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on behalf of themselves and all others similarly situated

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Attorneys for Plaintiffs Oscar Benitez and Shaquille Howard,
on behalf of themselves and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

OSCAR BENITEZ, LAN LE,
SHAQUILLE HOWARD, and MARIO
JORGE ESTRADA-PERALTA, as
individuals and on behalf of all others
similarly situated,

Plaintiffs,

v.

MEDTRONIC, INC., a Minnesota
corporation; MEDTRONIC USA INC., a
Minnesota corporation; COVIDIEN,
L.P., a Delaware Limited Partnership;
and DOES 1-50, inclusive,

Defendants.

Case No. 30-2019-01069185-CU-OE-CXC

Consolidated with the following cases:

Benitez – 30-2019-01106385

Le – 30-2020-01140338

Le – 30-2020-01144725

Howard – 30-2020-01159995

Added Plaintiff: Mario Jorge Estrada-Peralta

Assigned for All Purposes to Hon. Peter
Wilson

**DECLARATION OF CHRISTINA M.
LUCIO IN SUPPORT OF PLAINTIFFS’
NOTICE OF MOTION AND MOTION
FOR PRELIMINARY APPROVAL OF
CLASS AND PAGA ACTION
SETTLEMENT**

Date: December 16, 2021

Time: 1:30 p.m.

Dept: CX-102

1 I, Christina M. Lucio, declare as follows:

2 1. I am Of Counsel to the law firm of James Hawkins, APLC, counsel of record for
3 Plaintiffs Lan Le and Mario Estrada-Peralta (“Plaintiffs”) and all other similarly situated and
4 aggrieved employees in this class action filed against Defendants Medtronic, Inc, Medtronic
5 USA, Inc. and Covidien, L.P (collectively, “Defendants”). I have personal knowledge of the
6 facts set forth below, and if called to testify regarding them, I could and would do so
7 competently.

8 2. I submit this declaration in support of Plaintiffs’ Motion for Preliminary Approval
9 of Class and PAGA Action Settlement (the “Preliminary Approval Motion”).

10 3. In 2003, I graduated magna cum laude from the University of California,
11 Riverside with a Bachelor of Arts Degree. Following graduation, I attended the University of
12 Southern California, Gould School of Law (USC Law School). At various points during law
13 school, I worked with the USC Post-Conviction Justice Project, the Western Center for
14 Disability Rights and the Barrister's Domestic Violence Clinic. During the Summer of 2005, I
15 was a law clerk for the Law Offices of Bruce Austin (Safeco Insurance). In 2007, while a full-
16 time law student, I was also a Judicial Extern for the Honorable Sandra Ikuta, United States
17 Court of Appeals, Ninth Circuit. Thereafter, in 2007, I graduated from the USC Law School.
18 The same year, I was admitted to practice law in the State of California.

19 4. Since I was admitted to practice law, I have litigated a wide variety of matters on
20 both the plaintiff and defense side. Much of my early experience involved the litigation of
21 general business and labor & employment matters on an individual and class-wide basis. I
22 assisted with the representation of both employers and employees in various capacities, and
23 assisted employers on issues related to compliance with employment laws.

24 5. Since 2012, my work has largely been focused on individual employment
25 litigation and complex wage and hour class actions. In my practice as a class action plaintiffs'
26 attorney, I have been involved in litigating, mediating and settling numerous wage and hour class
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actions dealing with class sizes ranging from several hundred to several thousand class members resulting in settlements ranging from six figures to multimillion dollar settlements.

6. Since 2015, I have also been Of Counsel to the law firm of James Hawkins APLC.

7. I have successfully litigated over dozens of class and PAGA actions with James Hawkins APLC as one of the counsels of record, including without limitation:

- a. *Smith v. Space Exploration Technologies Corp.*, Los Angeles Superior Court, Case No. BC55429;
- b. *Placencia v. Amcor Packaging Distribution, Inc.*, Orange County Superior Court, Case No. 30-2013-00694012-CU-OE-CXC;
- c. *Trani v. Lisi Aerospace, et al.*, Los Angeles Superior Court, Case No. BC495527;
- d. *Galvan v. Goodwin Co.*, Orange County Superior Court, Case No. 30-2013-00637062-CU-OE-CXC;
- e. *Reyes v. Bristol Fiberlite*, Orange County Superior Court, Case No. 30-2013-00653425-CU-OE-CXC;
- f. *Gutierrez v. HMT Tank*, USDC Central Dist., Case No. CV14-1967-CAS(MANx);
- g. *Williams v. Il Fornaio America Corp.*, Sacramento County, 34-2011-0009616;
- h. *Aguilar v. 7-Eleven, Inc.*, Orange County, Case No. 30-2009-002687141-CU-OE-CXC;
- i. *Madrigal v. Huntington Beach Market Broiler, Inc.*, Orange County, Case No. 30-2012-00611260;
- j. *Vang v. Jazz Semiconductor, Inc.*, Orange County, Case no. 30-2011-00460278;
- k. *Vigueras v. Red Robin, Intl.*, C.D. Cal. Case No. 8:17-cv-01422-JVS (DFMx);
- l. *Mendez v. Liberty Glass Fabricators, Inc.*, Riverside County Case No. RIC1800119;
- m. *Aguilar v. LDI Mechanical, Inc.*, Riverside County Case No. RIC1610019.

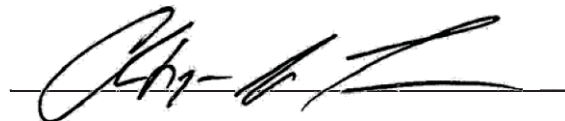
1 8. I am currently litigating at least forty other wage and hour class and PAGA
2 actions in State and Federal courts in the state of California.

3 9. Based on our experience, we consider ourselves experienced and qualified to
4 evaluate the claims and viability of the defenses. Based on the history of this case and given our
5 firm's extensive experience as class and representative action employment and wage and hour
6 litigators, it is our view that the settlement is fair, reasonable, and adequate, and in the best
7 interest of the Class Members, as well as the State of California (as to the PAGA claims).

8 10. I have no conflicts of interest with the Class or with the Class Representatives. I
9 am not related to any representative Plaintiff. I have not previously represented either Defendant
10 in any matter. In sum, I am well-suited to act as Class Counsel and will continue to vigorously
11 represent the interests of the Class.

12 I declare under penalty of perjury under the laws of the State of California the foregoing is
13 true and correct.

14 Executed on this 18th day of November, 2021 at Encinitas, California.

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