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10 Attorneys for Plaintiff MARIA CASTILLO-RODRIGUEZ,
11 on behalf of herself and others similarly situated

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES

14
15 MARIA CASTILLO-RODRIGUEZ, an
individual on behalf of herself and all others
16 similarly situated,

17 Plaintiff,

18 vs.

19 HR OUTSOURCING ASSOCIATES,
LLC, a Delaware limited liability company;
20 CALIFORNIA DISTRIBUTION CENTER,
a business entity of unknown form; and
21 DOES 1 through 50, inclusive,

22 Defendants.
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Case No.: 20STCV44138

REPRESENTATIVE ACTION

Assigned for All Purposes To:
Hon. Robert Broadbelt
Dept.: 53

**DECLARATION OF DAVID YEREMIAN IN
SUPPORT OF JOINT STIPULATION RE
PAGA PENALTY SETTLEMENT**

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1 6. After agreeing to conduct a mediation, the parties have exchanged informal discovery,
2 including Defendant's production of relevant policies, representative wage statements, and other
3 documents and employee and pay period counts. On May 18, 2022, the Parties participated in a
4 meditation with Gail Glick. Ms. Glick helped to manage the Parties' expectations and provided a useful,
5 neutral analysis of the issues and risks to both sides. With Ms. Glick's guidance, the Parties were able to
6 negotiate a complete settlement of Plaintiff's PAGA claim. The terms of the settlement are now set forth
7 in complete and final form in the Private Attorneys General Act (Labor Code § 2698, *et seq.*) Settlement
8 Agreement ("Settlement Agreement" or "Settlement"). At all times, the Parties' negotiations were
9 adversarial and non-collusive.

10 **QUALIFICATIONS AND ADEQUACY OF PLAINTIFF'S COUNSEL**

11 7. My firm is well-qualified because of our experience, knowledge, and resources to act as
12 counsel and represent Plaintiff and the LWDA and aggrieved employees in this action. My practice is
13 exclusively focused on employment matters, with a substantial percentage devoted to litigating wage,
14 hour, and working-conditions violations on a class-wide and representative basis.

15 8. I graduated from UC Berkeley in 1997 and received my law degree and MBA from
16 UCLA in 2001. I am a member of the Los Angeles County Bar Association and the California
17 Employment Lawyers Association. I have been honored as a Super Lawyers Rising Star in 2009, 2010,
18 2012-2015. I have been named honored as a Super Lawyer since 2016.

19 9. I have been practicing law since 2003. Since 2007, I have focused almost exclusively on
20 representing employees, including in PAGA and wage-and-hour class actions. During my career I have
21 represented employees in hundreds of lawsuits as lead or co-lead counsel, and I have obtained six and
22 seven figure settlements against a range of defendants, including Fortune 500 companies. These cases
23 have involved the gamut of wage-and-hour claims, including claims for failure to pay minimum wages,
24 unpaid wages and overtime, failure to provide meal and rest breaks, failure to reimburse necessary
25 business expenses, inaccurate pay statements, failure to pay timely wages—similar to claims at issue in
26 the present matter.

27 10. I am experienced in prosecuting employment matters, particularly class and
28 representative actions. In addition to the present case, I am also counsel for dozens of other putative

1 wage-and-hour class-action and representative lawsuits pending in various state and federal jurisdictions
2 throughout California.

3 11. My extensive experience in litigating employment wage and hour matters has been
4 integral in identifying legal issues, evaluating the strengths and weaknesses of a case, and generally
5 negotiating fair and reasonable class and representative action settlements. Practice in the narrow field of
6 wage and hour litigation requires skill and knowledge concerning the constantly evolving substantive
7 law (state and federal), as well as the procedural law of class action litigation and that specific to the
8 PAGA. In this action, I am fully equipped to use the skills and knowledge I have developed through
9 more than a decade of litigating to fairly and adequately represent the interests of the aggrieved
10 employees and the State. Therefore, on the account of my resources, experience, and knowledge, I am
11 well-qualified to act as Plaintiff's Counsel and represent Plaintiff and the aggrieved employees and the
12 LWDA in this action.

13 12. In the last several years I have had several contested class cases certified and have
14 litigated many PAGA claims. When necessary we pursue cases on appeal. Based on my experience, I
15 am well-qualified to evaluate the claims in this action, and to evaluate settlement v. trial and defenses
16 raised. I have negotiated hundreds of class and representative action settlements, including many
17 involving the same issues presented in this case. A selection of cases wherein I have served as lead or co-
18 lead counsel includes: *Galavis v. Patina Restaurant Group, LLC* (LASC BC375225; class size approx.
19 10,000; co-lead counsel); *Milford v. ADT Security Services, Inc.* (CACD CV08-2236; class size approx.
20 2,000; lead counsel); *Carreon v. Wolfgang Puck Catering and Events, LLC* (LASC BC398569; class
21 size approx. 1,400; lead counsel); *Fluke v. RFG Oil, Inc.* (LASC BC403354; class size approx. 1,400;
22 lead counsel); *Urena v. Camachos Restaurant* (LASC BC365913; class size approx. 887; lead counsel);
23 *Smith v. Rio Rancho Pontiac GMC Buick Inc.* (LASC BC391187; class size approx. 860; lead counsel);
24 *Callela v. Dolce Group* (LASC BC364711; class size approx. 600; lead counsel); *Vasquez v. The*
25 *Hollywood Pig n Whistle LP* (LASC BC335075; class size approx. 600; lead counsel); *Goldman v.*
26 *Aorta Restaurant Operating LP* (LASC BC379688; class size approx. 300; lead counsel); *Sink-Crilly v.*
27 *Centex Homes* (CACD CV09-2476; class size approx. 250; lead counsel); *Utey v. Cranbrook Partners*
28 *Inc.* (LASC BC392813; class size approx. 200; lead counsel); *Garcia v. California Credits Group*

(LASC BC353213; class size approx. 160; lead counsel); *Afanasyev v. Miller Infiniti, Inc.* (LASC BC350788; class size approx. 160; lead counsel); *Morris v. Gymboree, Inc.* (LASC BC393270; class size approx. 150; lead counsel); *Ortega v. AJC Sandblasting, Inc.* (LASC BC378806; class size approx. 140; lead counsel); *Lulejyan v. Jim Falk Motors of Beverly Hills, Inc.* (LASC BC398459; class size approx. 72; lead counsel); *Rylko v. The Griddle Café, Inc.* (LASC BC386126; class size approx. 70; lead counsel); *Healy v. Siemens IT Solutions and Services, Inc.* (Santa Clara Superior Court 108CV113479; class size approx. 60; lead counsel).

13. I and our firm have been deemed adequate and approved to serve as Plaintiff's Counsel by Courts throughout California, including in the following class and PAGA actions we have settled and taken through final approval and distribution:

- a. *Rowser v. Trunk Club, Inc.*, CD Cal. Case No. 2:17-cv-05064-DSF-RAO (Hon. Dale S. Fischer).
- b. *Rodriguez v PD Products, Inc.*, Los Angeles County Superior Court, Case No. BC696710 (Hon. Mauren E. Nelson).
- c. *Basiliari v Allegiant Air, LLC*, CD Cal. Case No. 2:18-cv-3888 RGK (MRWx) (Hon. R. Gary Klausner).
- d. *Hernandez v Fedex Ground Package System, Inc.*, ND Cal. Case No. 3:17-cv-02074-VC (Hon. Vince G. Chhabria).
- e. *Savinovich v Starbucks Corporation, Evolution Fresh, Inc. et al.*, Santa Cruz County Superior Court, Case No. 17CV02050 (Hon. Paul Burdick).
- f. *Verdugo v Denali Water Solutions, LLC*, CD Cal Case No. 5:18-cv-00170-ODW (SHK) (Hon. Otis D. Wright II).
- g. *Zepeda v MasTec Network Solutions, LLC, et al.*, CD Cal. Case No. 5:18-cv-00749-VAP-SHK (Hon. Virginia A. Phillips).
- h. *Sanchez v Pacific Southwest Container, Inc.*, Stanislaus County Superior Court, Case No. 2028679 (Hon. Marie Sovey Silveira).
- i. *Danelian v Medix Staffing Solutions, Inc. and City of Hope National Medical Center*, Los Angeles County Superior Court, Case No.

BC649846 (Hon. Kenneth R. Freeman).

- j. *Sanchez v. AM Retail Group*, ND Cal. Case No. 3:18-cv-00287-JCS (Hon. Joseph C. Spero);
- k. *Orr v. PetVet Care Centers (California), Inc. et al.*, Santa Clara County Case No. 19CV354063 (Hon. Patricia M. Lucas);
- l. *Williams, Baldwin v. Staff Pro, Inc.*, Orange County Superior Court, Case No. 30-2016-00890905-CU-OE-CXC (Hon. Randall J. Sherman);
- m. *Rangel v. W.W. Grainger, Inc.*, Stanislaus County Superior Court, Case No. CV-18-0030341 (Hon. John D. Freeland);
- n. *Cardiel v. MillerCoors LLC*, Los Angeles County Superior Court, Case No. 19STCV02979 (Hon. Rupert A. Byrdsong);
- o. *California Forensic Medical Group Wage and Hour Cases*, JCCP4999, Monterey County Superior Court (Hon. Lydia M. Villarreal).
- p. *Cervantes v. RGW Construction, Inc.*, Alameda County Superior Court, Case No. RG16826895 (Hon. Stephen Pulido);
- q. *Cooks v. Reliant Real Estate Management, Inc.*, Los Angeles County Superior Court, Case No. 18STCV05531 (Hon. Amy D. Hogue);
- r. *Ornelas v. National Storage Affiliates Trust, et al.*, San Francisco County Superior Court, Case No. CGC-18-571421 (Hon. Curtis E.A. Karnow);
- s. *Jiminez, Carrera v. Lancaster Burns Construction, Inc.*, Sonoma County Superior Court Case No. SCV-265708 (Hon. Patrick Broderick).

ATTORNEYS' FEES AND COSTS

14. As part of the Settlement for the Gross Settlement Amount of \$162,570.00, Defendant does not object to Counsel's request for attorney's fees up to thirty five percent of the total settlement sum, or \$56,899.50, plus up to \$6,457.44 for reimbursement of litigation costs. Plaintiff is entitled to recover reasonable attorneys' fees, expenses, and costs under Section 2699(g)(1) of the California Labor Code, but counsel also provides lodestar details. This request is fair, reasonable, and adequate to

1 compensate Counsel for the substantial work they have put into this case since its inception and,
2 moreover, the risk they assumed by taking it in the first place.

3 15. My firm took this case on a contingent-fee basis against a business represented by a
4 reputable defense firm. When we take contingent cases, we must pay careful attention to the economics
5 involved or one bad case can destroy years of work. Accordingly, when we take contingency cases, we
6 anticipate that we will, if successful, receive a fee that exceeds our normal hourly rate; otherwise, the risk
7 is often too great to bear. Even when we work long hours, the number of hours in a day is limited.
8 Because of this, when we take on one particular matter, we are unable to take on all of the other matters
9 we would otherwise be able to undertake. When Plaintiff's Counsel became involved in this case, we
10 realized the time commitment that it would entail and we were forced to turn down matters that we
11 otherwise should have been able to handle. In sum, this case claimed a significant portion of Counsel's
12 time and attention throughout its pendency.

13 16. The requested fees are reasonable for the services provided to the aggrieved employees
14 and the LWDA and for the benefits they are to receive. Indeed, even with a requested multiplier under
15 the lodestar theory, Counsel's fees will still be justified. My co-counsel is also providing a declaration
16 from Sahag Majarian addressing the hours and fees they have invested in litigating this action, and the
17 costs they have incurred.

18 17. To provide the Court with an overview of the work done by our firm as Plaintiff's
19 Counsel in this case, without requiring the review of all our correspondence and timekeeping records and
20 the like, I have reviewed our file and any records entered into our timekeeping system for myself and the
21 attorneys from our firm who have worked on this action, along with all the pleadings and discovery
22 documents and e-mails and other correspondence exchanged with co-counsel, defense counsel, and the
23 Court.

24 18. Two of our firm attorneys have worked on this action and have been involved since its
25 inception in 2020, myself and our associate Natalie Haritoonian. Based on my review of the above-
26 described documents and records, and the information provided by Ms. Haritoonian, David Yeremian &
27 Associates, Inc. has incurred **138** hours and **\$80,500** in attorneys' fees for lodestar cross check purposes
28 as summarized by the below table:

Attorney	Title	CA Bar Year	Rate	Hours	Fees
David Yeremian	Managing Attorney	2003	\$750	46	\$34,500
Natalie Haritoonian	Associate	2018	\$500	92	\$46,000
			Totals:	138	\$80,500

19. While Plaintiff's Counsel is seeking an award of attorneys' fees under the percentage of the common benefit approach and according to the PAGA statute authorizing their award, Counsel's lodestar calculation also supports the requested attorneys' fees. The lodestar calculation typically proceeds in three steps. First, a trial court must determine a baseline guide or "lodestar" figure based on the time spent and reasonable hourly compensation for each attorney involved in the case. *Serrano v. Priest* (1975) 20 Cal.3d 25, 48. The court then sets a reasonable hourly fee to apply to the time expended, with reference to the prevailing rates in the geographical area in which the action is pending. *Bihun v. AT&T Information System* (1993) 13 Cal.App.4th 976, 997. Finally, a "multiplier" is selected with reference to the following factors: (1) the novelty and difficulty of issues involved, (2) the skill displayed in presenting them, (3) the extent to which the nature of the litigation precluded other employment by the attorneys, and (4) the contingent nature of the fee award, based on the uncertainty of prevailing on the merits and of establishing eligibility for the award. *Serrano*, supra, 20 Cal.App.3d at 49.

20. Counsel charges rates commensurate with the prevailing market rates in the Los Angeles area for attorneys of comparable experience and skill handling complex litigation. The hourly rates for individual lawyers who mainly worked on this matter are: David Yeremian \$750/hr and Natalie Haritoonian at \$500/hr. Aside from being warranted by our skill, experience and ability, Plaintiff's Counsel's rates that were used in application of the lodestar cross check in this case, are supported by the respected and accepted Laffey Matrix. According to the Laffey Matrix, Counsel's rates are less than or in line with the prevailing market rates and are less than the rates as they increased over time. (David Yeremian \$750 v. \$742 (18 years), Natalie Haritoonian \$500 v. \$508 (5 years)).

21. Rates at \$700/hr have now been requested before Courts throughout California in several other matters without objection or concern, including the following:

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- a. *Sanchez v. AM Retail Group*, ND Cal. Case No. 3:18-cv-00287-JCS (Hon. Joseph C. Spero);
- b. *Orr v. PetVet Care Centers (California), Inc. et al.*, Santa Clara County Case No. 19CV354063 (Hon. Patricia M. Lucas);
- c. *Williams, Baldwin v. Staff Pro, Inc.*, Orange County Superior Court, Case No. 30-2016-00890905-CU-OE-CXC (Hon. Randall J. Sherman);
- d. *Rangel v. W.W. Grainger, Inc.*, Stanislaus County Superior Court, Case No. CV-18-0030341 (Hon. John D. Freeland);
- e. *Cardiel v. MillerCoors LLC*, Los Angeles County Superior Court, Case No. 19STCV02979 (Hon. Rupert A. Byrdsong);
- f. *California Forensic Medical Group Wage and Hour Cases*, JCCP4999, Monterey County Superior Court (Hon. Lydia M. Villarreal).
- g. *Cervantes v. RGW Construction, Inc.*, Alameda County Superior Court, Case No. RG16826895 (Hon. Stephen Pulido);
- h. *Cooks v. Reliant Real Estate Management, Inc.*, Los Angeles County Superior Court, Case No. 18STCV05531 (Hon. Amy D. Hogue);
- i. *Ornelas v. National Storage Affiliates Trust, et al.*, San Francisco County Superior Court, Case No. CGC-18-571421 (Hon. Curtis E.A. Karnow);
- j. *Jiminez, Carrera v. Lancaster Burns Construction, Inc.*, Sonoma County Superior Court Case No. SCV-265708 (Hon. Patrick Broderick).

22. Co-counsel are also extremely well-respected wage and hour class action and representative PAGA litigators, and have been practicing for many years, and are also providing a supporting declaration for our requests for fees and costs and representative payments. Our firm attorneys, paralegals, and staff have incurred substantial hours in prosecuting this action. Counsel submits the percentage of the common fund approach should be followed to assess the reasonableness of our fees request, but any lodestar multiplier will be justified. I submit any required multiplier is well-justified in this instance in that our efforts and abilities have positioned this action for reasonable

1 resolution which is best for the parties and the employees and LWDA, and such efficient resolution
2 should be preferred to incurring more billable hours through contested motion practice and discovery
3 wars. In sum, this case claimed a significant portion of Counsel's time and attention throughout its
4 pendency.

5 **REQUEST FOR REASONABLE COST REIMBURSEMENT**

6 23. Plaintiff's Counsel's Costs/Expenses reimbursement request at final approval will not
7 exceed \$10,000.00. At **Exhibit A** to this Declaration, I provide a detailed invoice of the costs which
8 David Yeremian & Associates, Inc. has incurred in connection with litigating this action from its
9 inception through the present. David Yeremian & Associates, Inc. has incurred \$6,457.44 in costs to
10 date. The following is a summary of the reasonable costs our firm has incurred broken down by expense
11 categories, and the invoice at **Exhibit A** to this Declaration provides further details.

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Expense Categories	Amount
Copying, Printing & Scanning and Facsimiles	\$907.44
Mediation Fees and Expert Analysis	\$5,550.00
Total	\$6,457.44

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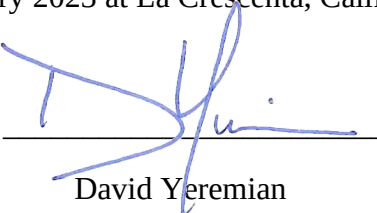
15 24. On January 10, 2023, Plaintiff uploaded the Joint Stipulation re PAGA Settlement to the
16 LWDA. A true and correct copy of the confirmatory email from the LWDA is attached hereto as
17 **Exhibit B.**

18 25. We appreciate the Court's time and reasoned consideration of our Settlement, and
19 respectfully request that the Court grant settlement approval.

20 I declare under penalty of perjury under the laws of California and the United States that
21 the foregoing is true and correct.

22 Executed on this 10th day of January 2023 at La Crescenta, California.

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David Yeremian

EXHIBIT A

Cost report for CASTILLO-RODRIGUEZ v. HR OUTSOURCING ASSOCIATES, LLC

Date	TaskCode	Payee	Description	Cost	Acct/Check No
9/11/2020		LWDA	PAGA LETTER	\$75.00	PAGA LETTER 4321
11/18/2020		Rapid Legal	SUMMONS & COMPLAINT - filing fee advanced	\$463.80	Filing
11/20/2020		Rapid Legal	PROCESS OF SERVICE - HR OUTSOURCING ASSOCIATES, LLC	\$96.54	SERVICE
11/23/2020		Rapid Legal	PROCESS OF SERVICE - CALIFORNIA DISTRIBUTION CENTER	\$127.51	SERVICE
12/14/2020		Rapid Legal	POS OF SUMMONS - 2 ENTITIES	\$14.66	Filing
3/9/2021		Rapid Legal	CMS (3.17.21)	\$10.33	Filing
4/6/2021		Rapid Legal	REQ FOR DISMISSAL OF DEF HR OUTSOURCING; DEC DY; [P]O	\$14.66	Filing
8/31/2021		LASC	ORDER DISMISSING DEF HR OUTSOURCING ASSOCIATES, LLC	\$3.00	DOCUMENT RETRIE
3/22/2022		LA COURT CONNECT	CMC (3.17.22)	\$15.00	REMOTE APPEARAN
4/20/2022		JUDICATE WEST	MEDIATION (5.18.22)	\$4,650.00	MEDIATION ACH
5/4/2022		Rapid Legal	NTC OF CHANGE OF ADDRESS	\$16.73	Filing
5/25/2022		BERGER CONSULTIN	MEDIATION EXPERT ANALYSIS	\$900.00	EXPERT ANALYSIS A
1/10/2023		Rapid Legal	STIP FOR PAGA APPROVAL - stip fee advanced	\$36.75	Filing
1/10/2023		Rapid Legal	NTC OF ENTRY OF ORDER AND FINAL JUDGMENT	\$16.73	Filing
1/10/2023		Rapid Legal	DEC OF CLAIMS ADMIN RE FINAL DISBURSEMENT	\$16.73	Filing

TOTAL COST \$6,457.44

Total Cost By Account

DOCUMENT RETRIEVAL	\$3.00
EXPERT ANALYSIS	\$900.00
Filing	\$590.39
MEDIATION	\$4,650.00
PAGA LETTER	\$75.00
REMOTE APPEARANCE	\$15.00
SERVICE	\$224.05

EXHIBIT B