

Janelle Carney, Esq. (Bar No. 201570)
JANELLE CARNEY – ATTORNEY AT LAW, APC
14758 Pipeline Ave., Suite E, 2nd Floor
Chino Hills, CA 91709-6025
Tel.: (909) 521-9609/ Fax: (909) 393-0471

Adam M. Rose (210880)
adam@frontierlawcenter.com
Manny M. Starr (319778)
manny@frontierlawcenter.com
FRONTIER LAW CENTER
23901 Calabasas Road, STE #2074
Calabasas, CA 91302
Telephone: (818) 914-3433/ Facsimile: (818) 914-3433

Attorneys for Plaintiff Keith Williams
(Additional Plaintiff's counsel listed on next page)

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE

KEITH WILLIAMS, on behalf of himself and
all other similarly situated and aggrieved
employees,

Plaintiff,

v.

ST. JOSPEH HEALTH PERSONAL CARE
SERVICES, LLC., ST. JOSEPH PERSONAL
CARE SERVICES, LLC., and DOES 1 to 100,
inclusive,

Defendants.

Case No. 30-2020-01134268-CU-OE-CXC
Assigned to: Hon. William Claster
Dept. CX104

**DECLARATION OF JOSEPH
ANTONELLI IN SUPPORT OF MOTION
FOR COURT APPROVAL OF PAGA
SETTLEMENT**

Date: July 28, 2023
Time: 9:00 a.m.
Dept.: CX104
Reservation No.: 74050335

Complaint Filed: February 25, 2020
Trial Date: Vacated

MAYRA MIRANDA, ROBERT RASHAD,
CLAUDIA MORALES-ALVAREZ, DIANA
HOMER, DEBORAH MONTLE, individuals

Plaintiff,

v.

ST. JOSEPH HEALTH PERSONAL CARE
SERVICES, LLC., and DOES 1 to 100,

Defendants.

RELATED CASE NO. 30-2022-01270521-
CU-OE-CXC
Hon. Randall Sherman
Dept. CX105
Action Filed: July 18, 2022
Trial Date: None set

**DECLARATION OF JOSEPH ANTONELLI IN SUPPORT OF MOTION FOR COURT
APPROVAL OF PAGA SETTLEMENT**

1 Joseph Antonelli, Esq. (Bar No. 137039)
2 **LAW OFFICE OF JOSEPH ANTONELLI**
3 14758 Pipeline Ave., Suite E, 2nd Floor
4 Chino Hills, CA 91709-6025
5 Tel.: (909) 393-0223 / Fax: (909) 393-0471

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Attorney for Plaintiff Keith Williams

1 I, Joseph Antonelli, declare:

2 1. I am an attorney duly licensed to practice law in the State of California. I am the
3 senior partner at the Law Office of Joseph Antonelli, counsel for Plaintiffs herein. I have personal
4 knowledge of the matters set forth herein, and would and could testify thereto if called as a witness
5 herein.

6 2. Declarant is qualified to act as class counsel. I graduated from Loyola Law School
7 and obtained my Jurisprudence Doctorate in May 1988. I took the California Bar Examination in
8 July 1988 and received my passing results in November 1988. I was admitted to practice law in
9 the State of California and federal courts in December 1988. I have remained in good standing as
10 a member of the California Bar since admission to the present time. I have litigated numerous
11 successful wage and hour class actions in California.

12 3. I have been selected as a Southern California Super Lawyer and Sutton Who's Who
13 in America Law. These recognitions are a selection by my peers based upon ethics, experience and
14 reputation and represent the top 5% of our profession. I am also AV rated by Martindale-Hubbell,
15 the highest possible rating for a lawyer. I have litigated numerous successful wage and hour class
16 actions in California. Furthermore, my office in conjunction with the Law Offices of Kevin T.
17 Barnes completed a court trial in the case of Mutuc v. Huntington Memorial Hospital, Case No.
18 BC288727. My firm has also been successful in obtaining favorable published opinions for
19 employees in the state of California on six (6) major issues in each of the following cases:
20

- 21 a. Huntington Memorial Hospital v. Superior Court ("Mutuc") (2005) 131 Cal.App.
22 4th 893, 906;
- 23 b. Tien v. Sup. Ct. (Tenet Healthcare) (2006) 139 Cal. App. 4th 528;
- 24 c. Jaimez v. Daiohs USA, Inc., (2010) 181 Cal.App.4th 1286;
- 25 d. Hoover v. American Income Life Insurance (2012) 206 Cal. App. 4th 1193;
- 26 e. Cochran v. Schwan's, (2014) 228 Cal.App.4th 1137;
- 27 f. Falk v. Children's Hospital Los Angeles, (2015) 237 Cal. App. 4th 1454;
- 28 g. Lafitte v. Robert Half International, Inc., et al. (2016), 1 Cal.5th 480;

1 h. Vasserman v. Henry Mayo Newhall (2017) 8 Cal. App 5th 236.

2 These cases were landmark decisions in the manner in which the regular rate must be
3 calculated and what is considered a “subterfuge” to avoid the correct payment of regular rate and
4 overtime rate (Huntington Hospital); the criteria required to certify pay stub claim, waiting time
5 penalty claim, and meal and rest break claim among other matters (Jaimez); protecting the
6 interests of putative class members in a wage and hour case who want their identity protected
7 (Tien); the standard to prove that an employer has waived its right to arbitrate an employment
8 claim against an employee who filed a class action (Hoover); the standard of when an employer is
9 required to reimburse employees for cell phone usage and other business expenses in order to
10 perform the employees’ duties, even if there was no direct costs to the employees (Cochran); the
11 application of the tolling doctrine as applied to subsequent class actions being filed when the
12 previous class action was disposed of without a ruling on certification (Falk); the Laffitte decision
13 laid out the requirements for approval of a class action settlement including an in depth analysis
14 on the attorneys’ fees request on a common fund. In Laffitte, the California Supreme Court
15 affirmed the trial court and appellate court ruling and holds that the attorney fee award made on a
16 common fund basis (percentage of the settlement) is the law in California; and that employees
17 whose employment is governed by a collective bargaining agreement have not waived their right
18 to bring statutory claims in court unless there is a clear and unmistakable waiver of their rights
19 (Vasserman).

21 **CLASS ACTION EXPERIENCE**

22 4. I have previously served as class counsel in a number of class action cases and
23 PAGA representative cases dealing with wage and hour matters. The list of cases is included in
24 the Declaration of Janelle Carney filed concurrently herewith.

25 5. My firm, together with Janelle Carney – Attorney at Law, APC and Frontier Law
26 Center have always been prepared to zealously pursue this case on behalf of the Aggrieved
27 Employees through trial on the merits if necessary. All counsel in this settlement maintained the
28

1 best interests of the Plaintiff and aggrieved employees in litigating the case and ultimately settling
2 the matter. All counsel have agreed to a fee split as follows:

<u>Attorney</u>	<u>Percentage of Fee Award</u>
Law Office of Joseph Antonelli	60%
Frontier Law Center	40%

3
4
5 Plaintiff has approved of the fee split in a written agreement as required by California Rules of
6 Professional Conduct 2-200(A).

7
8 6. My firm's costs to date are approximately \$9,593.34. A true and correct copy of the
9 costs bill for the Law Office of Joseph Antonelli is attached hereto as **Exhibit 1**.

10
11 I declare under penalty of perjury of the laws of the State of California, that the foregoing
12 is true and correct.

13 Executed on this 6th day of July 2023, at Chino Hills, California.

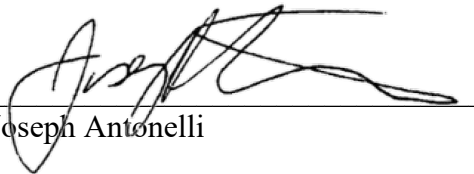
14
15 
16 Joseph Antonelli

Exhibit 1

Joseph Antonelli Law Office

14758 Pipeline Avenue
Suite E, 2nd Floor
Chino Hills, California
USA 91709

LOL
6975 Arlene Dr
Winton CA 95388

Date: 5/11/2022
File Number: 62103/
Invoice Number: Draft

Re: Alejandro Inacio v. Land O' Lakes, Inc.

Expenses

09/30/2019	Postage	13.90
09/30/2019	Outside Contractor J. Wilkinson (Paralegal Services) -- Invoice 126	90.72
10/09/2019	Outside Contractor J. Wilkinson (Paralegal Services) -- Invoice 127	196.92
10/31/2019	Photocopies	1.50
10/31/2019	Outside Contractor J. Wilkinson (Paralegal Services) -- Invoice 128	54.00
11/15/2019	Outside Contractor J. Wilkinson (Paralegal Services) -- Invoice 129	85.32
11/29/2019	Outside Contractor J. Wilkinson (Paralegal Services) -- Invoice 130	236.16
12/10/2019	Janney & Janney -- Invoice 3177969-01	39.50
12/10/2019	Janney & Janney -- Invoice 3177969-02	69.50
12/14/2019	Outside Contractor J. Wilkinson (Paralegal Services) -- Invoice 131	271.80
12/31/2019	Photocopies	17.50
12/31/2019	Postage	2.10
12/31/2019	Outside Contractor J. Wilkinson (Paralegal Services) -- Invoice 132	160.20
01/08/2020	LexisNexis -- Research - Invoice 3092406796	5.65
01/16/2020	Outside Contractor J. Wilkinson (Paralegal Services) -- Invoice 133	27.00
01/31/2020	Photocopies	4.50
01/31/2020	Postage	3.10
02/14/2020	Outside Contractor J. Wilkinson (Paralegal Services) -- Invoice 135	361.80
02/20/2020	One Legal -- Invoice 13916400	277.83
02/26/2020	Janney & Janney -- Invoice 3403223	163.25
02/29/2020	Photocopies	4.00
02/29/2020	Postage	3.80
03/03/2020	LexisNexis -- Research -- Invoice 3092518666	270.06
03/05/2020	Infinite -- Invoice IC30566-0220	4.58
03/10/2020	Janney & Janney -- Invoice 3440135	33.25
03/13/2020	Outside Contractor J. Wilkinson (Paralegal Services)	223.56
03/31/2020	Photocopies	14.00

03/31/2020	Postage	4.65
04/17/2020	Southwest Airlines	484.76
08/05/2020	Court Call -- 10746136	94.00
08/31/2020	Photocopies	3.00
08/31/2020	Postage	1.00
09/13/2020	Court Call -- 10746136	94.00
09/29/2020	Video Solutions -- Invoice 2996	983.75
09/30/2020	Photocopies	2.75
10/14/2020	TSG REPORTING -- Invoice 2029968	752.25
11/07/2020	LexisNexis -- Research -- Invoice 3092931724	304.58
11/30/2020	Photocopies	3.00
12/09/2020	Court Call	94.00
12/31/2020	Photocopies	1.25
12/31/2020	Photocopies	1.75
12/31/2020	Postage	0.50
01/05/2021	California Deposition Reporters -- Invoice 7748	3,187.00
01/20/2021	Janney & Janney -- Invoice 4110073	13.10
02/04/2021	Infinite -- Invoice IC30566-0121	1.84
02/28/2021	Postage	0.51
03/03/2021	LexisNexis -- Research -- Invoice 390110747	16.10
03/16/2021	Rust Consulting -- Invoice 2021-243	1,200.00
03/24/2021	Dickstein Dispute Resolution	2,760.00
03/25/2021	JCAL CK1018	720.00
03/31/2021	Photocopies	2.75
03/31/2021	Postage	0.51
11/05/2021	LexisNexis -- Research	112.75
11/08/2021	Khan Billing	100.00
12/14/2021	Khan Billing	100.00

TOTAL NEW CHARGES**\$13,675.30**

General Retainer Applied

4,081.96

Net Amount Owing on this Bill

\$9,593.34**STATEMENT OF ACCOUNT**

Current Expenses

13,675.30

Current Transfers/Payments

-4,081.96

AMOUNT DUE AND OWING TO DATE**\$9,593.34**

PER: _____

Janelle Carney