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15 Attorneys for Plaintiff,
16 OFELIA ORTEGA on behalf of herself
17 and all similarly aggrieved employees

18 **SUPERIOR COURT OF CALIFORNIA**

19 **COUNTY OF MONTEREY**

20 OFELIA ORTEGA, on behalf of herself
21 and all similarly aggrieved employees,

22 Plaintiff,

23 v.

24 SUNLIGHT BERRY FARMS, INC.; and
25 DOES 1 through 50, inclusive,

26 Defendants.

Case No. 20CV002558

**DECLARATION OF B. JAMES
FITZPATRICK IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: October 28, 2022

Time: 8:30 a.m.

Dept.: 14

Complaint Filed: September 24, 2020

FAC Filed: January 1, 2021

SAC Filed: January 6, 2022

1 I, B. James Fitzpatrick, declare as follows:

2 1. I am an attorney duly licensed to practice before all courts in the State of
3 California, and I am a partner in law firm of Fitzpatrick & Swanston, counsel of record for
4 Plaintiff Ofelia Ortega ("Plaintiff"). I have personal knowledge of the facts set forth below
5 and if called to testify I could and would do so competently.

6 2. I am familiar with all aspects of this case and all tasks undertaken by the various
7 members of this firm in litigating this case. I have spent significant time researching and
8 pursuing the claims that have been alleged in this action.

9 3. Based on my review of all the information, and based on my experience in class
10 action litigation, I believe this settlement to be fair, reasonable, and adequate.

11 4. I do not have a conflict of interest with Plaintiff or any Class Member.

12 5. I do not have any association with the designated *cy pres* recipient that would
13 present a conflict of interest.

14 6. My qualifications are as follows: I received my bachelor's degree from the
15 University of California, Santa Barbara and my Juris Doctor degree from the University of
16 Santa Clara School of Law. I have practiced law since 1987. The primary emphasis of my
17 practice is employment litigation. I have represented both employers and employees.
18 Approximately 15 years ago my office commenced handling plaintiff class action wage and
19 hour cases. Since then, my office has handled hundreds of wage and hour cases to conclusion
20 and has been class counsel and/or co-counsel in over 100 class actions. Currently, we have
21 multiple ongoing wage and hour class actions in Alameda County Superior Court, Monterey
22 County Superior Court, Nevada County Superior Court, Santa Clara Superior Court, San
23 Benito Superior Court, Santa Cruz Superior Court, Ventura County Superior Court, and the
24 United States District Court, Northern District of California, where we will seek class
25 certification by way of a settlement or a class certification motion.

26 I declare under penalty of perjury under the laws of the State of California that the
27 foregoing is true and correct and if called as a witness I could and would competently testify to
28 each of the matters stated herein, and I state that these matters are based upon my own

1 personal knowledge acquired through first-hand observation, except where stated otherwise.

2 This declaration was executed by me on September 2, 2022, in Salinas, California.

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6 B. James Fitzpatrick
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