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Attorneys for Plaintiffs JEREMY R. RODRIGUEZ and VAQAR HUSSAIN
individually and on behalf of all others similarly situated

[Additional Counsel Listed On Next Page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

JEREMY R. RODRIGUEZ and VAQAR
HUSSAIN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

KELLES TRANSPORT SERVICE LLC dba
SOAR TRANSPORTATION GROUP; a Utah
Limited Liability Company, and DOES 1
through 50, inclusive,

Defendants.

CASE NO.: CIVDS2015275

[Unlimited Jurisdiction]

*Assigned for all purposes to the Honorable
Janet M. Frangie, Department S29]*

**DECLARATION OF JAMES HAWKINS
IN SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT; MEMORANDUM OF
POINTS AND AUTHORITIES**

Date: June 30, 2023

Time: 08:30 a.m.

Dept.: S29

**BLUMENTHAL NORDREHAUG
BHOWMIK DE BLOUW LLP**

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Kyle R. Nordrehaug (State Bar #205975)

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DECLARATION OF JAMES HAWKINS

I, James Hawkins, declare as follows:

1. I am an individual over the age of 18. I am a partner at the law firm of James Hawkins, APLC. I am one of the attorneys of record for Plaintiff Jeremy Rodriguez (hereinafter referred to as "Plaintiff" or "Class Representative"), who commenced this class and PAGA action on behalf of the Class Members and Aggrieved Employees on or about July 16, 2020. I submit this declaration in support of Plaintiff's Motion for Final Approval of Class Action Settlement, which Plaintiff filed concurrently herewith, along with the supporting Memorandum of Points and Authorities. I have personal knowledge of the facts set forth below, and if called to testify regarding them, I could and would do so competently.

2. I have a great deal of experience in wage and hour class action litigation. I have obtained certification of several classes, I have been approved as class counsel in many other wage/hour class actions, and I am currently litigating numerous others. Although not an all inclusive list, over the years I have prosecuted the following class action matters as lead and/or co-lead counsel, all of which implicated similar law and facts to those associated with this action:

a. *Aguilar v. 7-Eleven, Inc., et. al.*, Orange County Superior Court- Case No.: 30-2009-00268714-CU-OE-CXC. Certified Wage and Hour Class action seeking premium wages for meal period and rest periods and resultant penalties. Class Notice pending.

b. *Carey, et. al. v. Arthur J. Gallagher, et. al.*, USDC, SOUTHERN DISTRICT- Case No.: 09-cv-0168. Wage and Hour Class action seeking past wages of overtime for misclassification of insurance claims adjusters employed by Gallagher Bassett, a third party administrator (TPA) in the State of California. Certification granted. Plaintiffs' counsel co-lead counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

c. *Dao v. 3M Company, et al.* USDC, CENTRAL DISTRICT, Case No. CV-08-04554. Wage and Hour Class Action case seeking past wages for "off the clock", overtime and meal and rest break violations for production workers in the State of

1 California. Plaintiffs' Counsel appointed as Lead Counsel. Case settled, Final
2 Approval granted, no objections and funds fully distributed.

3 d. *Ortiz v. Kmart*, USDC, CENTRAL DISTRICT, Case No. SACV 06-638 ODW.
4 Wage and Hour Class Action case seeking past wages for meal and rest period
5 violations for retail employees in the State of California. Plaintiffs' counsel appointed
6 co-lead counsel. Case settled, Final Approval granted, no objections and funds fully
7 distributed.

8 e. *Morgan v. Aramark Campus, LLC*, USDC, CENTRAL DISTRICT, Case No.
9 SACV08-00412. Wage and Hour Class Action case seeking past wages for meal and
10 rest period violations for retail employees in the State of California. Plaintiffs'
11 Counsel appointed as Lead Counsel. Case settled, Final Approval granted, no
12 objections and funds fully distributed.

13 f. *West v Iron Mountain Information Management, Inc, et. al.*; Los Angeles County
14 Superior Court, Case No. BC393709. Wage and Hour Class Action seeking past
15 wages for overtime, meal and rest break violations for driver employees in the State of
16 California. Settlement for "binding arbitration." Arbitration Award for Plaintiff Class.
17 Arbitration Award confirmed. Plaintiffs' counsel, lead trial counsel and class counsel.

18 g. *Gonzalez v. Superior Industries Inter, Inc., et al.*, Los Angeles County Superior
19 Court, Case No. BC 357912. Wage and Hour Class Action seeking past wages for
20 overtime, meal and rest breaks violations for production employees in the State of
21 California. Plaintiffs' counsel appointed as lead counsel. Case settled, Final Approval
22 granted, no objections and funds fully distributed.

23 h. *Acosta v. Fleetwood Travel Trailers of California, Inc., et al.*, Riverside County
24 Superior Court, Case No. RIC 440630. Wage and Hour Class Action seeking past
25 wages for overtime, meal and rest break violations for production employees in the
26 State of California. Plaintiffs' counsel appointed as co-lead counsel. Case settled,
27 Final Approval granted, no objections and funds fully distributed.

28 i. *Walker v. Sharkeez, et al.*, Orange County Superior Court, Case No. 05CC00293.

1 Wage and Hour Class Action seeking past wages for unlawful deductions, meal and
2 rest break violations for restaurant employees in the State of California. Plaintiffs'
3 counsel appointed as lead counsel. Case settled, Final Approval granted and funds
4 fully distributed.

5 j. *Padron v. Universal Protection Service, et al*, Orange County Superior Court, Case
6 No. 05CC00013. Wage and Hour Class Action seeking past wages for overtime, meal
7 and rest break violations for security officers in the State of California. Plaintiffs'
8 counsel appointed as co-lead counsel. Case settled, Final Approval granted, no
9 objections and funds fully distributed.

10 k. *Martinez v. Securitas Security Services USA, et al.*, Santa Clara Superior Court,
11 Case No. 105-CV047499, et al. J.C.C.P. No. 4460. Wage and Hour Class Action
12 seeking past wages for meal and rest break violations for security officers employed by
13 defendant in the State of California. Plaintiffs' counsel and co-counsel. Case settled,
14 Final Approval granted and funds fully distributed.

15 l. *Velasquez-Lopez v. Hotel Cleaning Services, Inc. et al.*, Riverside Superior Court,
16 Case No. RIC 420909. Wage and Hour Class Action seeking past wages for overtime,
17 meal and rest break violations for housekeepers employed by defendant in the State of
18 California. Plaintiffs' counsel appointed as lead counsel. Case settled, Final Approval
19 granted, no objections and funds fully distributed.

20 m. *Ruiz, et al. v. Unisource Worldwide, Inc., et al.*, USDC, CENTRAL DISTRICT,
21 Case No. CV09-05848. Wage and Hour Class Action seeking past wages for meal and
22 rest period violations for non-exempt employees employed by defendant in the state of
23 California. Case settled. Awaiting Preliminary Approval hearing. Plaintiff has
24 petitioned the Court for Lead Counsel.

25 n. *Herrador v. Culligan International Company, et al.*, USDC, CENTRAL
26 DISTRICT, Case No. SACV 08-680. Wage and Hour Class Action seeking past wages
27 for field and branch employees of defendant in the State of California. Plaintiffs'
28 counsel appointed as lead counsel. Case settled and awaiting Final Approval.

1 o. *Defries v. Domain Restaurants, et al.*, Orange County Superior Court, Case No.
2 05CC00128. Wage and Hour Class Action seeking past wages for restaurant
3 employees of defendant in the State of California. Plaintiffs' counsel appointed as lead
4 counsel. Case settled, Final Approval granted, no objections and funds fully
5 distributed.

6 p. *Denton v. BLB Enterprises, Inc., et al.*, Orange County Superior Court, Case No.
7 07CC01292. Wage and Hour Class Action seeking unpaid overtime, meal and rest
8 break violations for security guards employed by defendant in the State of California.
9 Plaintiffs' counsel appointed as lead counsel. Case settled, Final Approval granted, no
10 objections and funds fully distributed.

11 q. *Rios v. Sandberg Furniture Manufacturing Co., Inc, et al.*, Los Angeles Superior
12 Court, Case No. BC411477. Wage and Hour Class Action seeking unpaid meal and
13 rest break violations for production employees employed by defendant in the State of
14 California. Plaintiff counsel appointed as lead counsel. Case settled, Final Approval
15 granted, no objections and funds fully distributed.

16 r. *McMurray v. Dave and Busters, Inc., et al.*, Orange County Superior Court, Case
17 No. 06CC00099. Wage and Hour Class Action seeking past wages for meal and rest
18 break violations for restaurant employees employed by defendant in the State of
19 California. Plaintiffs' counsel appointed as co-lead counsel. Case settled, Final
20 Approval granted, no objections and funds fully distributed.

21 s. *Osuna v. DFG Restaurants, Inc., et al.*, Los Angeles Superior Court, Case No. BC
22 330145. Wage and Hour Class Action seeking past wages of overtime for mis-
23 classification of managers employed by Defendant, DBA Carl's Jrs. in the State of
24 California. Plaintiffs' counsel appointed as co-lead counsel. Case settled, Final
25 Approval granted, no objections and funds fully distributed.

26 t. *Burns v. Gymboree Operations, Inc., et al.*, San Francisco Superior Court, Case No.
27 CGC-07-461612. Wage and Hour Class Action seeking past wages for meal and rest
28 break violations for retail employees employed by defendant in the State of California.

1 Plaintiffs' counsel appointed lead counsel. Case settled, Final Approval granted, no
2 objections and funds fully distributed.

3 u. *Willems v. Diedrich Coffee, Inc.*, et al., Orange County Superior Court, Case No.
4 07CC00015. Wage and Hour Class Action seeking past wages of overtime for mis-
5 classification of managers employed by Defendant in the State of California.

6 Plaintiffs' counsel appointed lead counsel. Case settled, Final Approval granted, no
7 objections and funds fully distributed.

8 v. *Davila, et al. v. Beckman Coulter, Inc.*, et al., Orange County Superior Court, Case
9 No. 07CC01347. Wage and Hour Class Action seeking past wages for overtime, meal
10 and rest break violations for production workers employed by defendant in the State of
11 California. Plaintiffs' counsel appointed lead counsel. Case settled; final approval
12 granted; no objections and funds fully distributed.

13 w. *Perez v. Naked Juice Company of Glendora, Inc.*, Los Angeles Superior Court,
14 Case No. BC387088. Wage and Hour Class Action seeking past wages for overtime,
15 meal and rest period violations for production employees employed by defendant in the
16 State of California. Plaintiff counsel appointed as lead counsel. Case settled, Final
17 Approval granted, no objections and funds fully distributed.

18 3. Here, the Parties' agreement to pay Class Counsel Fees of 33.333% of the GSA is
19 reasonable. My firm and I along with co-counsel have been the only firms to represent plaintiffs
20 and the Settlement Class in this matter, and we have borne the entire risk and cost of this litigation
21 on a pure contingency fee basis. The legal issues raised drew significantly upon my experience
22 and the extensive review and analysis of documents and information by me and others at my firm
23 and our co-counsel. In a complex action such as this, the proposed attorneys' fees are, at the very
24 least, on the low side of the market rate for contingency fees.

25 4. To date, my firm's lodestar exceed the requested attorneys' fees in this matter.
26 Therefore, the requested attorneys' fees are fair and reasonable.

27 5. In addition to the requested attorneys' fees, our office has expended approximately
28 \$12,650.55 in costs in prosecuting this action. These costs have been necessary costs associated

1 with prosecution of this important matter. Counsel for Plaintiffs respectfully request the Court
2 grant the request to have these costs repaid from the Settlement. Attached hereto as **Exhibit 1** is a
3 true and correct copy of Class Counsel's costs bill.

4 6. Accordingly, I believe the Settlement to be fair, reasonable, and adequate and in the
5 best interests of the Settlement Class. The fairness and adequacy of the Settlement is confirmed
6 by all known facts and circumstances, including the risk of significant delay and uncertainty
7 associated with litigation, the various defenses asserted by Defendant, and numerous potential
8 appellate issues.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed on June
10 6, 2023 at Irvine, California.

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EXHIBIT 1

Matter Billing Detail

Report Date: 6/5/2023
Report Time: 10:30AM
Page: 1 of 3
User ID: R. Hawkins

JAMES HAWKINS APLC

Date Range: 01/01/1900 to 06/05/2023
Client: KELLESTRNS01 - Jeremy R Rodriguez
Matter: KELLESTRANS002 - Kelles Transport Service -Soar Transportation- Jeremy Rodriguez

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
		Balance Forward:	\$0.00						
07/15/2020	FST	First Legal Network- FILED- complaint; summons; civil case cover sheet; cert of assingment IN#30133807	\$93.34		Unbilled				
07/16/2020	POS	Postage- Certified mail sent to agent re LWDA filing	\$8.99		Unbilled				
07/16/2020	FIL	Filing Fee- LWDA Filing CK#8747	\$75.00		Unbilled				
08/12/2020	FST	First Legal Network - Additional Billing, Complaint, Summons, Civil Sheet, cert IN#30136335	\$1,578.50		Unbilled				
08/26/2020	FST	First Legal Network - Filed, Peremptory Challenge IN#30136335	\$77.94		Unbilled				
09/10/2020	FST	First Legal Network- Process Serve: Complaint and initial docs, and filed Proof of Service IN#30139041	\$157.70		Unbilled				
10/27/2020	FST	First Legal Network Joint initial case management report IN#30141510	\$77.94		Unbilled				
10/30/2020	FST	First Legal Network - Plaintiff's State of Position (e-filed) IN#30141510	\$83.05		Unbilled				
11/04/2020	FST	First Legal Network Notice of Continuance, FAC IN#30143879	\$168.48		Unbilled				
01/26/2021	FST	First Legal Network - Filing, Joint CMC Report , IN#30149229	\$77.94		Unbilled				
03/16/2021	MED	Mediation Services IN#1175 CK#9120	\$7,000.00		Unbilled				
05/19/2021	EXA	Expert Analysis IN#4210	\$950.00		Unbilled				
06/17/2021	FST	First Legal Network- Filed- Joint Status Conference Report- IN#30162706	\$77.94		Unbilled				
07/21/2021	CCL	Court Call- 06.25.21-Status Conference- GEM	\$94.00		Unbilled				
09/15/2021	EXA	Expert Analysis- IN#00151 CK#9502	\$230.00		Unbilled				
10/04/2021	CRT	Court Documents- Stipulation and Proposed order	\$32.50		Unbilled				
10/06/2021	FST	First Legal Network - Filing: Joint SC Report IN: 30175944	\$77.94		Unbilled				
12/30/2021	FST	First Legal Network - Filing branch PDF next day, Joint status conf report IN#30182125	\$77.94		Unbilled				

Matter Billing Detail

JAMES HAWKINS APLC

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
01/07/2022	CCL	Court Call - SC	\$94.00		Unbilled				
04/28/2022	FST	First Legal Network - Filing - Joint Status Conference Report IN#30195930	\$81.21		Unbilled				
05/05/2022	FST	First Legal Network- Filed noice of TSC Continuance IN30199329	\$94.71		Unbilled				
07/29/2022	FST	First Legal Network - Filing, Joint Status Conference Report IN#30205948	\$81.21		Unbilled				
12/01/2022	FST	First Legal Network - Filing - Motion for Preliminary Approval, Joint SC Report, Plf's Ntc of Hearing IN# 30222171	\$552.73		Unbilled				
12/08/2022	CRT	Court Documents - 12.08.22 pulling order off docket	\$2.50		Unbilled				
02/03/2023	CRT	Court Documents 02.08.23 CCL Confirmation - Mtn - GEM	\$72.00		Unbilled				
02/08/2023	FST	First Legal Network - Filing - Prop Amended order IN# 30227367	\$86.11		Unbilled				
02/09/2023	CRT	Court Documents - Order Re Prelim Approval	\$5.50		Unbilled				
Total:			\$12,009.17	\$0.00					
Balance:			\$12,009.17						

Matter Billing Detail

JAMES HAWKINS APLC

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
Total Fees Billed-----			\$0.00						
Total Fees Unbilled : -----			\$0.00						
Total Fees Received : -----			\$0.00						
Total Soft Cost Billed : -----			\$0.00						
Total Soft Cost Unbilled : -----			\$0.00						
Total Soft Cost Received : -----			\$0.00						
Total Hard Cost Billed : -----			\$0.00						
Total Hard Cost Unbilled : -----			\$12,009.17						
Total Hard Cost Received : -----			\$0.00						
Total Taxes Billed : -----			\$0.00						
Total Taxes Unbilled : -----			\$0.00						
Total Taxes Received : -----			\$0.00						
Total Late Charges Billed : -----			\$0.00						
Total Late Charges Unbilled: -----			\$0.00						
Total Late Charges Received : -----			\$0.00						
Trust Balance: -----			\$0.00						

Matter Billing Detail

Report Date:6/5/2023

Report Time:10:30AM

Page:1 of 1

User ID:R. Hawkins

JAMES HAWKINS APLC

Date Range:01/01/1900 to 06/05/2023

Client:KELLESTRNS01 - Jeremy R Rodriguez

Matter:CELLCRETE003 - Kelles Transport -PAGA- -Soar Transportation- Jeremy Rodriguez

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
Balance Forward:			\$0.00						
09/21/2020	FST	First Legal Network Filing of Complaint and initial documents IN#30139041	\$563.44		Unbilled				
12/14/2020	FST	First Legal Network - Filing Notice of Acknowledgement IN#30146136	\$77.94		Unbilled				
Total:			\$641.38	\$0.00					
Balance:			\$641.38						
Total Fees Billed- -----		\$0.00							
Total Fees Unbilled : -----		\$0.00							
Total Fees Received : -----		\$0.00							
Total Soft Cost Billed : -----		\$0.00							
Total Soft Cost Unbilled : -----		\$0.00							
Total Soft Cost Received : -----		\$0.00							
Total Hard Cost Billed : -----		\$0.00							
Total Hard Cost Unbilled : -----		\$641.38							
Total Hard Cost Received : -----		\$0.00							
Total Taxes Billed : -----		\$0.00							
Total Taxes Unbilled : -----		\$0.00							
Total Taxes Received : -----		\$0.00							
Total Late Charges Billed : -----		\$0.00							
Total Late Charges Unbilled: -----		\$0.00							
Total Late Charges Received : -----		\$0.00							
Trust Balance: -----		\$0.00							