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Attorneys for Plaintiff,
KARINA MOSQUEDA, on behalf of herself and all similarly situated employees

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

KARINA MOSQUEDA, on behalf of
herself and all similarly aggrieved
employees,

Plaintiff,

v.

SANSEI GARDENS, INC.; NEW IMAGE
LANDSCAPE COMPANY; and DOES 1
through 50, inclusive,

Defendants.

Case No. 21CV000325

(Assigned to the Hon. Thomas W. Wills, Dept.
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**DECLARATION OF B. JAMES
FITZPATRICK IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: February 10, 2023

Time: 8:30 A.M.

Dept.: 15

Complaint Filed: February 3, 2021

FAC Filed: September 27, 2022

Trial Date: Not Set

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 the
4 named plaintiff Karina Mosqueda ("Plaintiff").

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

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

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

22 5. Neither my firm nor my co-counsel has any conflict of interest with Plaintiff or
23 any Class Member. My firm believes the settlement is fair, reasonable, and in the best interest
24 of the class.

25 6. I do not have any association with the designated *cy pres* recipient, Watsonville
26 Law Center, that would present a conflict of interest.

27 I declare under penalty of perjury under the laws of the State of California that the
28 foregoing is true and correct and if called as a witness I could and would competently testify to

1 each of the matters stated herein, and I state that these matters are based upon my own
2 personal knowledge acquired through first-hand observation, except where stated otherwise.
3 This declaration was executed by me on January 18, 2023, in Salinas, California.

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5 /s/ B. James Fitzpatrick
6 B. James Fitzpatrick
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