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on behalf of all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF ORANGE**

JULIO OCHOA, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

SPEECH AND LANGUAGE  
DEVELOPMENT CENTER, INC.; and  
DOES 1 through 25, inclusive

Defendants.

Case No. 30-2020-01143577-CU-OE-CXC  
ASSIGNED FOR ALL PURPOSES TO:

The Honorable Lon F. Hurwitz

Department CX103

**CLASS ACTION**

**DECLARATION OF JEFF GERACI IN  
SUPPORT OF MOTION FOR ORDER  
GRANTING FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT**

**Hearing Set by Court Order - ROA #194**

Date: May 17, 2024

Time: 1:30 p.m.

Dept: CX 103

Judge: Hon. Lon F. Hurwitz

Complaint filed: June 18, 2020

Trial date: Not set

1 I, Jeff Geraci, declare as follows:

2 1. I am a Partner with the law firm of Cohelan Khoury & Singer, co-counsel of  
3 record for Plaintiff Julio Ochoa ("Plaintiff"). This Declaration is based on my personal  
4 knowledge and if called to testify I could and would competently testify to the matters  
5 contained in this Declaration.

6 2. I am a 1990 University of San Diego School of Law graduate, admitted to the  
7 California State Bar in 1990. I am admitted to all California state and federal courts. I have  
8 provided counseling and representation in all areas of employment law, including wrongful  
9 termination, discrimination, harassment, and wage and hour law since 1992. I founded Law  
10 Office of Jeff Geraci in 1999 and managed that firm through 2009, when I joined Cohelan  
11 Khoury & Singer. I have conducted six jury trials of employment law cases to verdict as sole  
12 trial counsel, prevailing in four. My practice has focused solely on litigation of class and  
13 representative actions, particularly wage and hour class actions, for the past 15 years. I have  
14 drafted amicus letters on a range of issues, primarily for the California Employment Lawyers  
15 Association (CELA), supporting publication or depublication of Court of Appeal decisions. I  
16 have been primarily responsible for dozens of wage and hour class actions, from drafting the  
17 complaint, through discovery, dispositive motions, settlement, and settlement approval.

18 3. I have acted as lead appellate counsel in a dozen matters, including the published  
19 employment cases, *McAlindin v. County of San Diego* (1999) 192 F.3d 1226 (9th Cir. 1999)  
20 [reversing summary judgment in a disability discrimination case]; *Vaquero v. Ashley Furniture*  
21 *Indus.*, 824 F.3d 1150 (9th Cir. 2016) [affirming class certification for sales associates].

22 4. Founding Partner Isam C. Khoury, along with Partner Diana M. Khoury have  
23 been selected by their peers based on ethics, experience and reputation as Super Lawyers in  
24 Civil Litigation by the Southern California Super Lawyers Magazine for the years 2012 through  
25 the present. Michael D. Singer, Managing Partner, was named to the Daily Journal list of Top  
26 California Labor and Employment Attorneys in 2012, 2013, and 2018 and selected to the  
27 Southern California Super Lawyers in 2010, 2012-2019. Mr. Singer was admitted as a fellow of  
28 the College of Labor and Employment Attorneys in 2020.

1           5. Cohelan Khoury & Singer has been certified by the State Bar of California to  
2 provide the Mandatory Continuing Legal Education activity entitled “Litigating California Class  
3 Actions” and has conducted MCLE certified seminars on this topic. Senior Partner, Timothy D.  
4 Cohelan, is the author of Cohelan on California Class Actions (1997-2023, updated annually),  
5 part of Thomson Reuters Expert Series updated annually. Michael D. Singer is a contributing  
6 author on the CEB publication California Wage and Hour Law: Compliance and Litigation  
7 (2010-2022 updated annually), in which he wrote the opening chapter overview on California  
8 Wage and Hour laws, including the public policy underpinnings for those laws, and the Private  
9 Attorneys General Act (PAGA) Claim chapter. He is also a contributing author to the CEB  
10 Practitioner (2020), including guidelines for oral argument and forms for PAGA litigation. Mr.  
11 Singer has served as a columnist for the California State Bar, Litigation Section on wage and  
12 hour litigation and has contributed articles on wage and hour and class action issues through the  
13 years to numerous California publications.

14           6. Prior to COVID, Mr. Singer typically lectured several times per year for  
15 continuing education courses on wage and hour and class action issues at events in San Diego,  
16 Orange County, Los Angeles, and San Francisco. For over twelve years, Mr. Singer has served as  
17 wage and hour amicus co-chair and liaison for the California Employment Lawyers Association,  
18 drafting, reviewing, and coordinating amicus filings on wage and hour issues in the California  
19 Supreme Court and Courts of Appeal. He has been engaged in the practice of labor and  
20 employment law since 2000, handling well over 300 wage and hour class and PAGA actions and  
21 several individual labor cases. He has litigated several types of employment actions, including  
22 complex ERISA employee welfare benefit plan cases, as well as wage and hour class actions  
23 before Federal and State Courts in California. In 2014, Mr. Singer tried a wage and hour class  
24 action involving claims for illegally deducted wages and unreimbursed expenses. *Dilts v Penske*  
25 *Logistics LLC, Inc.* Mr. Singer successfully appealed the trial court ruling in *Dilts* finding state  
26 laws preempted by the FAAAA for truck drivers.

27           7. As a part of our overall firm philosophy lawyers perform community service and  
28 pro bono work. Firm volunteer work includes service through the Legal Aid at Work, San

Diego Volunteer Lawyer Program, the San Diego County Bar Foundation and Consumer Attorneys of San Diego. I am a past recipient of the Wiley W. Manuel Award for Pro Bono Service. Mr. Singer has served on the Legal Aid at Work Board of Directors since 2011. Mr. Cohelan served as the Chair of the San Diego Volunteer Lawyers Program from 2015-2018, and currently sits on the Board as past Chair. He completed 24 years of volunteer judicial service as a Judge Pro Tem of the San Diego Superior Court. Since admission to the California Bar, Partner Diana M. Khoury has been a member of the San Diego County Bar Association, Consumer Attorneys of San Diego, Consumer Attorneys of California, and American Association for Justice serving and chairing various committees through the years for these organizations. For six years from 2010 through 2015, Ms. Khoury served on the Board of Directors for Consumer Attorneys of San Diego. Since 2013, Ms. Khoury actively serves on the Board of Directors for the San Diego County Bar Foundation, the 501(c)(3) charitable arm of the San Diego County Bar Association providing access to justice to the underserved and impoverished in the San Diego County region. Our firm's recent pro bono victories include a settlement which prohibits the City of San Diego from targeting homeless people for illegal lodging tickets under Penal Code Section 467(j). (*Spencer v. City of San Diego*, USDC Case No 04CV-2314 BEN (WMC).) The *Spencer* settlement had the effect of increasing the number of available shelter beds in San Diego.

8. Cohelan Khoury & Singer has been certified Class Counsel in the following contested proceedings: *Aguilar v. Atlantic Richfield, et al.*, San Diego County Superior Court Case No. 00700810; *Andino v. Kaiser Foundation Hospitals*, Alameda County Superior Court Case No. RG11580548; *Arellano, et al. v. Container Connection of Southern California, Inc.*, Los Angeles County Superior Court Case No. BC500675; *BANK OF AMERICA WAGE AND HOUR EMPLOYMENT PRACTICES LITIGATION*, United States District Court, District of Kansas MDL Case No. 2138 (FLSA Condition Certification); *Czuchaj v. Conair Corporation*, United States District Court, Southern District of California Case No. 13CV1901; *Dilts, et al. v. Penske Logistics, L.L.C., et al.*, United States District Court, Southern District of California Case No. 08CV0318; *Englert, et al. v. AT&T Wireless Services, Inc., et al.*, Circuit Court of the

Second Circuit, State of Hawaii Case No. 02-1-0074; *Evans v. Washington Mutual Bank*, Orange County Superior Court Case No. 02CC15415; *Filion v. Ethan Allen Retail Inc.*, United States District Court, Southern District of California Case No. 05CV2340; *Gerard v. Les Schwab Tire Centers of California, Inc.*, Sacramento County Superior Court Case No. 2007-300000003; *Grana, et al. v. PICO Enterprises, Inc. dba Phyle Inventory Control Specialist and PICS L.A.S.C.* Case No. BC472891; *Gutierrez v. Save Mart Supermarkets* San Mateo Superior Case No. CIV530955; *Wilcox v Albertsons*, San Diego County Superior Court Case No. GIC833922; *Gonzalez, et al. v. Freedom Communications, Inc. d/b/a The Orange County Register*, Orange County Superior Court Case No. 03CC08756; *Graham, et al. v. Overland Solutions, Inc.*, United States District Court, Southern District of California Case No. 10CV0672 (FLSA Conditional Certification); *Hicks v. Kaufman and Broad Home Corp.*, Los Angeles County Superior Court Case No. B198414; *Hohnbaum, et al. v. Brinker Restaurant Corporation, et al.*, San Diego County Superior Court Case No. GIC834348; *KEMP, et al. v. CSEA, et al.*, Circuit Court of the First Circuit, State of Hawaii Case No. 98-3815-08; *LIBERTY MUTUAL OVERTIME CASES*, Los Angeles County Superior Court Case No. JCCP 4234; *Mitchell, et al. v. Acosta, Inc., dba Acosta Sales and Marketing Company*, United States District Court, Central District of California Case No.11CV07196 (FLSA Conditional Certification); *Santana v. Rady Children's Hospital-San Diego*, San Diego County Superior Court Case No. 37-2014-00022411; *Schaffer v. Rady Children's Hospital-San Diego*, San Diego County Superior Court Case No. 337-2015-00022978; *Schneider, et al. v. Catholic Healthcare West*, San Francisco County Superior Court Case No. CGC-10-506243; *Salucci v. Amada Senior Care, Inc.*, Orange County Superior Court Case No. 37-2015-00778081; *Smith v. California Pizza Kitchen*, San Diego County Superior Court Case No. 37-2008-00083992; *STEROID HORMONE PRODUCT CASES*, Los Angeles County Superior Court Case No. JCCP 4363; *Stevenson Aibangbee v. Victoria Apartments, et al.*, Los Angeles County Superior Court Case No. BC299498; *Swift v. Liebert Corp.*, Orange County Superior Court Case No. 00CC04588; *Sylvia, et al. v. Wells Fargo Home Mortgage, Inc.*, Orange County Superior Court Case No. 03CC05747; *Vaquero v. Ashley Furniture Industries, Inc., et al.*, United States District Court,

Central District of California Case No. 12CV8590; *Vaquero v. Stoneledge Furniture LLC*, Los Angeles County Superior Court Case No. BC522676; *Vazquez v. Kraft Heinz Foods Company*, Unites States District Court, Southern District of California Case No. 16-CV-02749; *Watson v. Raytheon Company*, United States District Court, Southern District of California Case No. 1OCV0634; and *Weigele v. FedEx Ground Package System, Inc.*, United States District Court, Southern District of California Case No. 06CV1330, among others, as well as being appointed Class Counsel in connection with well over 300 class action settlements.

9. As Class and PAGA Representative Counsel, Cohelan Khoury & Singer has actively commenced, prosecuted and concluded numerous state and federal class and representative actions. Since 2016, Cohelan Khoury & Singer has played a central role in the resolution of hundreds of such cases, including the following, which have received court approval: (a) *Arellano, et al. v. Container Connection of Southern California, Inc.*, Los Angeles County Superior Court, Case No. BC500675, Hon. Anne I. Jones; (b) *Castro v. Home Depot U.S.A., Inc.*, Los Angeles County Superior Court, Case No. BC577885, Hon. Elihu M. Berle; (c) *Czuchaj v. Conair Corporation*, United States District Court, Southern District of California, Case No. 13-CV-1901 BEN, Hon. Roger T. Benitez; (d) *Gardiner v. TSYs*, United States District Court, Central District of California, Case No. 18-cv-00415, Hon. David O. Carter; (e) *Grana v. PICO Enterprises, Inc.*, Los Angeles County Superior Court, Case No. BC472891, Hon. Stephanie M. Bowick; (f) *Gutierrez v. Save Mart Supermarkets*, San Mateo County Superior Court, Case No. CIV530955, Hon. Marie S. Weiner; (g) *Hernandez v. Workforce Enterprises WFE, Inc.*, Los Angeles County Superior Court Case No. BC590913, Hon. Elihu M. Berle; (h) *Hicks v. Poway Academy of Hair Design, Inc.*, San Diego County Superior Court, Case No. 2014-00026517, Hon. Ronald L. Styn; (i) *Hubbard v. Caliber Home Loans, Inc.*, Orange County Superior Court, Case No. 2018-01017838; (j) *Klein v. Loomis Armored US, LLC*, San Bernardino County Superior Court, Case No. CIVDS1704547, Hon. David Cohn; (k) *Laureano v. The Art of Shaving*, Los Angeles County Superior Court, Case No. BC550093, Hon. Amy D. Hogue; (l) *Lopez, et al. v. Management & Training Corporation, et al.*, United States District Court, Southern District of California, Case No. 17-CV-010624 JM, Hon. Jeffrey

T. Miller; (m) *Magdaleno v. Shelly Automotive, LLC*, Orange County Superior Court Case No. 2013-0043958, Hon. Kim. G. Dunning; (n) *McGrath, et al. v. Wyndham Resort Development Corporation, et al.*, United States District Court, Southern District of California, Case. No. 15-CV-1631 JM, Hon. Jeffrey T. Miller; (o) *Mena v. Wolfgang Puck Catering*, Los Angeles County Superior Court Case No. BC582743, Hon. John Shepard Wiley, Jr.; (p) *Morales v. The Los Angeles Country Club*, Los Angeles County Superior Court, Case No. BC566493, Hon. William F. Highberger; (q) *Nijmeh v. Bon Appetit Management Company, Inc.*, Santa Clara County Superior Court, Case No. 16CV294127, Hon. Thomas E. Kuhnle; (r) *Plascencia v. Aramark Services, Inc.*, Santa Clara County Superior Court, Case No. 2015-1-CV-288310, Hon. Brian C. Walsh; (s) *Plimpton v. Gordon Trucking, Inc.*, San Bernardino County Superior Court, Case No. CIV-DS-1511918, Hon. Donald Alvarez; (t) *Raya v. Amazon*, USDC, Northern District of California, Case No. 15-CV-02005 MMC, Hon. Maxine M. Chesney; (u) *Rivas v. ESA Management*, USDC, Central District of California, Case No. 14-CV-5767, Hon. Dale S. Fischer; (v) *Rodriguez v Healthcare Partner Medical Group, Inc.*, Los Angeles County Superior Court, Case No. BC541313, Hon. Kenneth Freeman; (w) *Ryan v. Dignity Health*, Sacramento County Superior Court Case No. 2013-00147371, Honorable Alan G. Perkins; (x) *Santana v. Rady Children's Hospital-San Diego*, San Diego County Superior Court Case No. 37-2014-00022411, Hon. Joel R. Wohlfeil; (y) *Schaffer v. Rady Children's Hospital-San Diego*, San Diego County Superior Court Case No. 337-2015-00022978; Hon. Joel R. Wohlfeil; (z) *Schneider v. Catholic Healthcare West*, San Francisco County Superior Court, Case No. CGC-10-506243, Hon. Angela Bradstreet; (aa) *Schwartz v Bank of the West*, San Francisco County Superior Court, Case No. CGC-14-538955, Hon. Harold E. Kahn; (bb) *Syed v. M.I. Swaco*, USDC, Eastern District of California, Case No. 12-CV-01718 DAD, Hon. Dale A. Drozd; (cc) *Vaquero, et al. v. Stoneledge Furniture, LLC*, Los Angeles County Superior Court Case No. BC522676, Hon. Elihu M. Berle; (dd) *Vazquez v. Kraft Heinz Foods Company*, USDC, Southern District of California Case No. 16-CV-02749, Hon. William Q. Hayes; (ee) *Walsh v. Cedars-Sinai Medical Center*, Los Angeles County Superior Court Case No. BC487290, Hon. William F. Highberger; among others.

1           10. Plaintiff seeks final approval of a \$750,000 non-reversionary wage and hour  
2 class and Private Attorneys General Act (PAGA) settlement for 271 non-exempt employees of  
3 Speech and Language Development Center, Inc. (“SLDC” or “the School”) who worked any  
4 time April 6, 2016 to March 13, 2020 (“Class Members”).

5           11. Support for the Settlement is strong. Not a single Class Member submitted an  
6 objection or a request for exclusion; a participation rate of 100%. Participating Class  
7 Members/Aggrieved Employees can expect to receive an average estimated payment of \$1,698,  
8 and highest payment of \$3,380 (rounded to nearest dollar amount).

9           12. Defendant is a non-profit school and therapy center in Buena Park serving  
10 children and young adults with language, learning, emotional, social and neurological needs.  
11 Students have a broad scope of diagnoses, including Autism Spectrum Disorder. Two speech  
12 therapists began working with children in 1955, the School steadily grew, and incorporated  
13 under its current name in 1963. Its services include transportation by bus to and from school.

14           13. Due to the COVID-19 Pandemic, the School was closed by order of the  
15 Governor from March 13, 2020, until it slowly started to reopen in late August 2020.

16           14. Plaintiff worked for the School as a Special Education Paraprofessional,  
17 sometimes referred to as Aide or Bus Aide, from August 2012 through March 2020.

18           15. The Class consists of all persons employed by Defendant Speech and Language  
19 Development Center, Inc. in California as non-exempt employees at any time from April 6,  
20 2016 through March 13, 2020.

21           16. A subgroup of the Class, Aggrieved Employees, are all persons employed by  
22 Defendant Speech and Language Development Center, Inc. in California as non-exempt  
23 employees at any time from April 6, 2019 through March 13, 2020.”

24           17. On March 31, 2020, Plaintiff’s counsel formally requested his personnel file and  
25 obtained job applications, work schedules, timesheets, and bi-weekly earnings statements.  
26 Defendant produced the requested documents April 30, 2020. On May 13, 2020, Plaintiff filed  
27 charges with the Labor and Workforce Development Agency (LWDA). On June 18, 2020,  
28 Plaintiff filed the above-captioned Action.

18. Plaintiff filed a First Amended Class Action Complaint (FAC) adding PAGA claims on July 20, 2020. The FAC alleged SLDC failed to provide (1) minimum and overtime wages (§1194); (2) meal and rest periods (§226.7); (3) timely final wages (§203); (4) accurate wage statements (§226); and violated the (5) Unfair Competition Laws (“UCL”) (Bus. & Prof. Code §17200); and, (6) PAGA (§2699 et seq.) (citations to the Labor Code, except UCL) (The statute of limitations was tolled. Cal. Rules of Court, App. I, Emergency Rule No. 9.)

19. After receiving LWDA charges and being served with the Action, Defendant retained a new payroll provider and revised its policies and procedures to, among other things, automatically pay premium wages for noncompliant meal periods, and to correctly calculate overtime wages for employees working at two different rates.

20. During initial discussions, the Parties agreed to attend mediation. Plaintiff requested and Defendant produced all time and pay data for a random 10% sample of the class, along with policy documents in effect during the class period governing timekeeping, rounding, rest and meal periods, and payment of wages. Defendant also provided numbers of current and former Class and PAGA members, shift lengths, average regular rate, and meal period premiums paid, which were compared to, and confirmed by, an analysis of the data sample.

21. Aides monitor and assist students, on the bus, on campus, and in the classroom. Each student is assigned at least one aide and staff to student ratio ranges from 1:1 to 1:3 for higher functioning students. About one-third of aides were paid different hourly rates depending on whether they were assisting students on the bus or in the classroom.

22. Plaintiff contended the nature of caring for special needs students resulted in rest and meal period violations, and that meal violations were reflected in SLDC’s records. Plaintiff also contended SLDC did not correctly calculate overtime wages for employees working at two different hourly rates during a pay period, and paid based only on the lower “bus” rate. Plaintiff also alleged Defendant paid wages on a rounded, rather than actual time, resulted in underpayment of wages. As a result of these violations, Plaintiff contended SLDC did not issue accurate wage statements, and did not pay all final wages when due.

23. The School contended, while it provided appropriate care and education for

1 students at all times, it had compliant rest and meal policies, adequate staffing and procedures to  
2 ensure breaks were taken, and to the extent breaks were not taken, or not accurately recorded,  
3 those were employee choices. Defendant also contended its rounding policy was facially neutral  
4 and resulted in no loss of wages. The School acknowledged a period of time overtime was  
5 calculated at the lower of two rates, but contended this effected less than one-third of employees  
6 and had little impact because they worked a negligible amount of overtime.

7 24. The School emphasized that as soon as it became aware of alleged non-  
8 compliance, it reviewed and corrected all alleged infractions and paid Class Members properly,  
9 including by providing premium wages if compliant rest or meal periods were not provided.

10 25. With substantial investigation, research, and analysis of data by a consultant, and  
11 a Class-wide damage model, the Parties mediated with Hon. Carl West (Ret.) on April 20, 2021,  
12 and engaged in serious and informed arms'-length negotiations. By the end of the day, the  
13 Parties reached agreement on principle settlement terms, including a non-reversionary payment  
14 of \$750,000. The Parties continued to negotiate and entered into a Settlement Agreement and  
15 Release of Class and Representative Action. The Parties later entered an Amended Settlement  
16 Agreement and Release of Class and Representative Action, (ROA #137), First Amendment to  
17 Settlement Agreement (ROA #174) (together, the "Settlement Agreement").

18 26. Subject to Court approval, SLDC will pay the maximum Gross Settlement  
19 Amount ("GSA") of \$750,000, which includes: (a) attorneys' fees of \$250,000 (one-third  
20 GSA); (b) actual litigation costs of \$9,976.46; (c) Class Representative Service Payment of  
21 \$5,000; (d) PAGA Payment of \$25,000 [\$18,750/75% to California Labor and Workplace  
22 Development Agency (LWDA); \$6,250/25% to Aggrieved Employees]; and (e) Settlement  
23 Administration costs of \$6,000. SLDC will pay the employer's share of payroll taxes in addition  
24 to the GSA.

25 27. Plaintiff gave written consent to apportion fees between Class Counsel as  
26 follows: Cohelan Khoury & Singer 50%; Lebe Law, APLC 50%.

27 ///

28 ///

28. After Court-approved deductions, the estimated Net Settlement Amount (“NSA”), \$454,023.54, will be distributed pro rata to Participating Class Members by dividing the number of weeks each Participating Class Member worked during the Class Period by the number of Work Weeks all Participating Class Members worked during the Class Period and multiplying that number by the Net Settlement Amount.

29. Aggrieved Employees will divide the 25% PAGA payment based, \$6,250, on number of Pay Periods worked during the PAGA Period whether they opt out or not.

30. Settlement payments are allocated 10% to wages, with normal payroll deductions taken and IRS W-2 Forms issued, and, 45% each to interest and penalties with IRS 1099 Forms issued. Funds representing Settlement Payment checks uncashed 180 days after issuance will be sent to the California Controller, Unclaimed Property Division for further handling on behalf of the individuals whose checks were voided.

31. With a participation rate of 100%, Participating Class Members/Aggrieved Employees can expect to receive an average estimated payment of \$1,698, and highest payment of \$3,380 (rounded to nearest dollar amount).

32. The Settlement was preliminarily approved on January 4, 2024 (ROA #194).

33. On January 10, 2024, after receiving a data file from Defendant, and searching the National Change of Address database and updating Class Member addresses, the Settlement Administrator mailed a court-approved Notice of Class Action Settlement, Change of Address Form, Request for Exclusion Form, and Objection Form,(collectively, “Notice Packet”), to 268 Class Members, informing them of (1) the pendency of the Action; (2) proposed settlement terms; (3) automatic payment of Settlement shares if exclusion not requested; (4) released claims; (5) right to object or request exclusion, and (6) and the date, time and place of the final approval hearing.

34. The Class response to the Settlement was extremely favorable. No Class Member objections or requests for exclusion were received.

35. Nothing has changed since Preliminary Approval to negate the presumption of fairness. Class Counsel remains convinced the Settlement is in the Class’ best interest.

|                    |                                                                  |                              |
|--------------------|------------------------------------------------------------------|------------------------------|
| <b>Categories:</b> | <b>Task and Related Communications or Meetings</b>               | <b>(MP) Managing Partner</b> |
|                    | <b>(1) Pleadings and Notice to LWDA</b>                          | <b>(P) Partner</b>           |
|                    | <b>(2) Client Communications</b>                                 | <b>(PL) Paralegal</b>        |
|                    | <b>(3) Investigations and Discovery</b>                          |                              |
|                    | <b>(4) Mediation Preparation, Attendance, and Post-Mediation</b> |                              |
|                    | <b>(5) Settlement and Related Filings</b>                        |                              |
|                    | <b>(6) Other Court Filings</b>                                   |                              |
|                    | <b>(7) Legal Research</b>                                        |                              |

| ATTORNEY /<br>PARALEGAL    | 1           | 2          | 3          | 4           | 5           | 6          | 7          | HOURS        | HOURLY<br>RATE | LODESTAR            |
|----------------------------|-------------|------------|------------|-------------|-------------|------------|------------|--------------|----------------|---------------------|
| Michael D. Singer (MP)     | 0.5         | 0.0        | 0.0        | 20.8        | 0.0         | 0.0        | 2.1        | 23.4         | \$995.00       | \$23,283.00         |
| Jeff Geraci (P)            | 7.9         | 2.4        | 2.6        | 39.8        | 52.7        | 0.8        | 2.6        | 108.8        | \$850.00       | \$92,480.00         |
| <b>Attorney Totals</b>     | <b>8.4</b>  | <b>2.4</b> | <b>2.6</b> | <b>60.6</b> | <b>52.7</b> | <b>0.8</b> | <b>4.7</b> | <b>132.2</b> |                | <b>\$115,763.00</b> |
| Amber Worden, ACP (PL)     | 0.0         | 0.0        | 0.0        | 0.0         | 0.0         | 2.1        | 0.0        | 2.1          | \$200.00       | \$420.00            |
| Matthew Atlas (PL)         | 3.4         | 1.2        | 2.1        | 2.5         | 15.4        | 2.9        | 0.0        | 27.5         | \$175.00       | \$4,812.50          |
| <b>Non-Attorney Totals</b> | <b>3.4</b>  | <b>1.2</b> | <b>2.1</b> | <b>2.5</b>  | <b>15.4</b> | <b>5.0</b> | <b>0.0</b> | <b>29.6</b>  |                | <b>\$5,232.50</b>   |
| <b>TOTALS:</b>             | <b>11.8</b> | <b>3.6</b> | <b>4.7</b> | <b>63.1</b> | <b>68.1</b> | <b>5.8</b> | <b>4.7</b> | <b>161.8</b> |                | <b>\$120,995.50</b> |

38. Class Counsel's request for one-third of the common fund is in the mid-range of fee awards which commonly range from 20% to 50%, and fair compensation for undertaking complex, risky, time-consuming litigation on a contingent basis, and for the results achieved. California state and federal courts routinely approve fee requests equal to or greater than Class Counsel's request.

**California cases:** *Parker v. City of L.A.*, 44 Cal. App. 3d 556, 567-68 (1974) (33.3%); *Tokar v. GEICO*, No. GIC 810166 (San Diego County Super. Ct. July 9, 2004) (approving

award of attorney's fees of 33-1/3% of recovery in a wage and hour class action); *Marroquin v. Bed Bath & Beyond*, No. RG04145918 (Alameda County Super. Ct. June 22, 2004) (in a wage and hour class action, 33.3%); *Crandall v. U-Haul Int'l, Inc.*, No. BC178775 (Los Angeles County Super. Ct. Aug. 17, 2001) (in a wage and hour class action, 40%); *Davis v. The Money Store, Inc.*, No. 99AS01716 (Sacramento County Super. Ct. Dec. 26, 2000) (in a wage and hour class action, awarding 33.3% of \$6,000,000 settlement); *Kenemixay v. Nordstrom, Inc.*, (L.A. County Super. Ct., No. BC318850) (50% award); *Albrecht v. Rite Aid Corp.*, No. 729219 (San Diego County Super. Ct.) (35% award) *Estrada, Alvarez vs. Burrtec Waste Group, Inc., et al.*, San Diego Super. Ct., Case No. 37-2011-00096268-CU-OE-CTL (Hon. Joel M. Pressman – approving attorneys' fees of 33-1/3% of \$2,789,000 in a pre-certification meal violation class action); *White v. Edco Disposal Corp., et al.*, San Diego Super. Ct., Case No. 37-2011-00088803-CU-OE-CTL (Hon. Judith Hayes – approving attorneys' fees of 33-1/3% of \$3,500,000 in a pre-certification meal violation class action).

**Federal cases:** *Wren v. RGIS Inventory Specialists*, No. C-06-05778 JCS, 2011 WL 1230826, at \*28 (N.D. Cal. April 1, 2011) (approving fee that amounted to 42% of common fund in wage and hour class action); *Vasquez v. Coast Valley Roofing*, 266 F.R.D. 482, 491-93 (wage-and-hour action putative class-action settlement where court approved award of attorneys' fees in the amount of 33.3% of the common fund); *In re Ampicillin Antitrust Litig.*, 526 F. Supp. 494 (D.D.C. 1981) (45%); *Beech Cinema, Inc. v. Twentieth-Century Fox Film Corp.*, 480 F. Supp. 1195 (S.D.N.Y. 1979), *aff'd*, 622 F.2d 1106 (2d Cir. 1980) (in a Sherman Act case, approximately 53%); *In re Heritage Bond*, 2005 WL 1594389, at \*20 (C.D. Cal. June 10, 2005) (award of attorneys' fees of one-third of \$27,783,000-the Settlement Fund is fair and reasonable); *Fernandez v. Victoria Secret Stores, LLC*, No. CV 06-04149 MMM (SHx), 2008 WL 8150856, at \*16 (C.D. Cal. July 21, 2008) (awarding 34% in fees of common fund); *Martin v. FedEx Ground Package Sys., Inc.*, No. C06-6883 VRW, 2008 WL 5478576, at \*8 (N.D. Cal. Dec. 31, 2008) (truck driver meal break class action where the court approved attorneys' fees of 1/3 of common fund); *Singer v. Becton Dickinson & Co.*, No. 08-CV-821-IEG (BLM), 2010 WL 2196104, at \*8 (S.D. Cal. Jun. 1, 2010) (noting 33.33% common fund award for wage and

hour class settlement “falls within the typical range of 20% to 50% awarded in similar cases”).

39. Since 2020, Cohelan Khoury & Singer has been awarded one-third of a common fund in many class and representative action settlements, including:

a) *Hubbard v. Caliber Home Loans, Inc.*, Orange County Superior Court, Case No. 2018-01017838 (Hon. Glenda Sanders – approving attorneys’ fees of 33-1/3% of \$175,000 settlement in a PAGA action).

b) *Redin v. Accountabilities Professional Group, Et al.*, Orange County Superior Court, Case No. 2017-00929734 (Hon. Glenda Sanders –attorneys’ fees of 33-1/3% of \$255,000 settlement in Class action).

c) *White v. Sacramento Regional Transit District*, Sacramento County Superior Court, Case No. 234-2018-00240461 (Hon. David D. Alba –attorneys’ fees of 33-1/3% of \$385,000 settlement in Class action).

d) *Burris v. Resort Vacations, Inc.*, Orange County Superior Court, Case No. 30-2018-00997260 (Hon. Randall J. Sherman –attorneys’ fees of 33-1/3% of \$1,485,000 settlement in Class action).

e) *Jimenez v. Reyes Holdings, LLC, et al.*, San Diego County Superior Court, Case No. 37-2019-00051577 (Hon. Joel R. Wohfeil –attorneys’ fees of 33-1/3% of \$650,000 settlement in Class and Representative action).

f) *Santos, et al. v. National General Management Corp.*, San Bernardino County Superior Court, Case No. CIVDS 1918865 (Hon. David Cohn –attorneys’ fees of 33-1/3% of \$680,000 settlement in PAGA action).

g) *Loreto v. General Dynamics Information Technology, Inc.*, USDC Southern District of California, Case No. 3:19-cv-01366-GPC-MSB (Hon. Gonzalo P. Curiel –attorneys’ fees of 33-1/3% of \$900,000 settlement in a pre-certification wage and hour class action).

h) *Romanov v. Amazon Services LLC.*, USDC Central District of California, Case No. 2:20-cv-02692-SB-KS (Hon. Stanley Blumenfeld, Jr. – approving attorneys’ fees of 33-1/3% of \$700,000 settlement in a pre-certification wage and hour class action).

i) *Olson v. Wrike, Inc.*, Santa Clara County Superior Court, Case No. 20CV366599 (Hon. Patricia M. Lucas – approving attorneys’ fees of 33-1/3% of \$2,000,000 settlement in a pre-certification wage and hour class action).

j) *Gutierrez v. Kite Electric Incorporated*, Orange County Superior Court, Case No. 30-2020-01133960 (Hon. Peter J. Wilson – approving attorneys’ fees of 33-1/3% of \$458,991 settlement in a pre-certification wage and hour class action).

k) *Ramos Gonzalez v. Staff Pro, LLC, et al.*, San Diego County Superior Court, Case No. 37-2019-00044561 (Hon. Joel R. Wohfeil –attorneys’ fees of 33-1/3% of \$1,500,000 settlement in Class and Representative action).

l) *Dolan v. Abacus Data Systems, Inc.*, San Diego County Superior Court, Case No. 37-2019-00051447 (Hon. Katherine Bacal –attorneys’ fees of 33-1/3% of \$600,000 settlement in Class and Representative action).

m) *Lopez, et al. v. Pacific Gas and Electric Company.*, San Francisco County Superior Court, Case No. CGC-17-562970 (Hon. Richard B. Ulmer, Jr. –attorneys’ fees of 33-1/3% of \$350,000 settlement in Class and Representative action).

n) *Popal v. Wells Fargo Bank, National Associate*, San Diego County Superior Court, Case No. 37-2020-00038101 (Hon. Gregory W. Pollack –attorneys’ fees of 33-1/3% of \$3,000,000 settlement in Class and Representative action).

o) *Randolph v. Konica Minolta Business Solutions U.S.A., Inc.*, Sacramento County Superior Court, Case No. 34-2018-00237087 (Hon. Lauri A. Damrell – attorneys’ fees of 33-1/3% of \$325,000 settlement in Class and Representative action).

p) *Sanchez, et al. v. Renzenberger, Inc. et al.*, Los Angeles County Superior Court, Case No. 19STCV46131 (Hon. Yvette M. Palazuelos – attorneys’ fees of 33-1/3% of \$2,400,000 settlement in Class and Representative action).

q) *De Benning v. Costco Wholesale Corporation*, Sacramento County Superior Court, Case No. 34-2021-00309030 (Hon. Gregory W. Pollack – attorneys’ fees of 33-1/3% of \$9,000,000 settlement in Class and Representative action).

r) *Tam v. Q Tech Corporation*, Los Angeles County Superior Court, Case No. 21STCV18635 (Hon. Elihu M. Berle – attorneys’ fees of 33-1/3% of \$650,000 settlement in Class and Representative action).

s) *Mireles v. Lodi Memorial Hospital Association, Inc., et al.*, San Joaquin County Superior Court, Case No. STK-CV-UOE-2020-0004458 (Hon. Erin Guy Castillo – attorneys’ fees of 35% of \$1,500,000 settlement in PAGA action).

t) *Foley, et al. v. Yuen;s Enterprise Obe, Inc., et al.*, San Bernardino County Superior Court, Case No. CIVDSI912925 (Hon. Jessica Morgan – attorneys’ fees of 33-1/3% of \$2,824,090.50 settlement in Class and Representative action action).

40. If the fee were calculated using lodestar, rather than a common fund percentage, less than a 1.39 multiplier would be applied. ( $\$250,000/\$180,498 = 1.385$ ).

41. Class Counsel’s work to obtain a class settlement was reasonable and necessary and is reflected in the excellent result achieved for Class Members.

42. Cohelan Khoury & Singer has been awarded greater multipliers in many cases: *McGrath v. Wyndham Resort Dev. Corp.*, (S.D.Cal. Jan. 30, 2018, No. 15cv1631 JM (KSC)) 2018 U.S.Dist.LEXIS 16095\*24 [Hon. Jeffrey T. Miller – approving attorneys’ fees of \$2,416,666.67 and **4.8 multiplier**, one-third of \$7,250,000 settlement in a pre-certification wage and hour class action]; *Jones v. Abercrombie & Fitch Trading Co.*, (C.D.Cal. Nov. 19, 2018, No. CV 15-0105 JGB (Ex)) 2018 U.S.Dist.LEXIS 198001 \*24-25 [Hon. Jesus G. Bernal – approving attorneys’ fees of \$2,400,000 and **3.7 multiplier**, one-third of \$9,600,000 settlement in a pre-certification wage and hour class action]; *Schaffer v. Rady Children’s Hosptial – San*

1 *Diego, et al.*, San Diego County Superior Court, Case No. 2015-00022978 (Hon. Joel R.  
2 Wohlfeil – approving attorneys’ fees of \$4,166,666 and **3.98 multiplier**, one-third of  
3 \$12,500,000 settlement in a certified wage and hour class action); *Rodriguez v. Healthcare*  
4 *Partner Medical Group, Inc.*, Los Angeles County Superior Court, Case No. BC541313] Hon.  
5 Kenneth Freeman – approving attorneys’ fees of \$2,000,000 and **5.05 multiplier**, one-third of  
6 \$6,000,000 settlement in a pre-certification wage and hour class action]; *De Benning v. Costco*  
7 *Wholesale Corporation*, Sacramento County Superior Court, Case No. 2021-00309030 [Hon.  
8 Jill H. Talley – approving attorneys’ fees of \$3,000,000 and **7.99 multiplier**, one-third of  
9 \$9,000,000 settlement in a pre-certification wage and hour class action]; *Tam v. Q Tech*  
10 *Corporation*, Los Angeles County Superior Court, Case No. 21STCV18635 [Hon. Elihu M.  
11 Berle – approving attorneys’ fees of \$216,666.67 and **3.49 multiplier**, one-third of \$650,000  
12 settlement in a pre-certification wage and hour class action]; and *Myers, et al. v. Blue Shield of*  
13 *California Life & Health Insurance Company, et al.*, Los Angeles County Superior Court, Case  
14 No. 19STCV09341 [Hon. Yvette M. Palazuelos – approving attorneys’ fees of \$936,666 and  
15 **2.41 multiplier**, one-third of \$2,900,000 settlement in a pre-certification wage and hour class  
16 action].

17 43. If this were non-representative litigation, the customary fee would be a  
18 contingent percentage basis in the range of one-third to 40% of recovery. Class Counsel’s fee  
19 request is in line with, if not lower than, awards in similar cases. This also supports the request.

20 44. Unlike Defense counsel, who are regularly paid a fair-market hourly rate, Class  
21 Counsel received no compensation, and no reimbursement of expenses, since the case began.  
22 The contingent representation, and risks of the litigation which could result in no fee being  
23 possible, fully warrant approval of the fee request.

24 45. Based on my experience, the experience of my firm, and my research, Class  
25 Counsel’s skill and experience support their hourly rates and are in line with rates typically  
26 approved in California wage and hour class actions.

27 46. Class Counsel’s skill and experience support their hourly rates and are in line  
28 with rates typically approved in California wage and hour class actions and previously awarded

1 to Class Counsel in many courts, including this one. Cohelan Khoury & Singer's practice is  
2 limited to litigating class and representative actions, such as PAGA actions, on behalf of  
3 employees and consumers, and the firm has been appointed Class Counsel or co-Class Counsel  
4 in over 300 such cases.

5 47. Class Counsel's skill and experience support their hourly rates: **COHELAN**  
6 **KHOURY & SINGER**: Managing Partner, Michael D. Singer - \$995; Partner, Jeff Geraci -  
7 \$850; **LEBE LAW, APLC**: Managing Attorney, Jonathan M. Lebe - \$800; Associate Attorney,  
8 Zachary Gershman - \$475. Laffey Matrix would actually provide for a rate increase:  
9 **COHELAN KHOURY & SINGER**: Managing Partner, Michael D. Singer - \$1,057 (20+  
10 years out of law school); Partner, Jeff Geraci - \$1,057 (20+ years out of law school); **LEBE**  
11 **LAW, APLC**: Managing Attorney, Jonathan M. Lebe - \$878 (11-19 years out of law school);  
12 Associate Attorney, Zachary Gershman - \$538 (4-7 years out of law school). Attached as  
13 Exhibit 4 is a true and correct copy of the Laffey Matrix (accessed April 24, 2024, available at  
14 <http://www.laffeymatrix.com/see.html>).

15 48. The Settlement allows Class Counsel to recover up to \$12,500 in costs. Counsel  
16 seeks \$9,976.46 in reasonable and necessary actual costs.

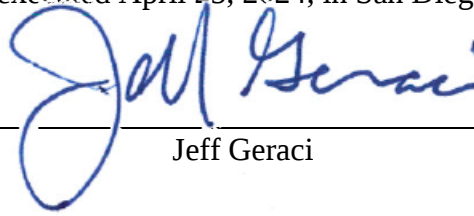
17 49. The LWDA was provided with the Motion for Preliminary Approval,  
18 Supplemental Briefing and the Settlement Agreement and all Amendments. The LWDA raised  
19 no objection. Attached as Exhibit 5 is a true and correct copy of the LWDA Confirmations of  
20 Receipt dated March 24, 2022, March 6, 2023, June 6, 2023 and November 27, 2023.

21 50. Plaintiff more than satisfied his obligation to protect the interests of the Class  
22 and place them above his own. Plaintiff accepted the risk of judgment for Defendant's costs and  
23 potential loss of future employment opportunities. Plaintiff had individual claims which he did  
24 not pursue, or abandoned, to serve only as a representative of other employees, although, unlike  
25 those employees, Plaintiff was required to give a general release of all claims of any kind,  
26 including a section 1542 waiver.

27 51. Class received notice Plaintiff would request \$5,000 for his service as class  
28 representative. No Class Member objected.

1           52.     On the same date this motion and its supporting documents are filed with the  
2 Court, they will be served upon Defendant and provided to the LWDA via the LWDA's  
3 website, using the appropriate intake form. Attached as Exhibit 6 is a true and correct copy of  
4 the LWDA confirmation of Receipt.

5  
6 I declare under the penalty of perjury under the laws of the State of California the foregoing is  
7 true and correct and this declaration is executed April 25, 2024, in San Diego, California.

8   
9 \_\_\_\_\_  
10 Jeff Geraci

# **EXHIBIT 1**

**SUMMARY OF TIME AND COSTS**  
***Ochoa v. Speech and Language Development Center, Inc.***  
**O.C.S.C. Case No. 30-2020-01143577-CU-OE-CXC**

**Total Attorneys' Hours: 253.2**

**Total Lodestar Fees: \$180,498.00**

**Total Costs: \$9,976.46**

| FIRM/<br>ATTORNEYS                  | YEAR<br>ADMITTED | HOURS        | HOURLY<br>RATE | TOTAL               |
|-------------------------------------|------------------|--------------|----------------|---------------------|
| <b>COHELAN KHOURY &amp; SINGER</b>  |                  |              |                |                     |
| Michael P. Singer, Managing Partner | 1984             | 23.4         | \$995          | \$23,283.00         |
| Jeff Geraci, Partner                | 1990             | 108.8        | \$850          | \$92,480.00         |
| Amber Worden, Certified Paralegal   | N/A              | 2.1          | \$200          | \$420.00            |
| Matthew Atlas, Paralegal            | N/A              | 27.5         | \$175          | \$4,812.50          |
| <b>TOTAL:</b>                       |                  | <b>161.8</b> |                | <b>\$120,995.50</b> |

| FIRM/<br>ATTORNEYS                   | YEAR<br>ADMITTED | HOURS       | HOURLY<br>RATE | TOTAL              |
|--------------------------------------|------------------|-------------|----------------|--------------------|
| <b>LEBE LAW, APLC</b>                |                  |             |                |                    |
| Jonathan M. Lebe, Managing Attorney  | 2012             | 49.5        | \$800          | \$39,600.00        |
| Zachary Gershman, Associate Attorney | 2019             | 41.9        | \$475          | \$19,902.50        |
| <b>TOTAL:</b>                        |                  | <b>91.4</b> |                | <b>\$59,502.50</b> |

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| <b>Total Aggregate Hours: 253.2</b> | <b>Total Lodestar: \$180,498.00</b> |
|-------------------------------------|-------------------------------------|

| <b>LITIGATION EXPENSES</b> |                   |
|----------------------------|-------------------|
| Cohelan Khoury & Singer    | \$9,885.58        |
| Lebe Law, APLC             | \$90.88           |
| <b>TOTAL COSTS</b>         | <b>\$9,976.46</b> |

# **EXHIBIT 2**

**Ochoa v. Speech and Language Development Center, Inc.**  
**O.C.S.C. Case No. 30-2020-01143577-CU-OE-CXC**

**LODESTAR REPORT**

**Firm Name:** Cohelan Khoury & Singer

|                    |                                                                                                                                                                                                                                                                                                                                                              |                                                                             |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>Categories:</b> | <b>Task and Related Communications or Meetings</b><br><b>(1) Pleadings and Notice to LWDA</b><br><b>(2) Client Communications</b><br><b>(3) Investigations and Discovery</b><br><b>(4) Mediation Preparation, Attendance, and Post-Mediation</b><br><b>(5) Settlement and Related Filings</b><br><b>(6) Other Court Filings</b><br><b>(7) Legal Research</b> | <b>(MP) Managing Partner</b><br><b>(P) Partner</b><br><b>(PL) Paralegal</b> |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|

| <b>ATTORNEY /<br/>PARALEGAL</b> | <b>1</b>    | <b>2</b>   | <b>3</b>   | <b>4</b>    | <b>5</b>    | <b>6</b>   | <b>7</b>   | <b>HOURS</b> | <b>HOURLY RATE</b> | <b>LODESTAR</b>     |
|---------------------------------|-------------|------------|------------|-------------|-------------|------------|------------|--------------|--------------------|---------------------|
| Michael D. Singer (MP)          | 0.5         | 0.0        | 0.0        | 20.8        | 0.0         | 0.0        | 2.1        | <b>23.4</b>  | \$995.00           | <b>\$23,283.00</b>  |
| Jeff Geraci (P)                 | 7.9         | 2.4        | 2.6        | 39.8        | 52.7        | 0.8        | 2.6        | <b>108.8</b> | \$850.00           | <b>\$92,480.00</b>  |
| <b>Attorney Totals</b>          | <b>8.4</b>  | <b>2.4</b> | <b>2.6</b> | <b>60.6</b> | <b>52.7</b> | <b>0.8</b> | <b>4.7</b> | <b>132.2</b> |                    | <b>\$115,763.00</b> |
| Amber Worden, ACP (PL)          | 0.0         | 0.0        | 0.0        | 0.0         | 0.0         | 2.1        | 0.0        | <b>2.1</b>   | \$200.00           | <b>\$420.00</b>     |
| Matthew Atlas (PL)              | 3.4         | 1.2        | 2.1        | 2.5         | 15.4        | 2.9        | 0.0        | <b>27.5</b>  | \$175.00           | <b>\$4,812.50</b>   |
| <b>Non-Attorney Totals</b>      | <b>3.4</b>  | <b>1.2</b> | <b>2.1</b> | <b>2.5</b>  | <b>15.4</b> | <b>5.0</b> | <b>0.0</b> | <b>29.6</b>  |                    | <b>\$5,232.50</b>   |
| <b>TOTALS:</b>                  | <b>11.8</b> | <b>3.6</b> | <b>4.7</b> | <b>63.1</b> | <b>68.1</b> | <b>5.8</b> | <b>4.7</b> | <b>161.8</b> |                    | <b>\$120,995.50</b> |

# **EXHIBIT 3**

## Litigation Costs

Ochoa v. Speech and Language Development Center, Inc.

O.C.S.C. Case No. 30-2020-01143577-CU-OE-CXC

4/17/24

| <u>Date</u> | <u>Payee</u>            | <u>Details</u>                      | <u>Amount</u>     |
|-------------|-------------------------|-------------------------------------|-------------------|
| 6/18/2020   | One Legal               | Filing/Complex Fee/Svc Fee          | \$1,494.56        |
| 7/16/2020   | One Legal               | Class Action/B17200 Questionnaire   | \$12.20           |
| 7/21/2020   | One Legal               | Amended Complaint                   | \$12.20           |
| 7/27/2020   | One Legal               | Notice of Change of Elec. Svc. Add. | \$12.20           |
| 8/19/2020   | One Legal               | Notice of Acknowledgment of Rec.    | \$12.20           |
| 10/9/2020   | One Legal               | Notice - Other                      | \$12.20           |
| 12/11/2020  | CourtCall               | SC JG 12/16/20                      | \$94.00           |
| 1/4/2021    | J.A.M.S.                | Mediation Fee 4/20/21               | \$6,450.00        |
| 2/8/2021    | One Legal               | Proposed Order (Cover Sheet)        | \$14.25           |
| 2/18/2021   | One Legal               | Notice - Other                      | \$14.25           |
| 5/10/2021   | Berger Consulting Group | Consultant                          | \$975.00          |
| 6/21/2021   | One Legal               | Stipulation and Order; Prop. Stip   | \$35.26           |
| 9/17/2021   | One Legal               | Stipulation and Order; Prop. Stip   | \$35.26           |
| 12/8/2021   | One Legal               | Proposed Stipulation and Order      | \$35.26           |
| 12/10/2021  | One Legal               | Notice                              | \$14.67           |
| 12/14/2021  | CourtCall               | Status Conference                   | \$94.00           |
| 3/25/2022   | One Legal               | Motion                              | \$76.96           |
| 4/4/2022    | OCSC                    | Document                            | \$7.50            |
| 1/9/2023    | One Legal               | Stipulation                         | \$35.78           |
| 1/11/2023   | One Legal               | Stipulation and Order; Prop. Stip   | \$20.59           |
| 1/13/2023   | One Legal               | Notice                              | \$15.19           |
| 2/24/2023   | OCSC                    | Document                            | \$9.32            |
| 3/7/2023    | One Legal               | Declaration                         | \$15.65           |
| 3/21/2023   | OCSC                    | Document                            | \$7.50            |
| 6/1/2023    | OCSC                    | Document                            | \$7.50            |
| 6/1/2023    | OCSC                    | Document                            | \$1.00            |
| 6/1/2023    | OCSC                    | Document                            | \$9.32            |
| 6/1/2023    | OCSC                    | Document                            | \$9.25            |
| 6/8/2023    | One Legal               | Notice of Settlement                | \$15.65           |
| 6/19/2023   | OCSC                    | Document                            | \$7.50            |
| 7/13/2023   | One Legal               | Notice of Remote Appearance         | \$15.19           |
| 7/21/2023   | One Legal               | Proposed Order (Cover Sheet)        | \$15.65           |
| 7/25/2023   | One Legal               | Stipulation and Order; Prop. Stip   | \$20.59           |
| 8/2/2023    | One Legal               | Notice                              | \$15.65           |
| 9/23/2023   | One Legal               | Stipulation and Order; Prop. Stip   | \$36.24           |
| 10/5/2023   | One Legal               | Notice                              | \$15.65           |
| 12/2/2023   | One Legal               | Declaration                         | \$15.65           |
| 12/2/2023   | One Legal               | Declaration                         | \$15.65           |
| 12/11/2023  | OCSC                    | Document                            | \$7.50            |
| 12/18/2023  | OCSC                    | Document                            | \$7.92            |
| 12/19/2023  | One Legal               | Notice                              | \$15.65           |
| 1/24/2024   | One Legal               | Notice                              | \$17.71           |
|             | In House                | Postage                             | \$3.10            |
|             | In House                | Photocopies (201@.25)               | \$50.25           |
| Est.        | One Legal               | Final Approval Motion/Svc. Fee      | \$76.96           |
|             | <b>Total:</b>           |                                     | <b>\$9,885.58</b> |

# **EXHIBIT 4**

# LAFFEY MATRIX

[History](#)
[Case Law](#)
[See the Matrix](#)
[Contact us](#)
[Home](#)

|                  |                      |                         | Years Out of Law School * |       |       |       |        |
|------------------|----------------------|-------------------------|---------------------------|-------|-------|-------|--------|
| Year             | Adjustmt<br>Factor** | Paralegal/<br>Law Clerk | 1-3                       | 4-7   | 8-10  | 11-19 | 20 +   |
| 6/01/23- 5/31/24 | 1.059295             | \$239                   | \$437                     | \$538 | \$777 | \$878 | \$1057 |
| 6/01/22- 5/31/23 | 1.085091             | \$225                   | \$413                     | \$508 | \$733 | \$829 | \$997  |
| 6/01/21- 5/31/22 | 1.006053             | \$208                   | \$381                     | \$468 | \$676 | \$764 | \$919  |
| 6/01/20- 5/31/21 | 1.015894             | \$206                   | \$378                     | \$465 | \$672 | \$759 | \$914  |
| 6/01/19- 5/31/20 | 1.0049               | \$203                   | \$372                     | \$458 | \$661 | \$747 | \$899  |
| 6/01/18- 5/31/19 | 1.0350               | \$202                   | \$371                     | \$455 | \$658 | \$742 | \$894  |
| 6/01/17- 5/31/18 | 1.0463               | \$196                   | \$359                     | \$440 | \$636 | \$717 | \$864  |
| 6/01/16- 5/31/17 | 1.0369               | \$187                   | \$343                     | \$421 | \$608 | \$685 | \$826  |
| 6/01/15- 5/31/16 | 1.0089               | \$180                   | \$331                     | \$406 | \$586 | \$661 | \$796  |
| 6/01/14- 5/31/15 | 1.0235               | \$179                   | \$328                     | \$402 | \$581 | \$655 | \$789  |
| 6/01/13- 5/31/14 | 1.0244               | \$175                   | \$320                     | \$393 | \$567 | \$640 | \$771  |
| 6/01/12- 5/31/13 | 1.0258               | \$170                   | \$312                     | \$383 | \$554 | \$625 | \$753  |
| 6/01/11- 5/31/12 | 1.0352               | \$166                   | \$305                     | \$374 | \$540 | \$609 | \$734  |
| 6/01/10- 5/31/11 | 1.0337               | \$161                   | \$294                     | \$361 | \$522 | \$589 | \$709  |
| 6/01/09- 5/31/10 | 1.0220               | \$155                   | \$285                     | \$349 | \$505 | \$569 | \$686  |
| 6/01/08- 5/31/09 | 1.0399               | \$152                   | \$279                     | \$342 | \$494 | \$557 | \$671  |
| 6/01/07-5/31/08  | 1.0516               | \$146                   | \$268                     | \$329 | \$475 | \$536 | \$645  |
| 6/01/06-5/31/07  | 1.0256               | \$139                   | \$255                     | \$313 | \$452 | \$509 | \$614  |
| 6/1/05-5/31/06   | 1.0427               | \$136                   | \$249                     | \$305 | \$441 | \$497 | \$598  |
| 6/1/04-5/31/05   | 1.0455               | \$130                   | \$239                     | \$293 | \$423 | \$476 | \$574  |
| 6/1/03-6/1/04    | 1.0507               | \$124                   | \$228                     | \$280 | \$405 | \$456 | \$549  |
| 6/1/02-5/31/03   | 1.0727               | \$118                   | \$217                     | \$267 | \$385 | \$434 | \$522  |
| 6/1/01-5/31/02   | 1.0407               | \$110                   | \$203                     | \$249 | \$359 | \$404 | \$487  |
| 6/1/00-5/31/01   | 1.0529               | \$106                   | \$195                     | \$239 | \$345 | \$388 | \$468  |
| 6/1/99-5/31/00   | 1.0491               | \$101                   | \$185                     | \$227 | \$328 | \$369 | \$444  |
| 6/1/98-5/31/99   | 1.0439               | \$96                    | \$176                     | \$216 | \$312 | \$352 | \$424  |
| 6/1/97-5/31/98   | 1.0419               | \$92                    | \$169                     | \$207 | \$299 | \$337 | \$406  |
| 6/1/96-5/31/97   | 1.0396               | \$88                    | \$162                     | \$198 | \$287 | \$323 | \$389  |
| 6/1/95-5/31/96   | 1.032                | \$85                    | \$155                     | \$191 | \$276 | \$311 | \$375  |
| 6/1/94-5/31/95   | 1.0237               | \$82                    | \$151                     | \$185 | \$267 | \$301 | \$363  |

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., DL v. District of Columbia, 267 F.Supp.3d 55, 69 (D.D.C. 2017)

\*  $i_{t-1/2}$ Years Out of Law School $i_{t-1/2}$  is calculated from June 1 of each year, when most law students graduate.  $i_{t-1/2}$ 1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1).  $i_{t-1/2}$ 4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier  $i_{t-1/2}$ 1-3" from June 1, 1996 until May 31, 1999, would move into tier  $i_{t-1/2}$ 4-7" on June 1, 1999, and tier  $i_{t-1/2}$ 8-10" on June 1, 2003.

\*\* The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

# **EXHIBIT 5**

**From:** [DIR PAGA Unit](#)  
**To:** [Matthew Atlas](#)  
**Subject:** [External] Thank you for your Proposed Settlement Submission  
**Date:** Thursday, March 24, 2022 1:55:28 PM

---

03/24/2022 01:54:59 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_labor.ca.gov\\_Private-5FAttorneys-5FGeneral-5FAct.htm&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=CkmVEddukKLexsqU9o1LOYeca1vZAEC-MO6PZ1f0-Jc&m=SLjJzrNim27QRc0rzbOEw01xbGL2ySa0M8pTNXwgBDs&s=e7-vVWuYwwqNu6uIwm3Um6dY1Lv\\_7MkN3JLoJiJfCCQ&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__labor.ca.gov_Private-5FAttorneys-5FGeneral-5FAct.htm&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=CkmVEddukKLexsqU9o1LOYeca1vZAEC-MO6PZ1f0-Jc&m=SLjJzrNim27QRc0rzbOEw01xbGL2ySa0M8pTNXwgBDs&s=e7-vVWuYwwqNu6uIwm3Um6dY1Lv_7MkN3JLoJiJfCCQ&e=)



## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

*Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)*

***The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.***

Your Information (Person Who is Filing)

Your First Name \*

Your Last Name \*

Your Email Address \*

Your Street Name, Number and Suite/Apt \*

Your Mobile Phone Number

Your City \*

Your Work Phone Number

Your State \*



Your Zip/Postal Code \*

## Court and Hearing Information

**Court \***

Orange County Superior

**Court Case Number \***

2020-01143577

**Hearing Date (if any)**

06/10/2022

**Hearing Time**

9:30 am

**Hearing Location**

**Number of aggrieved employees \***

125

**Gross settlement amount \***

750000

**Gross penalty amount \***

25000

**Penalties to LWDA \***

18750

**Date of proposed settlement \***

06/10/2022

## Proposed Settlement and Other Documents

**Proposed Settlement \***

Choose File 1. NOM.pdf

**Other Attachment (if any)**

Choose File 2. P's & A's.pdf

**Other Attachment (if any)**

[Remove](#)

Choose File 3. Geraci Dec.pdf

**Other Attachment (if any)**

[Remove](#)

Choose File 4. Lebe Dec.pdf

**Other Attachment (if any)**

[Remove](#)

Choose File 5. Springer Dec.pdf

**Other Attachment (if any)**

[Remove](#)

Choose File 6. Proposed Order.pdf

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGAInfo@dir.ca.gov](mailto:PAGAInfo@dir.ca.gov)

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**From:** [DIR PAGA Unit](#)  
**To:** [Matthew Atlas](#)  
**Subject:** [External] Thank you for your Proposed Settlement Submission  
**Date:** Monday, March 6, 2023 4:08:49 PM

---

03/06/2023 04:08:22 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_labor.ca.gov\\_Private-5FAttorneys-5FGeneral-5FAct.htm&d=Dw1FaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=CkmVEddukKLexsqU9o1LOYeca1vZAEC-MO6PZ1f0-Jc&m=7oGeSHvFPQoKYpi1\\_paVgdRbNaHnOKDvahILn50dUtw&s=LJphUmhvFP2WmGWPsS\\_7xdWgGTFKXF\\_7pRl-p2oHiDI&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__labor.ca.gov_Private-5FAttorneys-5FGeneral-5FAct.htm&d=Dw1FaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=CkmVEddukKLexsqU9o1LOYeca1vZAEC-MO6PZ1f0-Jc&m=7oGeSHvFPQoKYpi1_paVgdRbNaHnOKDvahILn50dUtw&s=LJphUmhvFP2WmGWPsS_7xdWgGTFKXF_7pRl-p2oHiDI&e=)



## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

*Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)*

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Your Information (Person Who is Filing)

Your First Name \*

Matthew

Your Last Name \*

Atlas

Your Email Address \*

matlas@ckslaw.com

Your Street Name, Number and Suite/Apt \*

Cohelan Khoury & Singer,

Your Mobile Phone Number

Your City \*

San Diego

Your Work Phone Number

Your State \*

California

Your Zip/Postal Code \*

92101

### Court and Hearing Information

**Court \***

Orange County Superior C

**Court Case Number \***

30-2020-01143577-CU-

**Hearing Date (if any)**

03/17/2023

**Hearing Time**

1:30 p.m.

**Hearing Location**

**Number of aggrieved employees \***

155

**Gross settlement amount \***

750,000

**Gross penalty amount \***

25,000

**Penalties to LWDA \***

18,750

**Date of proposed settlement \***

03/17/2023

### Proposed Settlement and Other Documents

**Proposed Settlement \***

1. SLDC – Supp Briefing.pdf

**Other Attachment (if any)**

2. SLDC – Sup...eraci Decl.pdf

**Other Attachment (if any)**

3. SLDC – Reyes Decl.pdf

[Remove](#)

[Add Another Attachment](#)

Should you have questions regarding this online form, please contact [PAGInfo@dir.ca.gov](mailto:PAGInfo@dir.ca.gov)

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☒ **I understand that, if I file, I must comply with the redaction rules consistent with this notice.**

**From:** [DIR PAGA Unit](#)  
**To:** [Matthew Atlas](#)  
**Subject:** [External] Thank you for your Proposed Settlement Submission  
**Date:** Tuesday, June 6, 2023 3:59:04 PM

---

06/06/2023 03:57:55 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_labor.ca.gov\\_Private-5FAttorneys-5FGeneral-5FAct.htm&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_CdpqnVfiiMM&r=CkmVEddukKLexsqU9o1LOYeca1vZAEC-MO6PZ1f0-Jc&m=5YMYMrQpQhWwk2KRKzimJCd7vOT03Cf10nKmgK8aBk&s=KNZ2f1LTuH182ok4GdLkz19bEDj2s8OHUf1H7tc6vbs&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__labor.ca.gov_Private-5FAttorneys-5FGeneral-5FAct.htm&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpqnVfiiMM&r=CkmVEddukKLexsqU9o1LOYeca1vZAEC-MO6PZ1f0-Jc&m=5YMYMrQpQhWwk2KRKzimJCd7vOT03Cf10nKmgK8aBk&s=KNZ2f1LTuH182ok4GdLkz19bEDj2s8OHUf1H7tc6vbs&e=)



## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".

[Search for PAGA Case number](#)

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#### Your Information (Person Who is Filing)

Your First Name \*

Matthew

Your Last Name \*

Atlas

Your Email Address \*

matlas@ckslaw.com

Your Street Name, Number and Suite/Apt \*

Cohelan Khoury & Singer,

Your Mobile Phone Number

Your City \*

San Diego

Your Work Phone Number

Your State \*

California

Your Zip/Postal Code \*

92101

#### Court and Hearing Information

Court \*

Orange County Superior C

Court Case Number \*

30-2020-01143577

Hearing Date (if any)

06/16/2023

Hearing Time

1:30 pm

Hearing Location

Number of aggrieved employees \*

155

Gross settlement amount \*

750,000

Gross penalty amount \*

25,000

Penalties to LWDA \*

18,750

Date of proposed settlement \*

06/17/2023

#### Proposed Settlement and Other Documents

Proposed Settlement \*

1. SLDC - 2n...pp Briefing.pdf

**Other Attachment (if any)**

2. SLDC – 2n...Geraci Decl.pdf

[Remove](#)

**Other Attachment (if any)**

3. SLDC – Ntc...ended SA.pdf

[Remove](#)

**Other Attachment (if any)**

4. SLDC – Proposed Order.pdf

[Add Another Attachment](#)

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**From:** [DIR PAGA Unit](#)  
**To:** [Matthew Atlas](#)  
**Subject:** [External] Thank you for your Proposed Settlement Submission  
**Date:** Monday, November 27, 2023 1:43:05 PM

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11/27/2023 01:42:24 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to [pagainfo@dir.ca.gov](mailto:pagainfo@dir.ca.gov).

DIR PAGA Unit on behalf of  
Labor and Workforce Development Agency

Website: [https://urldefense.proofpoint.com/v2/url?u=http-3A\\_\\_labor.ca.gov\\_Private-5FAttorneys-5FGeneral-5FAct.htm&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A\\_Cdp gnVfiiMM&r=CkmVEddukKLexsqU9o1LOYeca1vZAEC-MO6PZ1f0-Jc&m=0vqrL\\_1noqiZs8ECq6MzXDldZu5d58IUyqZfHWNjUmoMaIYdSFhEE-sKy9m6QdQW&s=XOjoZ-0yW9UMMwxpTTKi6xCiCFE3rgZQbKINIHDNeXI&e=](https://urldefense.proofpoint.com/v2/url?u=http-3A__labor.ca.gov_Private-5FAttorneys-5FGeneral-5FAct.htm&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=CkmVEddukKLexsqU9o1LOYeca1vZAEC-MO6PZ1f0-Jc&m=0vqrL_1noqiZs8ECq6MzXDldZu5d58IUyqZfHWNjUmoMaIYdSFhEE-sKy9m6QdQW&s=XOjoZ-0yW9UMMwxpTTKi6xCiCFE3rgZQbKINIHDNeXI&e=)



## Private Attorneys General Act (PAGA) – Filing

### Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : \*

*Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".  
[Search for PAGA Case number](#)*

***The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.***

#### Your Information (Person Who is Filing)

Your First Name \*

Your Last Name \*

Your Email Address \*

Your Street Name, Number and Suite/Apt \*

Your Mobile Phone Number

Your City \*

Your Work Phone Number

Your State \*



Your Zip/Postal Code \*

### Court and Hearing Information

Court \*

Orange County Superior C

Court Case Number \*

30-2020-01143577

Hearing Date (if any)

12/08/2023

Hearing Time

1:30 pm

Hearing Location

Number of aggrieved employees \*

155

Gross settlement amount \*

750,000

Gross penalty amount \*

25,000

Penalties to LWDA \*

18,750

Date of proposed settlement \*

12/08/2023

### Proposed Settlement and Other Documents

Proposed Settlement \*

1. Supp Brief.pdf

Other Attachment (if any)

2. Supp Geraci Decl.pdf

Other Attachment (if any)

3. Proposed ...ver & Order.pdf

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[Add Another Attachment](#)

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# **EXHIBIT 6**