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Attorneys for Plaintiff
RUBEN ALVARADO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE – CIVIL COMPLEX CENTER

RUBEN ALVARADO, individually, and on
behalf of other members of the general public
similarly situated; WHITEY DAVIS, individu-
ally, and on behalf of other members of the
general public similarly situated and on behalf
of other aggrieved employees pursuant to the
California Private Attorneys General Act;

Plaintiff,

vs.

CITADEL SERVICING CORPORATION, a
California corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No.: 30-2019-01057617-CU-OE-CXC

*Assigned for all purposes to: Hon. Kirk
Nakamura, Dept. CX-103*

**DECLARATION OF HEATHER DAVIS
IN SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing Date: April 1, 2021

Hearing Time: 2:00 p.m.

Department: CX103

Complaint Filed: March 18, 2019

Trial Date: Not Set

DECLARATION OF HEATHER M. DAVIS ESQ.

I, Heather M. Davis, declare as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California and all United States District Courts in the State of California. I am a Partner of the Protection Law Group, LLP, and attorney of record for Plaintiff Ruben Alvarado and Plaintiff Whitey Davis (“Plaintiffs”) in this action against Defendant Citadel Servicing Corporation (“Defendant”). I have personal knowledge of the facts stated herein and if called as a witness I could and would competently testify thereto.

2. I am a duly licensed attorney and have been a member of the Colorado State Bar since 1998, the California State Bar since 2005 and the Arizona State Bar since 2007. I graduated from the University of Denver School of Law in 1998 and I am licensed to practice before all courts of the State of California and Colorado as well as the State of Arizona and District Courts throughout the country.

CLASS COUNSEL’S BACKGROUND AND EXPERIENCE

3. At the beginning of my career, I developed particular experience in the area of wage and hour litigation. For instance, between 2004 and 2007, I worked for a national law firm solely devoted to the representation of employers and primarily represented Wal-Mart and Sam’s Club, as the largest employer in the United States in employment matters. Further, in 2007, I joined the law firm of Littler Mendelson, P.C., the largest labor and employment law firm in the United States.

4. During my employment with Littler Mendelson, P.C., I continued my practice of employment law and was responsible for and defended dozens of complex class actions involving some of the largest representative and class actions brought under the California Labor Code, including meal and rest break violations, overtime, minimum wage claims, off the clock work and other related wage claims. My practice included the management of dozens of class actions. My management of these cases included taking and defending hundreds of depositions and interviews of hundreds of putative class members as well as extensive state, federal and appellate briefing on hundreds of wage and hour issues involving class actions.

5. During my employment at Littler Mendelson, I played a significant role in the

1 class actions for which I was responsible. In particular, I was in charge of the leading the
2 strategy of the cases, the discovery of the case and drafting all of the briefs. I received a wide-
3 array of wage and hour class action experience performing the following types of tasks:
4 drafting demurrers; motions to strike and/or dismiss; removing actions from state court to
5 federal court; drafting and responding to written discovery; drafting and opposing discovery
6 related motions; arguing discovery related motions; drafting motions to consolidate related
7 matters; interviewing putative class members and obtaining declarations in connection with
8 class certification; drafting oppositions to motions for class certification; drafting motions for
9 decertification following class certification; conducting exposure analyses to assess the
10 strengths and weaknesses of asserted claims, the likelihood of prevailing at class certification
11 and potential damages resulting from such claims; drafting mediation briefs; serving as the
12 primary contact to in-house counsel; deposing named plaintiffs and putative class members;
13 deposing retained expert witnesses; and defending the depositions of corporate witnesses. In
14 short, I played an integral role in all aspects of litigation from the inception of a matter through
and beyond class certification.

15 6. During my practice in other jurisdictions and continuing today, I have been
16 primarily devoted to working in employment law and on complex class action and
17 representative litigation and multi-plaintiff work.

18 7. Although not exhaustive, below is a representative list of several of the wage
19 and hour class actions that I performed substantial work on while I was an attorney with Littler
20 Mendelson, including, but not limited to: *Villacres v. ABM Industries, Inc.*, 189 Cal.App.4th
21 562 (2010); *Brizuela v. Copart, Inc.*, CIVRS11101592, (San Bernardino Superior Court class
22 action settlement); *Augustus v. ABM Industries, Inc.*, BC336416, 233 Cal.App.4th 1065
23 (2014), review granted; *Tagaki v. United Airlines*, 2:11-CV9191 (Central District class action
24 settlement), *Babasa v. Comerica, Inc.*, 3:11-CV00595, *Leyva v. Medline Industries, Inc.* 5:11-
25 cv-00164 (Central District), *Blue v. Coldwell Banker Residential Brokerage Co.*, BC417335,
26 (Los Angeles Superior Court, class action settlement), and *Acosta v. Texwood Industries, Inc.*,
27 2:07-cv-03237-DDP-PLA (Central District class action settlement).

28 8. Next, I opened my own firm in 2013, Protection Law Group, LLP, and since
then I have primarily devoted my practice to the representation of employees in

1 discrimination/harassment case, and in wage-and-hour matters, including on class-wide and
2 representative bases. Currently, the Protection Law Group, LLP is attorneys of record in
3 nearly a dozen putative wage-and-hour class actions and representative actions involving
4 wage-and-hour violations in California.

5 9. Protection Law Group, LLP is a law firm specifically devoted to the
6 representation of employees against employers in California involving claims relating to
7 violations of the California Labor Code, including claims for failure to pay all wages owed,
8 failure to pay overtime premiums, failure to pay meal and rest premiums and failure to provide
9 accurate wage records. The practice of employment law is a very specific and narrow, which
10 requires diligence in an ever-evolving field of substantive and procedural law.

11 10. Since opening my firm, I have served as lead counsel or co-class counsel in
12 several wage and hour class and/or representative actions seeking wages and penalties owed on
13 behalf of employees for which final approval of the settlement has been granted, including, but
14 not limited to the following:

- 15 • *Holzer v. Wedbush Securities, Inc.*, BC 550462 (Los Angeles Superior Court
16 wage and hour class action certifying class and appointing Protection Law Group,
17 LLP as class counsel)
- 18 • *White v. Windy Pizza Plus, LLC*, BC593377 (Los Angeles Superior Court wage
19 and hour class action certifying class of all non-exempt employees and
20 appointing Protection Law Group LLP as class counsel);
- 21 • *Morera v. Continental Assets Mgmt.*, BC502003, (Los Angeles Superior Court
22 wage and hour class action appointing Protection Law Group, LLP as class
23 counsel in settlement)
- 24 • *Fong et al. v. Regis Corporation*, 3:13-cv-13-04497 VC, (United States District
25 Court, Northern District of California, appointing Protection Law Group, LLP as
26 class counsel in settlement)
- 27 • *Espinoza v. Financial Partners Credit Union*, BC502165 (Los Angeles Superior
28 Court wage and hour class action appointing Protection Law Group, LLP as class
counsel in settlement)
- *Sampson v. 24 HR Homecare LLC*, BC586019 (Los Angeles County Superior

1 Court wage and hour class action appointing Protection Law Group, LLP as class
2 counsel in settlement)

- 3 • *Drayton v. Hollywood Park Casino*, BC593935 (Los Angeles Superior Court
4 wage and hour class action appointing Protection Law Group, LLP as class
5 counsel in settlement)
- 6 • *Khan v. FPI Management, Inc.*, JCCP4819 (Los Angeles Superior Court wage
7 and hour class action appointing Protection Law Group, LLP as class counsel in
8 settlement);
- 9 • *Byrd v. Masonite Corp.*, 5:16-cv-00035-JGBKK (United States District Court,
10 Central District of California appointing Protection Law Group, LLP as class
11 counsel in settlement)
- 12 • *Utterbach v. Daylight Transport, LLC* BC600994 (Los Angeles Superior Court
13 wage and hour class action appointing Protection Law Group, LLP as class
14 counsel in settlement)
- 15 • *Hadrick v. Woodmont Real Estate Serv., et al.*, CIV 530405 (San Mateo County
16 Superior Court wage and hour class action appointing Protection Law Group, LLP
17 as class counsel in settlement)
- 18 • *Eiden v. Olive & June*, BC654685 (Los Angeles Superior Court wage and hour
19 class action appointing Protection Law Group, LLP as class counsel in settlement)
- 20 • *Lemus v. Slater Inc.*, CIVDS1703633 (San Bernardino Superior Court wage and
21 hour class action appointing Protection Law Group, LLP as class counsel in
22 settlement)
- 23 • *Deluna v. Amerit Fleet Solutions et al.*, CIVDS1721564 (San Bernardino Superior
24 Court wage and hour class action appointing Protection Law Group, LLP as class
25 counsel in settlement)
- 26 • *Commick v. Prometheus Real Estate Group*, CIV531264 (San Mateo Superior
27 Court wage and hour class action appointing Protection Law Group, LLP as class
28 counsel in settlement)

- 1 • *Martinez v. AMRO Fabricating Corp.*, BC681938 (Los Angeles Superior Court
2 wage and hour class action appointing Protection Law Group, LLP as class
3 counsel in settlement)
- 4 • *Ramirez v. Western National Properties*, BC639319 (Los Angeles Superior Court
5 wage and hour class action appointing Protection Law Group, LLP as class
6 counsel in settlement)
- 7 • *Hernandez v. Access Dental Plan et. al*, 34-2017-00220944 (Sacramento Superior
8 Court wage and hour class action appointing Protection Law Group, LLP as class
9 counsel in settlement).
- 10 • *Fernandez v. Sumitomo Rubber North America, Inc.*, CIVDS 1803211 (San
11 Bernardino Superior Court wage and hour class action appointing Protection Law
12 Group, LLP as class counsel in settlement)
- 13 • *Stone v. Universal Protection Services*, AAA Case No. 01-15-0002-7497
14 (American Arbitration Association wage and hour class action appointing
15 Protection Law Group, LLP as class counsel in settlement)
- 16 • *Gomez v. Fairway Staffing Services, Inc.*, BC689771 (Los Angeles Superior Court
17 wage and hour class action appointing Protection Law Group, LLP as class
18 counsel in settlement)
- 19 • *Fuentes v. Communications Test Design, Inc.*, Case No. CIVDS1802427 (San
20 Bernardino Superior Court wage and hour class action appointing Protection Law
21 Group, LLP as class counsel in settlement)
- 22 • *Hartline v. Senior Operations, LLC*, Case No. BC697665 (Los Angeles Superior
23 Court wage and hour class action appointing Protection Law Group, LLP as class
24 counsel in settlement); and
- 25 • *Carrozzella v. Basalite Concrete Products, LLC*, Case No. 34-2014-00220214
26 (Sacramento Superior Court wage and hour class action appointing Protection
27 Law Group, LLP as class counsel in settlement);
- 28 • *Howey v. Battery Systems, Inc.*, Case No. 2026114 (Stanislaus Superior Court
wage and hour class action appointing Protection Law Group, LLP as class
counsel in settlement)
- *Correa v. Cashbak, LLC*, Case No. BC723845 (Los Angeles Superior Court

1 wage and hour class action appointing Protection Law Group LLP as class
2 counsel in settlement)

3 **THE PROPOSED SETTLEMENT IS FAIR AND REASONABLE**

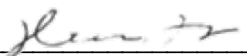
4 13. During the mediation of this matter before Steve Serratore, the parties exchanged
5 information and addressed the various risks attendant to the continued litigation of this action.
6 Based on the discussions held and information exchanged during the mediation and pre-
7 mediation investigations, I believe the Settlement is a fair, reasonable, and adequate resolution of
8 the Class Members' Released Claims.

9 14. I have reviewed my co-counsel, Edwin Aiwasian's Declaration in Support of the
10 Motion for Preliminary Approval of Class Action Settlement and believe that the information
11 and analysis contained therein properly assesses the risks and potential recovery of the class
12 action weighed against the settlement benefits as contemplated under the Stipulation and
13 Agreement re PAGA and Class Action Settlement (Agreement).

14 15. Class Counsel have borne all of the risks and costs of litigation to date and will
15 not receive any compensation until recovery is obtained.

16 16. I have reviewed the Agreement attached to the Declaration of my co-counsel, and
17 believe based on my experience and investigation of the case that the proposed Settlement is fair,
18 reasonable, and adequate, and is in the best interest of the proposed Class. I further submit that
19 the proposed Settlement is within the accepted range of recoveries for this type of litigation
20 given the strengths and weaknesses of this action, the inherent costs and risks of further
21 litigation, and the costs and risks of class certification.

22
23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct. Executed on March 19, 2021, at El Segundo, California.

25
26
27 
28 Heather M. Davis