

1 Thomas D. Rutledge (SBN 200497)
2 Attorney-at-Law
3 16956 Via de Santa Fe, Suite 1847
4 Rancho Santa Fe, California 92091-4606
5 Telephone: (619) 886-7224
6 Email: thomasrutledgelaw@gmail.com

7 Attorneys for Plaintiffs
8 [Additional counsel listed on next page]

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN DIEGO-CENTRAL DIVISION

11 JUAN LIMON, individually and on
12 behalf of himself and others similarly
13 situated,

14 Plaintiffs,

15 vs.

16 ROMAN BERNAL PAINTING
17 CORPORATION DBA PRO-TECH
18 PAINTING COMPANY, a California
19 corporation; ROMAN EUGENE
20 BERNAL, an individual; LISA
21 MICHELLE BERNAL, an individual;
22 and DOES 1 through 50 inclusive

23 Defendants.

) Case No.: 37-2021-00002171-CU-OE-
) CTL

) Judge: Hon. Timothy Taylor
) Dept.: C-72

) **DECLARATION OF**
) **CHRISTOPHER C. TAYLOR ISO**
) **PLAINTIFFS' MOTION TO**
) **APPROVE PAGA SETTLEMENT**

) Date Complaint Filed: 01/19/2021
) Trial Date: Not Set

) Hearing Date: September 8, 2023
) Hearing Time: 1:30 p.m.

1 Rory K. Pendergast (SBN 266765)
2 The Pendergast Law Firm, PC
3 3019 Polk Avenue
4 San Diego, California 92104
5 Telephone: (619) 344-8699
6 Facsimile: (619) 344-8701

7 Christopher C. Taylor declares:

8 1. I am an attorney at law licensed to practice in all the courts of the State
9 of California. I am employed by the Pendergast Law Firm, PC, attorney of record
10 for Plaintiff Juan Limon, individually and on behalf of himself and others similarly
11 situated. I make this declaration in support of Plaintiff's Motion to Approve PAGA
12 Settlement. I have personal knowledge of the matters stated in this declaration and
13 if called as a witness, I could competently testify to the truth of the following.

14 **Education and Experience:**

15 2. I received my undergraduate degree from Emory University in 1992.
16 Thereafter, I obtained my juris doctorate from the Northwestern School of Law at
17 Lewis & Clark College in 1997. After graduating law school, I clerked for the Hon.
18 Deborah Agosti of the Nevada District (state) Court from 1997 to 1998. I was
19 licensed to practice in Oregon in 1997 and was admitted to the California bar in
20 January 1999. I moved to California in 2000 and externed for the Hon. Irma
21 Gonzalez in early 2000.

22 3. Since being admitted to practice in California, I have primarily worked
23 for myself, with my practice consisting of general civil litigation with a slight
24 emphasis on employment law. I've worked for the Pendergast Law Firm, PC on an
25 ad hoc basis for close to 10 years. I have been involved in several significant class-
26 action, wage-and-hour lawsuits (including misclassification cases against Rite Aid
27 Corp. and Macy's in the early to mid-2000s). Along with Mr. Pendergast, we
28 handled representative actions on behalf of employees: (1) *Kennedy v. Chao Dental Corp., et al.* Case No. BC2624568 (Los Angeles Superior Court), final PAGA

1 settlement approved June 2017 (single and representative action for failure to pay
2 overtime, meals and rest break violations, and wrongful termination); (2) *Matthew*
3 *v. Crab Hut, Inc.*, Case No. 37-2015-26864-CU-OE-CTL (San Diego Superior
4 Court), final PAGA settlement approved June 2016 (single and representative wage
5 and hour action for improper wage deductions, failure to provide proper breaks and
6 accurate pay-stubs). Other PAGA cases include *Anton v. Vocational Training*
7 *Institutes, Inc.*, Case No. 2018-27152-CU-OE-CTL (San Diego Superior Court),
8 final PAGA settlement approved July 11, 2019; and *Anton v. California College*
9 *San Diego, Inc.*, Case No. 2015-18336-CU-OE-CTL (San Diego Superior Court),
10 final PAGA settlement approved June 28, 2016.

11 4. I have represented workers in single-plaintiff and representative wage
12 and hour litigation matters since 2000.

13 5. For lodestar calculations, I believe \$625.00 per hour is a reasonable
14 hourly rate for my time. While it is in the Court's discretion, given my experience
15 litigating PAGA and wage and hour actions as plaintiff counsel, \$625.00 per hour
16 is an appropriate rate for my services in wage and hour representative action cases
17 of this nature and is consistent with the hourly rate of counsel with similar expertise
18 and experience in the area of complex wage claims. Moreover, the United States
19 District Court for the Southern District of California, Hon. Janis Sammartino,
20 awarded Rory Pendergast of the Pendergast Law Firm, PC, \$575.00 per hour in
21 2021.

22 6. My role in this case consisted of analyzing Plaintiff Juan Limon's wage
23 claim (including analyzing the wage statements provided to him by Defendant
24 Roman Bernal Painting Corporation dba Pro-Tech Painting Company). My analysis
25 was memorialized in the substantive responses Plaintiff made on November 15,
26 2021 to Defendants' first set of written discovery, including the response to Form
27 Interrogatory No. 8.7, itemizing Plaintiff's claim for unpaid overtime and
28 unreimbursed business expenses, as well as penalties (waiting time penalties,

1 penalties for failing to provide his personnel file, and penalties for missed meal
2 periods). I met with Mr. Limon, analyzed the documentation and prepared the
3 discovery responses. I also was the primary drafter (including the meet and confer
4 correspondence, moving papers and the reply) of Plaintiff's Motion to Compel
5 Defendant Roman Bernal Painting Corporation dba Protech Painting Company to
6 Provide Further Responses to Plaintiff's Demand for Inspection, Set Two, and for
7 Sanctions, along with Plaintiff's Opposition to Defendants' Motion for Protective
8 Order. The two motions were heard together on September 29, 2022, in Department
9 C-64. Plaintiff largely prevailed on both motions. All told, I spent approximately
10 75 hours on this case from its inception to resolution and when multiplied by the
11 hourly rate of \$625.00, the time lodestar amount would equal \$46,875.00.

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

14 Executed this 14 August 2023 at San Diego, California.

15 

16 _____
17 Christopher C. Taylor
18
19
20
21
22
23
24
25
26
27
28