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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES
11 COMPLEX CIVIL LITIGATION
12

13 JOSE DE LA TORRE, individually and on
behalf of all others similarly situated,

14 Plaintiff,

15 v.

16 USA WASTE OF CALIFORNIA, INC., a
17 Texas Corporation, and DOES 1-50,
18 inclusive,

19 Defendants.
20

Case No. 20STCV16032

Assigned for All Purposes to the Honorable Elihu
M. Berle, Department SSC-6

**DECLARATION OF SHAUN SETAREH IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

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1. I am admitted, in good standing, to practice as an attorney in the State of California. I am a fully qualified, adult resident of the State of California, and, if called as a witness herein, I would testify truthfully to the matters set forth herein. All of the matters set forth herein are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true.

3. This Declaration is submitted in support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement filed concurrently herewith.

5. Setareh Law Group and I, as its principal attorney, are well-experienced class action and PAGA representative action attorneys. I, along with the senior attorney assigned to this case, Jose Maria D. Patino, Jr., and the junior attorney assigned to this case, Tyson Gibb, have considerable experience in class action and PAGA litigation. I, and the attorneys at Setareh Law Group, have been involved as lead class counsel, co-lead class counsel, and other levels of involvement in over 100 wage-and-hour, consumer, and antitrust class action cases. Because of this, Setareh Law Group has more than 250 Westlaw citable opinions, including the following noteworthy appellate decisions:

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a. *Troester v. Starbucks Corporation, et al.*, 5 Cal.5th 829 (2018) (reversed)

b. *Allen v. Labor Ready Southwest, Inc.* (Cal.App. 2 Dist., 2013) 2013 WL

c. *Lacour v. Marshalls of CA, LLC, et al.* (Cal.App. 1 Dist., 2023) 2023 WL

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d. *Troester v. Starbucks Corp.*, 738 Fed. Appx. 562 (9th Cir. 2018) (Ninth Circuit

e. *Gilberg v. California Check Cashing Stores, LLC*, 913 F.3d 1169 (9th Cir. 2019)

f. *Rodriquez v. U.S. Healthworks*, 813 Fed.Appx. 315 (9th Cir. 2020) (reversed

1 action to state court).

2 g. *Harris v. KM Industrial, Inc.*, 980 F.3d 694 (9th Cir. November 13, 2020)
3 (affirmed the district court's granting of Plaintiff's motion to remand, holding in a published
4 opinion that Defendants had failed to establish by a preponderance of the evidence that the
5 amount in controversy exceeded \$5 million as required under the Class Action Fairness Act for
6 removal).

7 h. *Parsittie v. Schneider Logistics, Inc. et al.*, Case No. 20-55470 (9th Cir. June 9,
8 2021) (reversed the district court's dismissal of Plaintiff's meal and rest break claims, holding
9 that Plaintiff's security check allegations were sufficient to state a claim for break-time
10 violations and remanding for further proceedings).

11 i. *Ahlstrom v. DHI Mortg. Co., Ltd., L.P.*, 21 F.4th 631 (9th Cir. December 29,
12 2021) (reversed the district court's ruling compelling claims to arbitration, holding that parties
13 cannot delegate issues of formation of an arbitration agreement to the arbitrator for
14 determination).

15 j. *Allen v. Bedolla*, 787 F.3d 1218 (9th Cir. June 2, 2015) (affirming the district
16 court's Order denying objector's motion to intervene and remanding to the district court where
17 settlement was granted final approval. Final approval was upheld on a subsequent appeal in the
18 9th Cir. [*see Bedolla v. Allen*, 736 Fed.Appx. 614 (9th Cir. May 18, 2018)]).

19 **Class Counsel Appointments.** The following is a sampling of class actions in which the
20 Setareh Law Group and I have been appointed as class counsel:

21 Federal Cases

22 k. *Cerdenia v. USA Truck, Inc.*, U.S. District Court, Central District of California,
23 Case No. 10-CV-1489-JVS (granted final approval in an action on behalf of truck drivers for
24 meal and rest period violations, off-the-clock pre- and post-shift work, and unauthorized wage
25 deductions).

26 l. *Fronza v. Staffmark*, U.S. District Court, Northern District of California, Case
27 No. 15-CV-02315-MEJ (granted final approval in a case involving alleged uncompensated
28 security checks for warehouse workers).

1 m. *Garcia v. Am. Gen. Fin. Mgmt. Corp.*, U.S. District Court, Central District of
2 California, Case No. 09-CV-1916 (granted final approval in a case filed on behalf of account
3 managers in case involving, among other things, alleged overtime miscalculations and meal and
4 rest period violations).

5 n. *Jones v. Shred-It USA, Inc.*, U.S. District Court, Central District of California,
6 Case No. 11-CV-00526 (granted final approval in a case brought on behalf of customer service
7 representatives and balers for alleged off-the-clock work and meal and rest period violations).

8 o. *O'Neill v. Genesis Logistics, Inc.*, U.S. District Court, Northern District of
9 California, Case No. 08-CV-4707 (granted final approval in a case involving claims for failure
10 to provide meal periods to employees who worked as drivers delivering goods to 7-11 stores
11 throughout California and failure to pay final wages in a timely manner to terminated
12 employees).

13 p. *Padilla v. UPS*, U.S. District Court, Central District of California, Case No. 08-
14 CV-1590 (granted final approval in a case involving claims for failure to provide meal periods
15 to part time employees engaged in sort operations and failure to pay final wages in a timely
16 manner to terminated employees).

17 q. *Pitre v. Wal-Mart Stores, Inc.*, U.S. District Court, Central District of California,
18 Case No. 17-cv-01281-DOC (granting class certification against Wal-Mart for a class of almost
19 5,000,000 in a Fair Credit Reporting Act action).

20 r. *Utne v. Home Depot U.S.A., Inc.*, U.S. District Court, Northern District of
21 California, Case No. 16-cv-01854-RS (granting class certification against Home Depot in
22 connection with uncompensated off-the-clock work occurring at the start of all employee shifts
23 and at the end of closing shifts).

24 s. *Vang v. Burlington Coat Factory Warehouse Corp.*, U.S. District Court, Central
25 District of California Case No. 09-CV-8061 (granted final approval in a case involving, among
26 other things, vacation pay forfeitures, failures to provide meal and rest periods, and failures to
27 pay overtime wages based on employee misclassification).

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1 t. *Wilson v. TE Connectivity*, Northern District of California Case No. 3:14-cv-
2 04872-EDL (granted class certification through contested motion in case on behalf of
3 manufacturing facility employees subject to auto-deduction of meal breaks).

4 State Cases

5 u. *Alvarez v. Gary Grace Enterprises, LP*, Marin Superior Court, Case No. CIV
6 1002553 (granted final approval in a case on behalf of hair salon employees for overtime
7 miscalculation and related claims).

8 v. *Butler v. Lexxiom, Inc.*, San Bernardino Superior Court, Case No. CIVRS
9 1001579 (granted final approval in an action on behalf of debt resolution center employees
10 alleging, among other things, meal and rest period violations and overtime calculation errors).

11 w. *Calderon v. GreatCall, Inc.*, San Diego Superior Court, Case No. 37-2010-
12 00093743-CU-OE-CTL (granted final approval in a case on behalf of customer service
13 employees for, among other things, alleged meal and rest period violations and overtime
14 calculation errors).

15 x. *Douglas v. California Credit Union*, Los Angeles Superior Court, Case No.
16 BC445050 (granted final approval in a case on behalf of customer service representatives
17 alleging overtime miscalculation claims).

18 y. *Green v. Staples Contract and Commercial, Inc.*, Los Angeles Superior Court,
19 Case No. BC389789 (granted final approval in a case involving claims for unprovided meal and
20 rest periods, inaccurate wage statements, waiting time penalties, and unfair business practices on
21 behalf of truck drivers delivering Staples office supplies in California).

22 z. *Green v. Universal Music Group*, Los Angeles Superior Court, Case No.
23 BC374253 (granted final approval in a case involving misclassification claims of current or
24 former IT Support employees, including engineers, server analysts, desktop support, and
25 technical leads).

26 aa. *Sandoval v. Rite Aid Corp.*, Los Angeles County Superior Court, Case No.
27 BC431249 (granted class certification through contested motion in case on behalf of former
28 pharmacy employees based on late final wage payments in violation of Labor Code §§ 201–

203; subsequently granted final approval of class action settlement).

bb. *Spokes v. Lush Cosmetics, LLC*, Los Angeles Superior Court, Case No. BC391397 (granted final approval in a case alleging failures to provide meal and rest periods and failure to timely pay all final wages to California sales associates and key holders).

cc. *Valencia v. SCIS Air Security Corp.*, Los Angeles Superior Court, Case No. BC421485 (granted class certification through contested motion in case on behalf of former security workers based on late final wage payments in violation of Labor Code §§ 201–203; subsequently granted preliminary approval of proposed class action settlement).

6. Jose Maria D. Patino, Jr. is the senior attorney assigned to this case and is a graduate of Rutgers University School of Law-Newark. He has been a licensed, practicing attorney in California for 14 years, practicing exclusively in plaintiff-side class-action and complex litigation. He has argued before the California Court of Appeal and filed several appellate briefs, class certification motions, and summary judgment oppositions, and has obtained preliminary and final approval for over 50 class-action and PAGA settlements.

7. Tyson Gibb is the junior attorney currently assigned to this matter and graduated from the University of Southern California Gould School of Law in 2021. He has been a licensed, practicing attorney in California for 3 years, primarily practicing almost exclusively employment law, including wage and hour class actions and complex litigation. He has filed summary judgment oppositions and numerous motion briefs and has obtained preliminary and final approval for several class-action and PAGA settlements.

8. As the above shows, the Setareh Law Group and I have substantial experience in wage-and-hour class action litigation, including actions alleging failure to provide meal and/or rest periods, failure to pay wages, failure to provide accurate wage statements, failure to provide timely final wage payments, and other related claims. We are knowledgeable about the applicable law and have worked diligently to investigate and identify the potential claims in this action. I will continue to commit my firm's resources to further the interests of the Class. Setareh Law Group and I have no known conflicts of interest with Plaintiffs, the State of California, or with absent Class Members or aggrieved employees.

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I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed this 28th day of February 2025, at Beverly Hills, California.

/s/ Shaun Setareh
Shaun Setareh