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Attorneys for Plaintiff ALAHJAH BROWN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN BERNARDINO

ALAHJAH BROWN, on behalf of the State of
California, as a private attorney general,

Plaintiffs,

v.

NRI USA, LLC, a California Limited Liability
Company, and DOES 1 through 50, inclusive,

Defendant.

Case No: CIVSB 2028407

**DECLARATION OF JEAN-CLAUDE
LAPUYADE, ESQ. IN SUPPORT OF
MOTION FOR APPROVAL OF PAGA
SETTLEMENT**

Hearing Date: July 6, 2022

Hearing Time: 10:00am

Judge: Hon. David Cohn
Dept.: S26

1 I, JEAN CLAUDE LAPUYADE, declare as follows:

2 1. I am the managing partner of the law firm of The JCL Law Firm, APC, and counsel of
3 record for Plaintiff ALAHJAH BROWN ("Plaintiff") in this matter. As such, I am fully familiar with
4 the facts, pleadings and history of the matter. I am submitting this declaration in support of Plaintiff's
5 Motion for Final Approval of Class Action Settlement.

6 2. I am submitting this declaration in support of Plaintiff's Motion for Approval of PAGA
7 Settlement.

8 **I. EXHIBITS**

9 3. Attached hereto as **Exhibit "A"** is a true and correct copy of the JCL Law Firm, APC's
10 "Transaction Summary" detailing Settlement Counsel's actually incurred litigation expenses for this
11 matter as of April 15, 2022. As shown in detail in the attached transaction summary, Counsel has
12 incurred a total of \$865.23 in litigation costs prosecuting this action. I anticipate incurring an
13 additional \$150 - \$200 for the filing, service and appearance at this motion.

14 4. Attached hereto as **Exhibit "B"** is a true and correct copy of the Time and Billing Journal
15 for the JCL Law Firm, APC as of April 15, 2022. Attorney Jean-Claude Lapuyade billed at a rate of
16 \$550 per hour and Paralegal Tesla Stone billed at a rate of \$150 per hour. The Time and Billing Journal
17 shows that the JCL Law Firm, APC worked a total of 51.12 hours litigating this action for a total billing
18 of \$22,805.00.

19 5. The JCL Law Firm's rates are comparable to those judicially approved for other
20 plaintiff's firms, such as Baron & Budd (rates ranging from \$775 for the requested partner to \$390-
21 \$630 for non-partners), Western Comden Casselman & Essensten (rates ranging from \$670-\$750 for
22 partners and \$300-\$500 for associates), and Blood Hurst & Rearden (\$510-\$695 for partners). See
23 Aarons v. BMW of North America, No. 11-7667-PSG, 2014 U.S. Dist. LEXIS 118442, *40-41 (C.D.
24 Cal. Apr. 29, 2014). Other Southern California courts have approved hourly rates in the requested
25 range. See e.g., Kearney v. Hyundai Motor Am., 2013 U.S. Dist. LEXIS 91636, *24 (C.D. Cal. June
26 28, 2013) (approving hourly rates of \$650 -\$800 for senior attorneys in consumer class action);
27 Parkinson v. Hyundai Motor America, 796 F.Supp.2d 1160, 1172 (C.D. Cal. 2010)(approving hourly
28

1 rates between \$445 and \$675); Faigman v. AT&T Mobility, LLC, 2011 U.S. Dist. LEXIS 15825, *2
2 (N.D. Cal. Feb. 15, 2011)(Approving hourly rates of \$650 an hour for partners and \$500 for associates);
3 Richard v. Ameri-Force Mgmt. Servs., Inc., No 37-2008-00096019 (San Diego Superior Court, August
4 27, 2010)(\$695 to \$750 an hour for partners and \$495 for associates); Barrera v. Gamestop, No. CV
5 09-1399 (C.D. Cal. Nov. 29, 2010)(\$700 for partners and \$475 for associates); Anderson v. Nextel
6 Retail Stores, LLC, No. CV 07-4480 (C.D. Cal. June 20, 2010)(\$655- \$750 for partners and \$300 –
7 515 for associates); Luquetta v. Regents of Cal., CGC-05-443007 (San Francisco Sup. Ct.) (approving
8 2012 partner rates between \$550 and \$850 per hour); and Holoway v. Best Buy Co., C-05-5056-PJH
9 (MEJ)(N.D. Cal.)(approving 2011 partner rates between \$825 and \$700, and associates hourly rates
10 between \$355 and \$405 an hour).

11 6. Moreover, my billing rate has been approved multiple times within the last several
12 months by California Superior Court judges. (*See generally Rodriguez v. RSI Home Products, Inc.*,
13 San Bernardino Superior Court Case No. CIVDS 2023354 (July 30, 2021 – Hon. David Cohn approved
14 \$550 billing rate and appointed Jean-Claude Lapuyade, Esq. as Counsel in a \$1,450,000 wage and hour
15 class action settlement); *Nunes v. Home Depot U.S.A., Inc.*, San Joaquin Superior Court Case No. STK-
16 CV-UOE-2020-0011011 (October 20, 2021 – Hon. Roger Ross approved \$550 billing rate and
17 appointed Jean-Claude Lapuyade, Esq. as Counsel in a \$1,500,000 wage and hour class action
18 settlement); *Pillsbury v. T&T Restaurants CA, Inc.*, Del Norte Superior Court Case No. CVUJ-20-
19 1214 (December 14, 2021 – Hon. Darren McElfresh approved \$550 billing rate and appointed Jean-
20 Claude Lapuyade, Esq. as Counsel in a wage and hour class action settlement); *Elias Kaser v. Aviation*
21 *Consultants, Inc.*, Orange County Superior Court Case No. 30-2021-01191204-CU-OE-CXC
22 (September 22, 2021 – Hon. Peter J. Wilson approved \$550 billing rate in a representative California
23 Labor Code Private Attorney General Act settlement).

24 7. Further, Counsel will be performing additional work, including finalizing the orders and
25 judgment and monitoring the completion of the settlement process over the course of the next coming
26 months.

8. All of Counsel's out-of-pocket expenses are the types of expenses normally charged to paying clients including the following: filing fees; copying; telephone; postage; factual and legal research charges; mediation fees; expert costs and travel expenses, which were all incurred during, and were necessary for the successful prosecution of, the litigation and, therefore, should be reimbursed.

9. Counsel now requests reimbursement for those incurred litigation expenses and costs as provided for in the Settlement Agreement and based upon Counsel's billing records.

II. JCL LAW FIRM EXPERIENCE

10. Counsel in this matter has extensive class action and PAGA experience in multiple fields and has represented tens-of-thousands of persons in class actions and PAGA matters. Counsel has previously litigated similar wage and hour class actions involving similar meal and rest period violations. Counsel has been approved as class counsel in similar wage and hour actions throughout the State of California, including in the Superior Court for the County of San Diego. As such, courts throughout the California have deemed Counsel experienced and knowledgeable in this area of law. Counsel has participated in every aspect of the settlement discussions and has concluded the settlement is fair, adequate and reasonable and in the best interests of the Class.

11. Plaintiff and the Aggrieved Employees are represented by competent and experienced counsel to pursue their claims. I established the JCL Law Firm, APC ("Firm"), in 2010. The Firm is a boutique plaintiff firm representing aggrieved employees and consumers throughout California in wage and hour class actions, PAGA Actions and complex multi-party product liability matters. The Firm currently consists of myself, Jean-Claude Lapuyade, Esq. (Partner/Owner), Eduardo Garcia (Associate), Tesla Stone (Paralegal), and Leilani Edmunds (Legal Secretary).

12. I am qualified to represent the Plaintiff, the State of California and the Aggrieved Employees. I have extensive experience with wage and hour class and representative actions litigation like this matter, and employment matters in general. Additionally, I have extensive complex mass tort litigation experience and complex construction product liability experience. I can, will and have adequately represented the interests of the Plaintiff, the State of California and the Aggrieved Employees throughout this action.

1 13. I have represented consumers and employees in California class actions, and complex
2 multi-party product liability actions exclusively for more than 13 years. I have been in practice as a
3 plaintiffs' civil litigation attorney since April 2007.

4 14. I have significant class counsel and collective action counsel experience. I served as class
5 and/or collective (PAGA) counsel in, among other cases, the following matters:

6 a. *Munoz v. AMTCR*, San Bernardino Superior Court Case No. CIV-DS2001914
7 (August 24, 2021) Hon. David Cohn approved a \$1.8 million dollar class and PAGA
8 settlement for, *inter alia*, inaccurate itemized wage statements. The JCL Law Firm, APC
9 acted as class counsel for the settlement class and as representative PAGA counsel the
10 State of California and the Aggrieved Employees.)

11 b. *Nunes v. Home Depot U.S.A., Inc.*, San Joaquin Superior Court Case No. STK-
12 CV-UOE-2020-0011011 (October 20, 2021 – Hon. Roger Ross approved a \$1.5 million
13 dollar class and PAGA settlement for, *inter alia*, miscalculated meal period premiums
14 and appointed Jean-Claude Lapuyade, Esq, as Class Counsel.)

15 c. *Pillsbury v. T&T Restaurants CA, Inc.*, Del Norte Superior Court Case No.
16 CVUJ-20-1214 (December 14, 2021 – Hon. Darren McElfresh approved \$550 billing
17 rate and appointed Jean-Claude Lapuyade, Esq, as Class Counsel in a wage and hour
18 class action settlement.)

19 d. *Rodriguez v. RSI Home Products, Inc.*, San Bernardino Superior Court Case No.
20 CIVDS2023354 (July 30, 2021 – Hon. David Cohn approved a \$1.45 million class and
21 PAGA settlement for, *inter alia*, failure to comply with piece-rate laws, and appointed
22 the JCL Law Firm, APC as Class Counsel)

23 e. *Elias Kaser v. Aviation Consultants, Inc.*, Orange County Superior Court Case
24 No. 30-2021-01191204-CU-OE-CXC (September 22, 2021 – Hon. Peter J. Wilson
25 approved \$550 billing rate in a representative California Labor Code Private Attorney
26 General Act settlement).

- f. *Jer Vang v. Bridge Property Management*, Alameda County Superior Court, Case No RG19047434 (January 8, 2021 – Hon. Winifred Smith approved a class and PAGA settlement for, *inter alia*, unpaid off the clock work. The JCL Law Firm, APC acted as class counsel for the settlement class and as representative PAGA counsel the State of California and the Aggrieved Employees.)
- g. *Johnson v. Volt Management Corp., Inc. et al.*, Los Angeles County Superior Court, Case No. 19STCV16466 (December 11, 2020 – Hon. Amy Hogue approved a PAGA Settlement negotiated on behalf of the State of California and the aggrieved employees by the JCL Law Firm, APC.)
- h. *Salazar v. Frontier Auto Sales Inc., dba Frontier Toyota*, Los Angeles Superior Court, Case No. 19STCV20382 (November 24, 2020 – Hon. John P. Doyle appointed the JCL Law Firm, APC as class counsel and approved a class and PAGA settlement for, *inter alia*, missed meal and rest periods.)
- i. *Villalobos v. Alterra Group, LLC et al.*, Los Angeles County Superior Court, Case No. 19STCV19448 (November 11, 2020 – Hon. Richard Fruin approved a PAGA Settlement for, *inter alia*, unreimbursed business expenses. The JCL Law Firm, APC acted as counsel for the plaintiff, the State of California and the Aggrieved Employees.)
- j. *Stevens et al., v. Bank of England*, San Diego County Superior Court Case No. 37-2019-00018662-CU-OE-CTL (October 16, 2020 – Hon. John Meyer appointed JCL Law Firm as Class Counsel and granted final approval of wage and hour class action for, *inter alia*, off-the-clock work.)
- k. *Frazier v. ASA Carlton, Inc.*, San Diego Superior Court Case No. 37-2019-00036147 (October 9, 2020 Hon. Kenneth Medel appointed the JCL Law Firm as Class Counsel and granted final approval of wage and hour class action for off-the-clock work.)
- l. *Krake et al., v. Central Valley Diner, Inc.*, Placer County Superior Court Case No. SCV0041645 (September 4, 2020 – Hon. Michael Jones appointed JCL Law Firm

as class counsel and granted final approval of wage and hour class action for meal period violations.)

m. *Conner v. Ascendant Marketing, LLC et al.*, San Diego Superior Court Case No. 37-2019-00026864-CU-OE-CTL (July 24, 2020 Hon. Joel Wohlfeil granted approval of PAGA Settlement for, among other things, off-the-clock work. JCL Law Firm, APC acted as lead counsel.)

n. *Guerrero v. Estancia Operations, LLC.*, San Diego Superior Court Case No. 37-2019-00028963 (August 25, 2020 – Hon. Katherine Bacal approved PAGA Settlement for, *inter alia*, missed meal and rest periods. JCL LAW Firm, APC, acted as lead counsel.)

o. *Moreno v. Dash Lube, et al.*, United States District Court, Southern District of California, Case No. 18cv1922 DMS (AHG) (December 13, 2019 – Granted class certification of Labor Code Section 226 claim and appointed JCL Law Firm, APC, as Class Counsel.)

p. *Perkins et al., v. Tahiti Enterprises, Inc., et al.*, Orange County Superior Court Case No. 30-2016-00863095 (October 22, 2019 – Hon. Peter Wilson appointed JCL Law Firm, APC, as Class Counsel and granted final approval for an unlawful housing class action settlement arising out of Civil Code Section 1940.1.)

q. *Hill v. Stemak Holdings, Ltd.*, San Diego Superior Court Case No., 37-2018-00000747 (January 28, 2020 – Hon. Kenneth Medel appointed JCL Law Firm, APC as class counsel and granted final approval of wage and hour class action for unpaid overtime.)

r. *Shachno et al., v. KT Hotels, LLC, et al.* San Diego Superior Court Case No Case No. 37-2018-00043601 (May 31, 2019 – Hon, Gregory Pollack appointed JCL Law Firm, APC, as Class Counsel and granted preliminary approval for the wage and hour class action settlement involving nearly 900 current and former employees. Final approval scheduled for October 4, 2019)

s. *Almanza v. The Express Group, Inc.*, San Bernardino Superior Court Case No. CIVDS1722542 (April 19, 2019 – Hon. David Cohn appointed the JCL Law Firm, APC, as Class Counsel and granted final approval for a wage and hour class action settlement for *inter alia*, missed meal and rest periods and independent contractor misclassification.)

t. *Moschetto v. Pillow Global, Inc. San Diego Superior Court*, Case No. 37-2017-00024031-CU-OE-CTL (April 5, 2019 – Hon. John S. Meyer appointed JCL LAW Firm, APC, as Class Counsel and granted final approval for a wage and hour wage class action settlement involving misclassified house cleaners.)

u. *Burke v. Friendship Hotel, LLC*, San Diego County Superior Court Case No. 37-2017-00022517-CU-OE-CTL (March 10, 2019 – final approval granted on for an unlawful housing class action arising under Civil Code Section 1940.2)

v. *Terrado et al., v. Accredited Debt Relief, LLC*, San Diego County Superior Court Case No. 37-2018-00014181-CU-OE-CTL (February 8, 2019 – Hon. Gregory W. Pollock appointed JCL Law Firm, APC as Class Counsel and granted final approval for a wage and hour class action settlement for meal and rest period violations);

w. *Macaspac v. San Antonio Regional Hospital*, San Bernardino Superior Court Case No. CIVDS1512625, (July 27, 2018 – Hon. Thomas S. Garza appointed JCL Law Firm, APC, as Class Counsel and granted final approval for a wage and hour class action settlement involving claims for on duty meal and rest periods.);

x. *Summerlin et al. v. Maplebear, Inc. dba Instacart*, Los Angeles Superior Court Case No. BC603030 (2018 - certified and settled wage and hour class action.)

y. *Ortega v. Prime Healthcare*, San Diego Superior Court Case No. 37-2014-00011240-CU-OE-CTL (2018 – Approved PAGA only settlement for on duty meal and rest periods)

- z. *Engstrom v. Bender-Rosenthal, Inc.* San Diego Superior Court Case No. 37-2016-00012373-CU-OE-CTL (2017 - Certified and settled class action for employee misclassification);
- aa. *Crawford v. Outlook Amusements, Inc.*, Los Angeles Superior Court Case No. BC617160 (2017 - Certified and settled wage and hour class action.);
- bb. *Hernandez v. Sunglass Hut Trading, LLC*, San Bernardino Superior Court Case No. CIVDS1505181 (2016 - Certified and settled wage and hour class action);
- cc. *Burns v. Shalom, LLC*, San Diego Superior Court, Case No., 37-2013-00058356-CU-BT-CTL (2015 - certified and settled class action for unlawful housing practices arising out of Civil Code Section 1940.1);

15. Since 2010, I have successfully tried two (2) cases to conclusion, each resulting in a favorable verdict for the firm's clients.

16. Finally, I have published appellate experience in *William Blanchette et al., v. The Superior Court of Imperial County, (GHA Enterprises)*, 8 Cal.App.5th 521.

17. Consequently, I was named to the prestigious Thomson Reuters, Super Lawyers, Rising Star in 2015, 2016, 2017 and, again, in 2018. According to Thomson Reuters, the Super Lawyers, Rising Star list recognizes the top 2.5% of eligible attorneys. (see https://www.superlawyers.com/about/selection_process.html.)

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 19th day of April 2022, at San Diego, California.

JCL LAW FIRM, APC

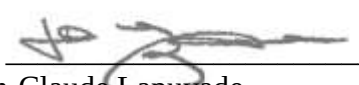
By: 
Jean-Claude Lapuyade
Attorneys for Plaintiff

EXHIBIT A

JCL Law Firm

Transaction Report
All Dates

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	ACCOUNT	SPLIT	AMOUNT	BALANCE
Brown v. NRI (002-220)								
06/30/2021	Journal Entry	June 2021 Postage		Postage for June 2021	Client costs deferred	-Split-	13.92	13.92
07/31/2021	Journal Entry	July 2022 Postage		Copies for July 2021	Client costs deferred	-Split-	4.80	18.72
08/07/2021	Check	2538	Berger Consulting Group	Invoice No. 4574	Client costs deferred	US Bank-Checking - 4270	843.75	862.47
10/31/2021	Journal Entry	Oct 2021 Postage		Copies for Oct 2021	Client costs deferred	-Split-	1.40	863.87
11/30/2021	Journal Entry	Nov 2021 Postage		Postage for Nov 2021	Client costs deferred	-Split-	1.26	865.13
11/30/2021	Journal Entry	Nov 2021 Postage		Copies for Nov 2021	Client costs deferred	-Split-	0.10	865.23
Total for Brown v. NRI (002-220)							\$865.23	
TOTAL							\$865.23	

EXHIBIT B

JCL Law Firm

Unbilled Time

Activity: All Dates

ACTIVITY DATE	POSTING	EMPLOYEE	MEMO/DESCRIPTION	RATE	DURATION	AMOUNT	BALANCE
Brown v. NRI (002-220)							
06/01/2021	No	Jean Claude Lapuyade	Fact Investigation - Reviewed Employee File	550.00	3:30	1,925.00	1,925.00
06/04/2021	No	Jean Claude Lapuyade	Case Review - Reviewed Pleadings in File	550.00	2:30	1,375.00	3,300.00
06/14/2021	No	Tesla Stone	Save JPA; Sort and set up new case file	150.00	3:00	450.00	3,750.00
06/28/2021	No	Jean Claude Lapuyade	Discovery - Reviewed and analyzed mediation data	550.00	1:30	825.00	4,575.00
06/30/2021	No	Jean Claude Lapuyade	Legal Research - Mediation Brief Issues	550.00	2:18	1,265.00	5,840.00
06/30/2021	No	Jean Claude Lapuyade	Meet and Confer - Re Mediation Data	500.00	0:42	350.00	6,190.00
07/01/2021	No	Jean Claude Lapuyade	Law and Motion - Drafted, Revise and Finalized Mediation Brief	550.00	3:54	2,145.00	8,335.00
07/02/2021	No	Tesla Stone	Draft NOA; File and Serve	150.00	1:30	225.00	8,560.00
07/05/2021	No	Jean Claude Lapuyade	Discovery - Reviewed and Analyzed Expert Report	550.00	1:42	935.00	9,495.00
07/09/2021	No	Jean Claude Lapuyade	Attended Mediation	500.00	8:00	4,000.00	13,495.00
07/09/2021	No	Tesla Stone	PLA's Mediation Brief Review; Save	150.00	0:30	75.00	13,570.00
07/12/2021	No	Tesla Stone	File Maintenance	150.00	0:06	15.00	13,585.00
07/30/2021	No	Tesla Stone	File Maintenance	150.00	0:06	15.00	13,600.00
08/03/2021	No	Tesla Stone	Draft Joint ICMS; File and Serve	150.00	1:30	225.00	13,825.00
08/23/2021	No	Tesla Stone	Draft SI; Serve; File Maintenance	150.00	1:30	225.00	14,050.00
09/14/2021	No	Tesla Stone	File Maintenance	150.00	0:06	15.00	14,065.00
09/28/2021	No	Jean Claude Lapuyade	Settlement- Settlement Agreement	550.00	2:48	1,540.00	15,605.00
09/30/2021	No	Tesla Stone	File Maintenance; Sort DEF Docs	150.00	1:30	225.00	15,830.00
10/19/2021	No	Tesla Stone	File Maintenance	150.00	0:06	15.00	15,845.00
10/19/2021	No	Jean Claude Lapuyade	Settlement - Settlement Agreement edits, revisions.	550.00	0:48	440.00	16,285.00
10/19/2021	No	Tesla Stone	File Maintenance	150.00	0:06	15.00	16,300.00
10/25/2021	No	Jean Claude Lapuyade	Settlement - Read and Revised Settlement Agreement (PAGA)	550.00	1:30	825.00	17,125.00
10/27/2021	No	Jean Claude Lapuyade	Settlement- Individual Agreement	550.00	1:48	990.00	18,115.00
11/02/2021	No	Tesla Stone	Draft COA; File and Serve	150.00	1:00	150.00	18,265.00
12/14/2021	No	Jean Claude Lapuyade	Correspondence to/from OC regarding Settlement Agreement.	550.00	0:18	165.00	18,430.00
01/04/2022	No	Jean Claude Lapuyade	TCW OC RE Settlement	550.00	0:12	110.00	18,540.00
01/26/2022	No	Jean Claude Lapuyade	Revisions to SAR	550.00	0:18	165.00	18,705.00
01/28/2022	No	Tesla Stone	Review Stip to Cont; File Maintenance	150.00	0:30	75.00	18,780.00
02/04/2022	No	Jean Claude	Settlement - Revised Settlement Agreement	550.00	1:12	660.00	19,440.00

JCL Law Firm

Unbilled Time

Activity: All Dates

ACTIVITY DATE	POSTING	EMPLOYEE	MEMO/DESCRIPTION	RATE	DURATION	AMOUNT	BALANCE
		Lapuyade					
03/04/2022	No	Tesla Stone	Review SAR; Circulate; File Maintenance	150.00	0:48	120.00	19,560.00
04/05/2022	No	Jean Claude Lapuyade	Legal Research - PAGA Approval Standards	550.00	1:48	990.00	20,550.00
04/11/2022	No	Jean Claude Lapuyade	Law and Motion - Revised MPA	550.00	1:12	660.00	21,210.00
04/15/2022	No	Jean Claude Lapuyade	Law and Motion - Drafted, Revised, Edited and Finalized Approval Motion	550.00	2:54	1,595.00	22,805.00
Total for Brown v. NRI (002-220)					51:12	\$22,805.00	