

Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
Joanna Ghosh (SBN 272479)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiff Anthony Masinas

Kevin T. Barnes (SBN 138477)
LAW OFFICES OF KEVIN T. BARNES
1635 Pontius Avenue, Second Floor
Los Angeles, California 90025
Tel: (323) 549-9100 / Fax: (323) 549-0101

Raphael A. Katri (SBN 221941)
LAW OFFICES OF RAPHAEL A. KATRI
8549 Wilshire Boulevard, Suite 200
Beverly Hills, California 90211
Tel: (310) 940-2034 / Fax: (310) 733-5644

Attorneys for Proposed Plaintiff Juan Partida

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN JOAQUIN

ANTHONY MASINAS, individually, and on
behalf of other members of the general public
similarly situated,

Plaintiff,

vs.

FLEETPRIDE, INC., an unknown business
entity; and DOES 1 through 100, inclusive,

Defendants.

Case No.: STK-CV-UOE-2018-0015792

Honorable Jayne Lee
Department 10C

CLASS ACTION

**DECLARATION OF KEVIN T. BARNES
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

[Plaintiffs' Motion for Preliminary Approval of
Class Action Settlement; Declarations of Class
Counsel (Edwin Aiwazian and Raphael A.
Katri); Declarations of Proposed Class
Representatives (Anthony Masinas and Juan
Partida); and [Proposed] Order filed
concurrently herewith]

Date: August 3, 2021
Time: 9:00 a.m.
Department: 10C

Complaint Filed: December 18, 2018
Trial Date: None Set

1 **DECLARATION OF KEVIN T. BARNES IN SUPPORT OF PLAINTIFF'S**
2 **MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA**
3 **SETTLEMENT**

4 I, Kevin T. Barnes, declare:

5 1. I am an attorney licensed to practice before all courts of the State of California. I
6 am co-counsel for the Plaintiff Juan Partida (hereinafter "Plaintiffs") and have personal
7 knowledge of the facts thereto. If called as a witness, I could and would competently testify
8 herein.

9 **ATTORNEY COMPETENCE IN CLASS ACTIONS**

10 2. I graduated from the University of Colorado at Boulder in 1985 with a degree in
11 Business Administration and Real Estate. I graduated from Loyola Law School of Los Angeles
12 in 1988. I am currently the managing partner in The Law Offices of Kevin T. Barnes in Los
13 Angeles. I am admitted to practice before the following Courts: United States Court of Appeal,
14 Ninth Circuit; United States District Court- Northern, Central, and Eastern Districts of
15 California; United States District Court- District of Colorado, United States District Court-
16 Fourth Circuit; all of California State Courts; and the United States Supreme Court. I have an
17 AV rating with Martindale Hubbell.

18 3. In 1997, I was one of the first attorneys in the State of California to represent a
19 plaintiff in a class action wage and hour case, specifically the case of Amezcuca, et. al. v. Trak
20 Auto Corporation, Los Angeles County Superior Court Case No. BC183900 coordinated with
21 Tett v. Trak Auto Corporation, Los Angeles County Superior Court Case No. BC186931. Since
22 that time, my firm has been hired by many plaintiffs and law firms to serve as class counsel in
23 such cases. Few, if any, attorneys in California are more experienced in wage and hour class
24 action cases than my firm.

25 4. I have been invited on numerous occasions to speak on class action and wage-and-
26 hour employment issues. I have spoken at seminars by the Labor and Employment Section of
27 the Los Angeles County Bar Association, various labor lawyer associations, mediator seminars
28 and Nuts & Bolts seminars for new lawyers. I was selected as one of the Top 10 Plaintiff Labor

1 and Employment Attorneys in 2008 by the Daily Journal and the Top 75 Labor and
2 Employment Attorneys in 2017 and 2018 by the Daily Journal. I have been selected as a
3 Southern California Super Lawyer from 2007-2021 in Employment and Labor. This recognition
4 is a selection by my peers based upon ethics, experience and reputation and represents the top
5 5% of our profession. I am also AV rated by Martindale-Hubbell, the highest possible rating for
6 a lawyer.

7 5. In 2008 I tried with Joseph Antonelli the case of Mutuc v. Huntington Memorial
8 Hospital, Case number BC288727. This is one of the few wage and hour class action cases tried
9 in the state of California. Judge William A. MacLaughlin Issued a Statement of Decision
10 awarding Plaintiff \$32.8 million which led to a \$60 million lump sum settlement. Also, in 2008,
11 I tried another wage and hour class action entitled Solis v. Worldwide Network, Inc., et al.,
12 Orange County Superior Court Case no. 03CC00069, before Hon. Ronald L. Bauer, which
13 resulted in judgment in favor of Defendant Worldwide Network, Inc. I recently tried a third
14 wage and hour case in San Diego that is currently on appeal.

15 6. My firm has also been involved in numerous favorable appellate court decisions
16 which have been very important in wage and hour class action law. These appellate decisions
17 include the following cases:

- 18 a. Huntington Memorial Hospital v. Superior Court (2005) 131 Cal.App.4th 893 (a
19 landmark decision regarding the manner in which the regular rate must be
20 calculated and what is considered a “subterfuge” to avoid the correct payment of
21 the regular rate and overtime rate);
- 22 b. Tien v. Sup. Ct. (Tenet Healthcare) (2006) 139 Cal.App.4th 528 (protecting the
23 interest of putative class members in a wage and hour case who want their
24 identity protected);
- 25 c. Jaimez v. Daiohs USA, Inc. (2010) 181 Cal.App.4th 1286 (the criteria required to
26 certify pay stub claims, waiting time penalty claims, and meal and break claims
27 among other matters);
- 28 d. Williams v Superior Court (Allstate) (2013) 221 Cal.App.4th 1353 (confirms

several important legal theories which support certification regarding common questions);

- e. Cochran v. Schwan's Home Service, Inc. (2014) 228 Cal.App.4th 1137 (one of the first California cases to consider the California Supreme Court decision in *Duran v. U.S. National Bank Association* (2014) 59 Cal.4th 1, holding that Plaintiff can use statistical sampling evidence to establish either liability or damages in a wage and hour class action case. The Schwan's opinion is also a seminal case regarding an employers' obligation to reimburse employees' business expenses under California Labor Code §2802);
- f. Laffitte v. Robert Half International Inc. (2014) 231 Cal.App.4th 860 (Review granted and Opinion superseded by Laffitte v. Robert Half Intern. (2015) 342 P.3d 1232) (use of a common fund recovery for attorneys' fees in class action cases). On May 27, 2016, I argued this case to the California Supreme Court;
- g. Vaquero v. Ashley Furniture Industries Inc. 824 F.3d 1150, 2016 WL 3190862 (9th Cir. June 8, 2016) (limits the impact of *Wal-Mart v. Dukes* (2011) 564 U.S. 338 with respect to the issue of commonality, limits the impact of *Comcast v. Behrend* (2013) 133 S.Ct. 1426 with respect to predominance and underscores the 9th Circuit rule that the need for individualized finding with respect to damages does not defeat class certification); and
- h. Vaquero v. Ashley Furniture Industries Inc. (2017) 9 Cal.App.5th 98 (expands the impact of *Bluford v. Safeway Stores, Inc.* (2013) 216 Cal.App.4th 864 to commissioned employees for the first time; they must be separately compensated for rest breaks).

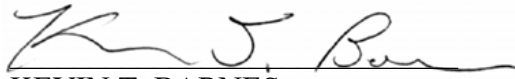
7. Declarant is a very experienced class action counsel, including specializing in the area of wage and hour issues. Some of the class action and wage and hour litigation on which The Law Offices of Kevin T. Barnes has served as Lead and/or Class Counsel as follows: Cruz v. Suntory Water Group, Inc., Case No. BC243596; Joel v. Athlete's Foot Group, Inc., Case No. BC 234231; Cardilino v. Perrier, Case No. BC 210181 and Holt v. Great Springs Water, OC

1 Superior Court Case No. 810642 (“Arrowhead”); Hines v. CSK Auto; Tett v. CSK Auto and
2 Noel v. CSK Auto, Case No. San Diego Superior Court, Case No. 720346 (“Kragen Auto”);
3 Soto et. al. v. Park Uniform Rental Service, et. al., Case No. BC215318; Amezcuca, et. al. v.
4 Trak Auto Corporation, Case No. BC 183900 coordinated with Tett v. Trak Auto Corporation,
5 Case No. BC 186931 matter (“Trak Auto”); Maldonado v. Footstar Center, Inc., Case No.
6 00CC06359; Calvo, et. al. v. McKesson HBOC, Inc., et. al., Case No. BC 228366 coordinated
7 with Ware, et. al. v. McKesson Water Products Company, Case No. BC 231420 (“Sparkletts”);
8 Franco v. Vans Inc., Case No. 01CC03995; Cruz v. Suntory Water Group, Inc., Case No.
9 BC243596; Toney v. McDonald’s Restaurant, et al., Case No. BC234243; Tong v. 21st Century
10 Insurance Company, Case No. 01CC10913 coordinated with Echegaray v. 21st Century
11 Insurance Co., Case No. BC255189 and Requirme v. 21st Century Insurance Co., Case No.
12 BC253952 (“21st Century”); Wood v. Hollywood Entertainment, Case No. CV779511
13 coordinated with Dannelley v. Hollywood Entertainment, Inc., Case No. OC 816155 and
14 Peterson v. Hollywood Entertainment Corp., Case No. CV788126 (“Hollywood”); and Lynn
15 Lazdowski, et al. v. Bowne of Los Angeles, Inc., Case No. 02CC16722.

16 8. Based upon my qualifications and experience, I believe I am component to serve
17 as co-counsel on behalf of the Plaintiffs and putative class members in this matter.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct.

20 Executed June 22, 2021 at Los Angeles, California.

21 

22 KEVIN T. BARNES

23 Declarant