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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF SAN DIEGO**

18 ANA SANTANA, individually and on
19 behalf of all similarly situated current and
former and/or aggrieved employees of
20 DEFENDANTS in the State of California,

21 Plaintiff,

22 v.

23 HARBOR FOODS, INC., HARBOR
FOODS #2, INC., HARBOR FOODS #3,
24 INC, HARBOR FOODS #4, INC. and
DOES 1 THROUGH 50, inclusive,

25 Defendants.
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Case No.: 37-2020-00026743-CU-OE-CTL

**DECLARATION OF DANIEL F. GAINES IN
SUPPORT OF UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS AND
PAGA ACTION SETTLEMENT**

[IMAGED FILE]

Date: April 21, 2022
Time: 9:00 a.m.
Judge: Hon. James A. Mangione
Dept: C-75

Complaint Filed: July 30, 2020
Trial Date: None Set

1 I, DANIEL F. GAINES, hereby declare and state as follows:

2 1. I am an attorney duly admitted to the practice of law in the State of California. I
3 am a shareholder of Gaines & Gaines, APLC, counsel for Plaintiff Maria Gomez (“Gomez” or
4 “Plaintiff”) and proposed Class Counsel in this action. I have personal knowledge of the facts
5 set forth herein and if called as a witness to testify to them, I could and would do so competently.

6 2. This declaration is given in support of Plaintiffs’ Unopposed Motion for
7 Preliminary Approval of Class and PAGA Action Settlement.

8 **Counsel’s Experience**

9 3. I obtained my BS degree from the University California at Berkeley in 2003. I
10 majored in Business Administration at the Haas School of Business.

11 4. Thereafter, I attended the University of Virginia School of Law. At Virginia, I
12 was a member of the editorial board of the Virginia Tax Review. I was also the recipient of the
13 Lacy Armour Scholarship, awarded to recognize academic excellence. At Virginia, I focused
14 my studies on tax and real estate. I earned my JD and became a member of the California Bar in
15 2007.

16 5. Since becoming a member of the Bar, and until his recent retirement, I have
17 practiced law with my partner/father, Kenneth, at Gaines & Gaines, APLC. My father practiced
18 law in California for over 40 years, emphasizing litigation for the vast majority of his career.
19 Our current practice specializes in litigation, with an emphasis in business, real estate, and
20 employment disputes like this one. Over 95% of our practice is devoted to complex employment
21 litigation.

22 6. My firm has represented employees in complex employment matters such as this
23 one, with an emphasis in wage and hour issues. I have participated in and have been certified as
24 class counsel in dozens of class action matters since my admission to the Bar. A list of the cases
25 in which I have been appointed as class counsel is attached hereto as **Exhibit A**.

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Counsel's Work On This Matter

7. My associates and I have performed a significant amount of work in this class action, including conducting extensive research, investigation and analysis of each potential cause of action. We anticipate engaging in additional work if this Court approves the Settlement.

8. My firm has worked with the representative Plaintiff Maria Gomez to protect the interests of the class and the Plaintiffs. Due to my extensive experience over more than 15 years in practice, I am familiar with the law as it applies to the legal and factual issues relevant to this matter. My firm has dedicated the necessary personnel and resources to fully develop the case, and in doing so the firm was also fully enabled to evaluate the settlement risks and benefits for the case.

9. To date, my office has spent approximately 50 hours litigating this matter. We expect to spend no fewer than 30 more hours through the preliminary approval, settlement administration, final approval, and post-approval administration processes.

The Class Representative

10. Based on my experience and my investigation of this matter, I believe that Plaintiff Gomez has claims typical of the rest of the Class as her claims are based on the same facts and circumstances as those of the rest of the Class. In particular, Plaintiff Gomez was subjected to Defendant's uniform meal and rest period policies; not reimbursed for all business expenses; deprived of legally-mandated minimum and overtime wages; and was not provided compliant wage statements.

11. I also believe that Ms. Gomez should be approved as the Class Representative in this matter, because she has suffered the harms alleged in the operative complaint and these harms are typical of the Class that she seeks to represent, as discussed above.

12. Ms. Gomez has also assisted me and my associates in the litigation of this Action. After being informed of her obligation as Class Representative, Ms. Gomez consented to the filing of the lawsuit and has cooperated fully with all demands of the litigation. Ms. Gomez has continuously fulfilled her duties as the class representative throughout litigation, spending time

1 and effort to gather relevant documents and information, providing the facts and evidence
2 necessary to prove the allegations, and discussing her employment with Class Counsel. Plaintiff
3 Gomez also assisted and consulted with my office during the litigation, provided relevant
4 information, identified witnesses, and helped during an all-day mediation.

5 13. I am also aware the there are no conflicts, actual or potential, between the interests
6 of Ms. Gomez and the other Class Members.

7 14. Given my experience, and for the reasons set forth above, in the accompanying
8 Motion, and in the supporting papers filed, I believe that this Settlement is fair, reasonable, and
9 adequate.

10 I declare, under penalty of perjury, under the laws of the State of California, that the
11 foregoing is true and correct. Executed this 22nd day of March, 2023 at Westlake Village,
12 California.

13 *Daniel F. Gaines*

14 DANIEL F. GAINES
15 Declarant
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