLC, San Bernardino County Superior Court, Case No. CIVDS 16006879

Williams v. Closet World, Inc., Los Angeles County Superior Court, Case No. BC400178

Williams v. Progress Rail Services Corporation, Kern County Superior Court, Case No. S-1500-CV-280236 DRL

Wing v. Three Group, Inc., Los Angeles County Superior Court, Case No. BC643883

Wilson v. ALSCO, Inc., Imperial County Superior Court, Case No. ECU07406

Wilson v. Michael C. Stead, Inc., Contra Costa Superior Court, Case No. C1400135

Winningham v. Storer Transportation Service, San Joaquin County Superior Court, Case No. 39-2015-00324708-CU-STK

Woody v. WBN Home Design, San Bernardino County Superior Court, Case No. CIVDS1613367

Woods, et al. v. F&B Innovations, LLC, San Bernardino County Superior Court, Case No. CIVDS1717765

Woodyard v. Bellus ALC Acquisition, LLC, USDC – Central District of California (Los Angeles), Case No. 2:13-cv-05285 SJO AGRx

Wright v. Social Vocational Services, Inc., Kern County Superior Court, Case No. BCV-15-101264

Ybarra v. New Legend, Inc., Sutter County Superior Court, Case No. CVCS-16-2097

Zaragoza v. Center Automotive, Inc., Los Angeles Superior Court, Case No. BC505194

EXHIBIT B

GAINES & GAINES
A Professional Law Corporation
27200 Agoura Road, Suite 101
Calabasas, CA 91301

Invoice submitted to:
Phuoc Truong

April 29, 2022

In Reference To: Truong v. Watlow Electric Manufacturing Company
Invoice #4949

Professional Services

	<u>Hours</u>	<u>Amount</u>
10/25/2019 [ESTIMATED] Pre-timekeeping: litigation research and analysis regarding Defendant and claims	10.00	7,000.00
10/31/2019 Review and revise LWDA letter	0.20	130.00
1/13/2020 Review and revise complaint	0.40	260.00
1/14/2020 Review and revise complaint	0.50	350.00
1/17/2020 Prepare complaint	4.00	2,200.00
6/16/2020 Phone call with Larry Lee	0.20	140.00
7/7/2020 Emails with defense regarding status	0.40	230.00
7/29/2020 Revise and finalize stipulation and order to approve settlement	0.80	560.00
7/30/2020 Review Joint Prosecution Agreement	0.30	210.00
7/31/2020 Send Joint Prosecution Agreement to client	0.20	140.00
9/30/2020 Prep Case Management Statement	0.40	280.00
10/15/2020 Review and revise stipulation for consolidation of actions	0.30	210.00
10/19/2020 Draft informal discovery letter	1.20	690.00
10/20/2020 Attend Case Management Conference	1.20	690.00

	<u>Hours</u>	<u>Amount</u>
10/20/2020 Attend Case Management Conference	1.20	690.00
10/22/2020 Revise/finalize informal discovery requests	0.30	210.00
1/7/2021 Draft mediation brief and related research	2.10	1,207.50
1/8/2021 Draft mediation brief - emails with co-counsel regarding paystub and brief and send to co-counsel	3.40	1,955.00
1/12/2021 Review informal discovery production in advance of mediation	1.00	700.00
1/14/2021 Prepare damage model and emails with co-counsel	1.20	690.00
1/15/2021 Call with client re mediation, expectations, other case & timing; revise mediation brief and damage model; emails with co-counsel	1.50	862.50
1/19/2021 Attend Mediation via Zoom	5.50	3,575.00
Attend Mediation via Zoom	6.00	4,200.00
1/21/2021 Call with client regarding mediator's proposal and timing	0.60	345.00
3/3/2021 Call with defense re settlement terms	0.40	230.00
3/30/2021 Call with defense counsel & co counsel re settlement	0.50	325.00
5/27/2021 Revise notice to class	0.30	210.00
7/13/2021 Assemble settlement agreement and email opposing counsel and co counsel	0.40	220.00
8/16/2021 Prepare declaration of Daniel Gaines In Support Of Motion for Preliminary Approval; Prepare declaration of client In Support Of Motion for Preliminary Approval; email co-counsel	2.00	1,100.00
4/25/2022 Preparation of final approval motion, fee application, proposed order and declarations	6.00	4,200.00
4/26/2022 Continue to prepare final approval motion, fee application, proposed order and declarations	4.00	2,800.00
4/27/2022 Finish preparing final approval motion, fee application, proposed order and declarations	5.00	3,500.00
Review and revise final approval paperwork	1.50	975.00
5/31/2022 [ESTIMATED] Time required to finalize approval paperwork, attend approval hearing, communicate with employees, administrator and counsel for Defendant, and close file	7.50	5,250.00

	<u>Hours</u>	<u>Amount</u>
5/31/2022 [ESTIMATED] Time required to finalize approval paperwork, attend approval hearing, communicate with employees, administrator and counsel for Defendant, and close file	7.50	4,875.00
For professional services rendered	<u>78.00</u>	<u>\$51,210.00</u>
Balance due		<u><u>\$51,210.00</u></u>

User Summary			
<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
Alex Katofsky	42.80	700.00	\$29,960.00
Daniel Gaines	15.60	650.00	\$10,140.00
Evan Gaines	13.20	575.00	\$7,590.00
Sepideh Ardestani	6.40	550.00	\$3,520.00

EXHIBIT C

**Truong v. Watlow Electric
Class Counsel's Costs**

<u>EXPENSE CATEGORY</u>	<u>EXPENSE</u>
Postage/FedEx charges	\$ 23.60
Filing fees (including related attorney service expenses)	\$ 1,179.30
CourtCall charges	\$ 282.00
Mediation fee	\$ 6,000.00
Future estimated expenses - • <i>Filing fees and One Legal Service fees for Motion for PAGA Approval (will be filed via One Legal) - \$121.00</i> • <i>Courtesy copy delivery fees to department of Motion for PAGA Approval via One Legal - \$130.00</i> • <i>Postage for mailing Motion for PAGA Approval - \$10.00</i> • <i>Court call expense for Motion for PAGA Approval Hearing - \$94.00</i> • <i>Filing fees and One Legal Service fees for Notice of Entry of Order once PAGA Order signed (will be filed via One Legal) - \$16.00</i> • <i>Postage for mailing Notice of Entry of Order - \$5.00</i>	\$ 376.00
TOTAL EXPENSES	\$ 7,860.90