

James R. Hawkins, Esq. SBN 192925
Isandra Fernandez, Esq. SBN 220482
JAMES HAWKINS APLC
9880 Research Drive, Suite 200
Irvine, CA 92618
TEL: (949) 387-7200
FAX: (949) 387-6676
james@jameshawkinsaplc.com
Isandra@jameshawkinsaplc.com

Attorneys for Plaintiff, GUADALUPE PADILLA
on behalf of herself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

GUADALUPE PADILLA on behalf of herself
and all others similarly situated

Plaintiff,

vs.

PRECISION HOSPITALITY &
DEVELOPMENT, LLC., a California limited
liability company, and DOES 1 through 50,
inclusive,

Defendants.

Case No. 30-2020-01140810-CU-OE-CXC
ASSIGNED FOR ALL PURPOSES TO:
JUDGE: Hon. Randall Sherman
DEPT: CX105

**DECLARATION OF JAMES R.
HAWKINS IN SUPPORT OF MOTION
FOR SETTLEMENT APPROVAL OF
CLAIMS BROUGHT UNDER THE
PRIVATE ATTORNEYS GENERAL ACT,
REASONABLE ATTORNEYS' FEES AND
COSTS, AND ENHANCEMENT
AWARDS**

I, James R. Hawkins, declare as follows:

2. In 1993, I graduated from the University of California, Los Angeles with a Bachelor of Arts Degree. Following graduation, I attended Whittier Law School. In 1996, while a full-time law student, I was also a full-time Judicial Extern for the Honorable Consuelo B. Marshall, United States District Court, Central District. After approximately five months of service for Judge Marshall, I became a full-time extern for the United States Attorney's Office, Central District of California. My externship lasted for approximately five months. Thereafter, in 1997, I graduated from Whittier Law School. The same year, I was admitted to practice law in the State of California.

4. In 2007, I incorporated my wage and hour class action practice as James Hawkins, APLC. Since its inception, this law firm has been exclusively involved in class action and complex litigation. Since 2002, I have been lead or co-lead counsel in all of the cases listed in paragraph 7 below.

a. *Carey, et. al. v. Arthur J. Gallagher, et. al.*, USDC, SOUTHERN DISTRICT OF CALIFORNIA

DISCTRICT- Case No.: 09-cv-0168.

Wage and Hour Class action seeking past wages of overtime for misclassification of insurance claims adjusters employed by Gallagher Bassett, a third party administrator (TPA) in the State of California. Certification granted. Plaintiffs' counsel co-lead counsel. Litigation continuing.

b. ***Dao v. 3M Company, et al.*** USDC, CENTRAL DISTRICT, Case No. CV-08-04554. Wage and Hour Class Action case seeking past wages for “off the clock”, overtime and meal and rest break violations for production workers in the State of California. Plaintiff’s Counsel appointed as Lead Counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

c. ***Ortiz v. Kmart***, USDC, CENTRAL DISTRICT, Case No. SACV 06-638 ODW. Wage and Hour Class Action case seeking past wages for meal and rest period violations for retail employees in the State of California. Plaintiff’s counsel appointed co-lead counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

d. ***Morgan v. Aramark Campus, LLC***, USDC, CENTRAL DISTRICT, Case No. SACV08-00412. Wage and Hour Class Action case seeking past wages for meal and rest period violations for retail employees in the State of California. Plaintiff’s Counsel appointed as Lead Counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

e. ***West v Iron Mountain Information Management, Inc, et. al.***; Los Angeles County Superior Court, Case No. BC393709. Wage and Hour Class Action seeking past wages for overtime, meal and rest break violations for driver employees in the State of California. Stipulation for “binding arbitration.” Arbitration Award for Plaintiff Class. Arbitration Award confirmed. Plaintiff’s counsel lead trial counsel and class counsel.

f. ***Gonzalez v. Superior Industries International, Inc., et al.***, Los Angeles County Superior Court, Case No. BC 357912. Wage and Hour Class

1 Action seeking past wages for overtime, meal and rest breaks violations for
2 production employees in the State of California. Plaintiff's counsel appointed as
3 lead counsel. Case settled, Final Approval granted, no objections and funds
4 fully distributed.

5 *g. Acosta v. Fleetwood Travel Trailers of California, Inc., et al.,*
6 Riverside County Superior Court, Case No. RIC 440630. Wage and Hour Class
7 Action seeking past wages for overtime, meal and rest break violations for
8 production employees in the State of California. Plaintiff's counsel appointed as
9 co-lead counsel. Case settled, Final Approval granted, no objections and funds
10 fully distributed.

11 *h. Walker v. Sharkeez, et al.,* Orange County Superior Court, Case No.
12 05CC00293. Wage and Hour Class Action seeking past wages for unlawful
13 deductions, meal and rest break violations for restaurant employees in the State
14 of California. Plaintiff's counsel appointed as lead counsel. Case settled, Final
15 Approval granted and funds fully distributed.

16 *i. Padron v. Universal Protection Service, et al.,* Orange County
17 Superior Court, Case No. 05CC00013. Wage and Hour Class Action seeking
18 past wages for overtime, meal and rest break violations for security officers in
19 the State of California. Plaintiff's counsel appointed as co-lead counsel. Case
20 settled, Final Approval granted, no objections and funds fully distributed.

21 *j. Martinez v. Securitas Security Services USA, et al.,* Santa Clara
22 Superior Court, Case No. 105-CV047499, et al. J.C.C.P. No. 4460. Wage and
23 Hour Class Action seeking past wages for meal and rest break violations for
24 security officers employed by defendant in the State of California. Plaintiff's
25 counsel and co-counsel. Case settled, Final Approval granted and funds fully
26 distributed.

27 *k. Velasquez-Lopez v. Hotel Cleaning Services, Inc. et al.,* Riverside
28 Superior Court, Case No. RIC 420909. Wage and Hour Class Action seeking

1 past wages for overtime, meal and rest break violations for housekeepers
2 employed by defendant in the State of California. Plaintiff's counsel appointed
3 as lead counsel. Case settled, Final Approval granted, no objections and funds
4 fully distributed.

5 l. ***Ruiz, et al. v. Unisource Worldwide, Inc., et al.***, USDC, CENTRAL
6 DISTRICT, Case No. CV09-05848. Wage and Hour Class Action seeking past
7 wages for meal and rest period violations for non-exempt employees employed
8 by defendant in the state of California. Case settled. Awaiting Preliminary
9 Approval hearing. Plaintiff has petitioned the Court for Lead Counsel.

10 m. ***Herrador v. Culligan International Company, et al.***, USDC,
11 CENTRAL DISTRICT, Case No. SACV 08-680. Wage and Hour Class Action
12 seeking past wages for field and branch employees of defendant in the State of
13 California. Plaintiff's counsel appointed as lead counsel. Case settled and
14 awaiting Final Approval.

15 n. ***Defries v. Domain Restaurants, et al.***, Orange County Superior
16 Court, Case No. 05CC00128. Wage and Hour Class Action seeking past wages
17 for restaurant employees of defendant in the State of California. Plaintiff's
18 counsel appointed as lead counsel. Case settled, Final Approval granted, no
19 objections and funds fully distributed.

20 o. ***Denton v. BLB Enterprises, Inc., et al.***, Orange County Superior
21 Court, Case No. 07CC01292. Wage and Hour Class Action seeking unpaid
22 overtime, meal and rest break violations for security guards employed by
23 defendant in the State of California. Plaintiff's counsel appointed as lead
24 counsel. Case settled, Final Approval granted, no objections and funds fully
25 distributed.

26 p. ***Rios v. Sandberg Furniture Manufacturing Co., Inc, et al.***, Los
27 Angeles Superior Court, Case No. BC411477. Wage and Hour Class Action
28 seeking unpaid meal and rest break violations for production employees

1 employed by defendant in the State of California. Plaintiff counsel appointed as
2 lead counsel. Case settled, Final Approval granted, no objections and funds
3 fully distributed.

4 q. *McMurray v. Dave and Busters, Inc., et al.*, Orange County Superior
5 Court, Case No. 06CC00099. Wage and Hour Class Action seeking past wages
6 for meal and rest break violations for restaurant employees employed by
7 defendant in the State of California. Plaintiff's counsel appointed as co-lead
8 counsel. Case settled, Final Approval granted, no objections and funds fully
9 distributed.

10 r. *Osuna v. DFG Restaurants, Inc., et al.*, Los Angeles Superior Court,
11 Case No. BC 330145. Wage and Hour Class Action seeking past wages of
12 overtime for mis-classification of managers employed by Defendant, DBA
13 Carl's Jrs. in the State of California. Plaintiff's counsel appointed as co-lead
14 counsel. Case settled, Final Approval granted, no objections and funds fully
15 distributed.

16 s. *Burns v. Gymboree Operations, Inc., et al.*, San Francisco Superior
17 Court, Case No. CGC-07-461612. Wage and Hour Class Action seeking past
18 wages for meal and rest break violations for retail employees employed by
19 defendant in the State of California. Plaintiff's counsel appointed lead counsel.
20 Case settled, Final Approval granted, no objections and funds fully distributed.

21 t. *Willems v. Diedrich Coffee, Inc., et al.*, Orange County Superior
22 Court, Case No. 07CC00015. Wage and Hour Class Action seeking past wages
23 of overtime for mis-classification of managers employed by Defendant in the
24 State of California. Plaintiff's counsel appointed lead counsel. Case settled,
25 Final Approval granted, no objections and funds fully distributed.

26 u. *Davila, et al. v. Beckman Coulter, Inc., et al.*, Orange County
27 Superior Court, Case No. 07CC01347. Wage and Hour Class Action seeking
28 past wages for overtime, meal and rest break violations for production workers

1 employed by defendant in the State of California. Plaintiff's counsel appointed
2 lead counsel. Case settled, Final Approval granted, no objections and funds
3 fully distributed.

4 *v. Perez v. Naked Juice Company of Glendora, Inc.*, Los Angeles
5 Superior Court, Case No. BC387088. Wage and Hour Class Action seeking past
6 wages for overtime, meal and rest period violations for production employees
7 employed by defendant in the State of California. Plaintiff counsel appointed as
8 lead counsel. Case settled, Final Approval granted, no objections and funds
9 fully distributed.

10 6. Isandra Fernandez, my co- counsel on this matter, has been a member of the
11 Florida Bar since January 1996 and member of the California Bar since August 2002. Ms.
12 Fernandez has specialized in employment related litigation including complex wage and hour
13 civil litigation since 2003. Ms. Fernandez has been and currently is, co- counsel in over fifty
14 (50) wage and hour class action litigations for our firm and has produced excellent results for this
15 firm's clients in the wage and hour class actions.

16 7. Since the inception of this matter in January 2019, through the present James
17 Hawkins APLC has had to, among other things, expend time on the following: conduct
18 extensive and comprehensive investigations and research; draft Complaint and PAGA letter;
19 review Answer; prepare a discovery plan on class certification issues; review documents
20 pertaining to related cases; draft joint status conference reports and stipulations for court; attend
21 status conference; draft amended complaint; review motion to compel arbitration; numerous
22 discussions with plaintiff and co plaintiff's counsel; discussions with defense; review settlement
23 agreement. My hourly rate is \$900, Ms. Fernandez's hourly rate is \$800 and Ms. Whitson, a
24 paralegal, is \$200. Since the inception of this matter in January 2020, the total amount of
25 attorney and paralegal time expended, and also estimated to be expended in finalizing this
26 matter, is 55 hours (Hawkins 15 hours; Fernandez 25 hours and Whitson 15) which equates to
27 \$36,500 in fees.
28

8. To date, Class Counsel has not received any compensation and expended litigation costs on behalf of the class. Class Counsel have borne the entire risk and cost of this litigation on a pure contingency basis. Class action contingency cases are inherently risky. Upon retention, Class Counsel makes a commitment to litigate the case through trial. These types of cases can take years, hundreds of hours of work and cost an enormous amount of money; these risks are known upon retention. The risks involved coupled with the contingency basis of this case further support Class Counsel's request for attorneys' fees and costs.

9. James Hawkins APLC cost amount is \$3,028.93 (A true and correct copy of Class Counsel's cost invoice is attached hereto as Exhibit 1.)

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 29th day of June 2021 at Irvine, California.


James R. Hawkins

EXHIBIT 1

Matter Billing Detail

Report Date: 6/9/2021
Report Time: 8:21AM
Page: 1 of 2
User ID: Miccolis

JAMES HAWKINS APLC

Date Range: 01/01/1900 to 06/09/2021
Client: PRECISION009 - Guadalupe Padilla
Matter: JRH 3699 - Precision Hospitality and Development LLC- Guadalupe Padilla v. Precision

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
		Balance Forward:	\$0.00						
05/04/2020	FIL	Filing Fee LWDA CK#8637	\$75.00		Unbilled				
06/03/2020	ONE	One Legal Services- Complaint, Summons, Civil Case Cover Sheet- In#02640821	\$1,494.56		Unbilled				
06/03/2020	FST	First Legal Network- SERVED- Complaint, Summons, Civil Case Cover Sheet IN#30131279	\$251.26		Unbilled				
06/09/2020	CRT	Court Documents- (3) docs pulled	\$30.77		Unbilled				
06/11/2020	ONE	One Legal Services-Proof of Service- In# 02656257	\$12.20		Unbilled				
06/12/2020	ONE	One Legal Services- Notice -In# 02657259	\$12.20		Unbilled				
07/07/2020	ONE	One Legal Services-First Amended Complaint- in#02697596	\$12.20		Unbilled				
08/05/2020	CCL	Court Call- Status Conference 12/17/20.2020 -IYF	\$94.00		Unbilled				
08/05/2020	ONE	One Legal Services-Proposed Stipulation and Order- In#02754871	\$12.20		Unbilled				
11/06/2020	ONE	One Legal Services- Request for Dismissal- In# 02937356	\$12.20		Unbilled				
11/09/2020	ONE	One Legal Services -Proposed Order- in# 02939369	\$20.66		Unbilled				
12/10/2020	ONE	One Legal Services- Proposed Stipulation and Order-In# 03000160	\$32.86		Unbilled				
12/11/2020	CCL	Court Call - Case Management Conf 08-13-2021-IYF	\$94.00		Unbilled				
12/31/2020	LRE	Legal Research	\$581.04		Unbilled				
04/07/2021	ONE	One Legal Services- Stipulation and Proposed order- In#16106492	\$35.26		Unbilled				
06/09/2021	FIL	Case Wrap up Filing and Hearings	\$258.52		Unbilled				
		Total:	<u>\$3,028.93</u>	<u>\$0.00</u>					
		Balance:	<u>\$3,028.93</u>						

Matter Billing Detail

JAMES HAWKINS APLC

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
Total Fees Billed-----			\$0.00						
Total Fees Unbilled : -----			\$0.00						
Total Fees Received : -----			\$0.00						
Total Soft Cost Billed : -----			\$0.00						
Total Soft Cost Unbilled : -----			\$0.00						
Total Soft Cost Received : -----			\$0.00						
Total Hard Cost Billed : -----			\$0.00						
Total Hard Cost Unbilled : -----			\$3,028.93						
Total Hard Cost Received : -----			\$0.00						
Total Taxes Billed : -----			\$0.00						
Total Taxes Unbilled : -----			\$0.00						
Total Taxes Received : -----			\$0.00						
Total Late Charges Billed : -----			\$0.00						
Total Late Charges Unbilled: -----			\$0.00						
Total Late Charges Received : -----			\$0.00						
Trust Balance: -----			\$0.00						