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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF SANTA BARBARA**  
**COOK DIVISION**

LILIA GARCÍA-BROWER, in her official  
capacity as Labor Commissioner for the State  
of California,

Plaintiff,

v.

ALCO HARVESTING LLC d/b/a  
BONIPAK PRODUCE, INC.;  
BETTERAVIA FARMS LLC d/b/a  
BONIPAK PRODUCE, INC.;  
BETTERAVIA INVESTMENT LLC d/b/a  
BONIPAK PRODUCE, INC.;  
GRUBSTAKE INVESTMENTS LLC d/b/a  
BONIPAK PRODUCE, INC.; BONITA  
PACKING CO. d/b/a BONIPAK  
PRODUCE, INC.; and DOES 1-20,  
inclusive,

Defendants.

Case No. 21CV02855  
Consolidated with 21CV00299 and 21CV04639  
Related Cases: 22CV02506, 23CV03669

**DECLARATION OF JONATHAN  
MELMED IN SUPPORT OF PLAINTIFFS'  
MOTION FOR APPROVAL OF  
SETTLEMENT;**

**[Filed concurrently with Declarations of Alec  
Segarich, Ruben Escobedo, Jeremy Rhyne,  
Sandra Aguila, and Dawson Morton]**

Date: December 3, 2025  
Time: XXXXXXXX  
Dept: 8:30 a.m.  
1/ Hon. Patricia L. Kelly

Complaint filed: 7/16/2021  
Trial Date: None set

(No fee per Labor Code §§ 101, 101.5 and  
Government Code § 6103)

JESUS GUZMAN,

Plaintiff,

v.

Santa Barbara Sup. Ct. Case No. 21CV00299

Action filed: January 22, 2021  
Trial date: none set

ALCO HARVESTING, LLC, BETTERAVIA  
FARMS, LLC, BONIPAK PRODUCE, INC.;  
and DOES 1-20, Inclusive,  
  
Defendants.

STATE OF CALIFORNIA ex rel. EDGAR  
CISNEROS, as Private Attorney General,  
  
Plaintiff(s),

v.

ALCO HARVEST, INC., a corporation;  
RANCHO HARVEST, INC., a corporation;  
JESUS MANRIQUEZ, an individual; ALAIN  
PINCOT, an individual; ROBERT M.  
FERINI, an individual; MITCHELL D.  
ARDANTZ, an individual; CRAIG A.  
READ, an individual; and JEREMY M.  
MACKENZIE, an individual; and DOES 1-  
25, inclusive,  
  
Defendants.

San Luis Obispo Sup. Ct. Case No. 21CV04639

Action filed: February 13, 2020  
Trial date: none set

**DECLARATION OF JONATHAN MELMED  
IN SUPPORT OF PAGA SETTLEMENT APPROVAL**

I, Jonathan Melmed, declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am counsel for Plaintiff Laura Frutos Rodales (“Plaintiff Rodales”), the proposed PAGA Aggrieved Employees and the State of California as private attorney general. As such, I am familiar with the file in this matter and if called as a witness I could and would competently testify to the following facts of my own personal knowledge.

2. I am over the age of eighteen and have personal knowledge of the matters asserted herein and competent to testify if called upon to do so.

3. This declaration is submitted in support of Plaintiff’s Motion for Approval of Settlement.

**THE EXPERIENCE AND VIEW OF PLAINTIFF’S COUNSEL**

4. In 2007, I received a B.A. from New York University, in New York, New York. In 2012, I received a J.D. from Loyola Law School, El Dorado. I became a member of the Bar of the State of California in June 2013.

5. From 2012 through 2014, I was an associate attorney at Von Behren & Hunter, LLP (“VBH”) in Manhattan Beach, California. At VBH, I litigated complex commercial litigation matters where I represented life and health insurers in bad faith, ERISA, breach of contract and related disputes. At VBH, I also represented and assisted in the representation of hotels, restaurants and real estate development groups in state and federal commercial litigation, including class action cases (*see, i.e. Daniel Flannery v. McCormick & Schmicks Seafood Restaurants*, El Dorado County Superior Court, Case No. BC487942).

6. From February 2015 through the present, I have been a founding and managing shareholder in the firm of Melmed Law Group P.C. where I represented and continue to represent thousands of employees in wage and hour class actions, and other employment-related matters. Melmed Law

1 Group P.C. has extensive experience in the litigation of complex cases, including California-wide  
2 class actions. Specifically, Melmed Law Group P.C. has extensive experience representing  
3 California employees in class action wage-and-hour cases involving non-compliant rest breaks, such  
4 as this one. I am also an active of member of the plaintiff's employment bar association called the  
5 California Employment Lawyers Association ("CELA").  
6

7 7. In addition to the instant case, I have developed extensive experience in litigating class action  
8 and PAGA action employment matters in California, including the following approved settlements:

- 9 • *Blan v. Button Transportation, Inc.* (Super. Ct. Solano County, No. FCS045949) [final  
10 approval granted on December 8, 2016; Hon. Michael Mattice];
- 11 • *Cleary v. Penske Truck Leasing Co., L.P.* (Super. Ct. San Bernardino County, No.  
12 CIVDS1600144) [final approval granted on February 8, 2017; Hon. Janet M. Frangie];
- 13 • *Plimpton v. Gordon Trucking, Inc.* (Super. Ct. San Bernardino County, No.  
14 CIVDS1511918) [final approval granted on February 16, 2017; Hon. Donald Alvarez];
- 15 • *Broner v. Michael Dusi Trucking, Inc.* (Super. Ct. San Luis Obispo County, No.  
16 16CVP-0044) [final approval granted on March 15, 2017; Hon. Donald G. Umhofer];
- 17 • *Riley v. Pacific Tank Lines, Inc.* (Super. Ct. San Bernardino County, No.  
18 CIVDS1603263) [final approval granted on March 28, 2017; Hon. John M. Pacheco];
- 19 • *Davis v. Western Merchandise Express, Inc.* (Super. Ct. Kern County, No. BCV-16-  
20 101216) [final approval granted on April 26, 2017; Hon. Sidney P. Chapin];
- 21 • *Long v. Covenant Transport, Inc.* (E.D.Tenn., No. 1:15-cv-278) [final approval granted  
22 on April 28, 2017; Hon. Travis R. McDonough];
- 23 • *Pena v. Inner Valley Transport, Inc.* (Super. Ct. Kern County, No. BCV-100625-LHB)  
24 [final approval granted on May 5, 2017; Hon. Thomas S. Clark];
- 25 • *Upton v. Coremark International, Inc.* (Super. Ct. San Francisco County, No. CGC 15-  
26 549348) [final approval granted on May 10, 2017; Hon. Curtis E.A. Karnow];
- 27 • *Ramirez v. Castlewood West, LLC* (Super. Ct. Monterey County, No. 16CV01137)  
28 [final approval granted on May 18, 2017; Hon. Lydia Villarreal];
- *William Haynes v. Reliable Trucking, Inc.* (Super. Ct. Contra Costa County, No. C16-  
01237) [final approval granted on May 26, 2017; Hon. Barry P. Goode];

- 1 • *Davis v. Transforce, Inc.* (Super. Ct. Kern County, No. BCV-16-101393) [final  
2 approval granted on June 5, 2017; Hon. Thomas S. Clark];
- 3 • *Harris v. Jerry DeBriar Logging Co., Inc.* (Super. Ct. Cowlitz County, No. 16-2-  
4 00402-5) [final approval granted on June 7, 2017; Hon. Stephen M. Warning];
- 5 • *Powers v. Estenson Logistics, LLC* (Super. Ct. San Bernardino County, No.  
6 CIVDS1602295) [final approval granted on July 12, 2017; Hon. David Cohn];
- 7 • *Hugues v. The Morning Star Trucking Company, LLC* (Super. Ct. Yolo County, No.  
8 CV16-1215) [final approval granted on August 3, 2017; Hon. W. Arvid Johnson];
- 9 • *Waddell v. Dalton Trucking, Inc.* (Super. Ct. San Bernardino County, No.  
10 CIVDS1603262) [final approval granted on August 7, 2017; Hon. John M. Pacheco];
- 11 • *Campos v. Black Eagle Trucking, Inc.* (Super. Ct. San Diego County, No. 37-2016-  
12 00023781-CU-OE-CTL) [final approval granted on August 25, 2017; Hon. Timothy  
13 Taylor];
- 14 • *Asplund v. White Timber Industries, Inc.* (Super. Ct. Cowlitz County, Wash., No. 16-  
15 2-00870-5) [final approval granted on September 13, 2017; Hon. Michael Evans];
- 16 • *Elson v. Covey Auto Express, Inc.* (Super. Ct. San Joaquin County, No. STK-CV-UOE-  
17 2016-0009114) [final approval granted on September 18, 2017; Hon. Linda L.  
18 Lofthus];
- 19 • *Torres v. Salinas Farm Labor Contractor, Inc.* (Super. Ct. Stanislaus County, No.  
20 2018173) [final approval granted on December 19, 2017; Hon. Roger M. Beauchesne];
- 21 • *Young v. First Class Service Trucking, Inc.* (Super. Ct. San Joaquin County, No. STK-  
22 CV-UOE-2016-10381) [final approval granted January 2, 2018; Hon. Elizabeth  
23 Humphreys];
- 24 • *Isabella v. Equinox Holdings, Inc.* (Super. Ct. L.A. County, No. BC578960) [final  
25 approval granted on January 4, 2018; Hon. Ann I. Jones];
- 26 • *Grumm v. T.J.S. Leasing & Holding, Co., Inc.* (Super. Ct. Humboldt County, No.  
27 DR160492) [final approval granted on February 6, 2018; Hon. Kelly L. Neel];
- 28 • *Robins v. Versa Logistics, LLC* (Super. Ct. L.A. County, No. BC644321) [final  
approval granted on March 26, 2018; Hon. Carolyn B. Kuhl];
- *Chavez v. Shamrock Foods Company* (C.D.Cal., No. 5:17-cv-00731-SVW-AFM) [final  
approval granted on April 11, 2018; Hon. Stephen V. Wilson];

- 1 • *Diaz v. Absolute West, LLC* (Super. Ct. L.A. County, No. BC647126) [final approval
- 2 granted on April 19, 2018; Hon. Maren E. Nelson];
- 3 • *Herman v. Andrus Transportation Services, Inc.* (C.D.Cal., No. 5:16-CV-02365-AG-
- 4 DTB) [final approval granted on May 14, 2018; Hon. Andrew J. Guilford];
- 5 • *Hernandez v. J.V.C. Truck Lines, Inc.* (Super. Ct. San Bernardino County, No.
- 6 CIVDS1714857) [final approval granted on May 22, 2018; Hon. Brian S. McCarville];
- 7 • *Happell v. Hercules Forwarding, Inc.* (Super. Ct. L.A. County, No. BC639636) [final
- 8 approval granted on June 14, 2018; Hon. Carolyn B. Kuhl];
- 9 • *Medina v. Timmerman Starlite Trucking, Inc.* (Super. Ct. Stanislaus County, No.
- 10 2023292) [final approval granted on June 15, 2018; Hon. Roger M. Beauchesne];
- 11 • *Brown v. Saks & Company, LLC* (C.D.Cal., No. 2:17-cv-04210-SJO) [final approval
- 12 granted on July 16, 2018; Hon. S. James Otero];
- 13 • *Flores v. Aqua Terra Culinary, Inc.* (Super. Ct. Monterey County, No. 17CV002672)
- 14 [final approval granted on July 18, 2018; Hon. Lydia Villarreal];
- 15 • *Myers v. LBC Limited Partnership* (Super. Ct. San Bernardino County, No.
- 16 CIVDS1715068) [final approval granted on July 25, 2018; Hon. Janet M. Frangie];
- 17 • *Westphal v. New York Life Insurance Company* (Super. Ct. Placer County, No.
- 18 SCV0040562) [final approval granted on August 30, 2018; Hon. Michael W. Jones];
- 19 • *Hollis v. Union Pacific Railroad Company* (C.D.Cal., No. 5:17-cv-02449-JGB) [final
- 20 approval granted on September 17, 2018; Hon. Jesus G. Bernal];
- 21 • *Cheifer v. WHGM, Inc.* (Super. Ct. L.A. County, No. LC104900) [final approval
- 22 granted on September 21, 2018; Hon. Rupert A. Byrdsong];
- 23 • *Hernandez-Chulo v. E&R Trucking, Inc.* (Super. Ct. Merced County, No. 18CV-
- 24 00882) [final approval granted on October 29, 2018; Hon. Brian McCabe];
- 25 • *Freeman v. Redwood Wise Riders, Inc.* (Super. Ct. Solano County, No. FCS050140)
- 26 [approval granted on December 4, 2018; Hon. Wendy G. Getty];
- 27 • *Ricci v. HSS, Inc.* (Super. Ct. Yuba County, No. CVCV17-00967) [final approval
- 28 granted on December 4, 2018; Hon. Stephen W. Berrier];
- *Antonov v. GL HHR, Inc.* (Super. Ct. San Bernardino County, No. CIVDS1724725)
- [final approval granted on December 11, 2018; Hon. David Cohn];
- *Pena v. Keystone Freight Corp.* (Super. Ct. Tulare County, No. VCU269897) [final
- approval granted on January 14, 2019; Hon. Melinda M. Reed];

- 1 • *Westbrook v. Winco Holdings, Inc.* (Super. Ct. Riverside County, No. RIC171068)  
2 [final approval granted on January 17, 2019; Hon. Raquel A. Marquez];
- 3 • *Jackie Thompson v. Cheema Freightlines, LLC* (Super. Ct. San Joaquin County, No.  
4 STK-CV-UOE-2017-01011658) [final approval granted on February 6, 2019; Hon.  
5 Roger Ross];
- 6 • *Pazo v. Incredible Adventures* (Super. Ct. San Francisco County, No. CGC-16-555971)  
7 [final approval granted on February 25, 2019; Hon. Anne-Christine Massullo];
- 8 • *Reboucas v. Trans International Trucking, Inc.* (Super. Ct. L.A. County, No.  
9 BC644182) [final approval granted on May 9, 2019; Hon. Maren E. Nelson];
- 10 • *Myers v. Jerome's Furniture Warehouse* (Super. Ct. San Bernardino County, No.  
11 CIVDS1710569) [final approval granted on June 11, 2019; Hon. Janet M. Frangie];
- 12 • *Juarez v. Magic Laundry Services, Inc.* (Super. Ct. L.A. County, No. BC713767)  
13 [approval granted on June 14, 2019; Hon. William F. Highberger];
- 14 • *Rangel v. Guard-Systems, Inc.* (Super. Ct. L.A. County, No. 19STCV19613) [approval  
15 granted on June 18, 2019; Hon. Yolanda Orozco];
- 16 • *Castaing v. East Bay Automotive Company* (Super. Ct. Alameda County, No.  
17 RG17879115) [final approval granted on June 24, 2019; Hon. Brad Seligman];
- 18 • *Juarez v. Mike Lowrie Trucking, Inc.* (Super. Ct. Kern County, No. BCV-18-  
19 100177TSC) [final approval granted on August 8, 2019; Hon. Thomas S. Clark];
- 20 • *Pia v. 5G's Automotive, Inc.* (Super. Ct. Tulare County, No. VCU274628) [final  
21 approval granted on September 6, 2019; Hon. Brett D. Hillman];
- 22 • *Thomas v. Commercial Protective Services, Inc.* (Super. Ct. San Bernardino County,  
23 No. CIVDS1821925) [final approval granted on September 16, 2019; Hon. David  
24 Cohn];
- 25 • *Berbano v. Ingram Micro, Inc.* (Super. Ct. San Bernardino County, No.  
26 CIVDS1826085) [final approval granted on September 17, 2019; Hon. David Cohn];
- 27 • *Guerra v. U.S. Polymers, Inc.* (Super. Ct. San Bernardino County, No.  
28 CIVDS1829174) [approval granted on September 20, 2019; Hon. David Cohn];
- *Lopez-Urrutia v. Southwest V-Ditch Inc.* (Super. Ct. San Bernardino County, No.  
CIVDS1833332) [final approval granted on October 16, 2019; Hon. David Cohn];

- 1 • *Guy v. California Lutheran University* (Super. Ct. Ventura County, No. 56-219-  
2 00524415-CU-OE-VTA) [final approval granted on November 6, 2019; Hon. Mark C.  
3 Borrell];
- 4 • *Moseby v. Renzenberger, Inc.* (Super. Ct. San Bernardino County, No.  
5 CIVDS1725125) [final approval granted on November 7, 2019; Hon. Janet M.  
6 Frangie];
- 7 • *Woodard v. AH 2005 Management, L.P.* (Super. Ct. Monterey County, No.  
8 18CV001986) [approval granted on November 21, 2019; Hon. Lydia M. Villarreal];
- 9 • *Ramirez v. William J. Wickwire M.D.* (Super. Ct. San Bernardino County, No.  
10 CIVDS1913102) [final approval granted on November 25, 2019; Hon. David Cohn];
- 11 • *Lyons v. SAIA Motor Freight Line, LLC* (Super. Ct. San Bernardino County, No.  
12 CIVDS1828225) [final approval granted on December 9, 2019; Hon. David Cohn];
- 13 • *Baker v. Vallejo CJD, LLC* (Super. Ct. Tulare County, No. VCU273830) [final  
14 approval granted on December 16, 2019; Hon. David C. Mathias];
- 15 • *Tsao v. Giorgio Armani Corporation* (Super. Ct. Orange County, No. 30-218-  
16 01000817-CU-OE-CXC) [final approval granted on December 20, 2019; Hon. Peter J.  
17 Wilson];
- 18 • *Burnham v. DGDGI* (Super. Ct. Santa Clara County, No. 2018-1-CV-331434) [final  
19 approval granted on January 17, 2020; Hon. Thomas E. Kuhnle];
- 20 • *Martinez v. E&A Protective Services-Bravo, LLC* (E.D.Cal., No. 1:18-cv-00658-BAM)  
21 [final approval granted on January 17, 2020; Hon. Barbara A. McAuliffe];
- 22 • *Cardoso v. Rogers & Rogers, Inc.* (Super. Ct. Imperial County, No. ECU000637) [final  
23 approval granted on January 27, 2020; Hon. Brooks Anderholt];
- 24 • *Mora v. The Complete Logistics Company* (Super. Ct. San Bernardino County, No.  
25 CIVDS1833922) [final approval granted on February 10, 2020; Hon. David Cohn];
- 26 • *Lopez v. Ruiz Food Products, Inc.* (Super. Ct. Tulare County, No. VCU 275105) [final  
27 approval granted on March 10, 2020; Hon. Bret D. Hillman];
- 28 • *Jaurigue v. Knights of Columbus* (Super. Ct. San Bernardino County, No.  
CIVDS1824508) [final approval granted on July 10, 2020; Hon. David Cohn];
- *Lopez v. Unitek College NCP, LLC* (Super. Ct. Kern County, No. BCV-19-102146)  
[final approval granted on July 15, 2020; Hon. Stephen D. Schuett];

- 1 • *Ashe v. Farmers Insurance Group* (Super. Ct. L.A. County, No. 18STCV00453) [final  
2 approval granted on July 20, 2020; Hon. Steven J. Kleinfeld];
- 3 • *Martin v. Break the Floor Productions LLC* (Super. Ct. San Diego County, No. 37-  
4 2019-00029711-CU-OE-CTL) [final approval granted on October 23, 2020; Hon.  
5 Kenneth J. Medel];
- 6 • *Robles v. Winsford II Corporation* (Super. Ct. San Bernardino County, No.  
7 CIVDS1902903) [final approval granted on November 3, 2020; Hon. David Cohn];
- 8 • *Lopez v. RTS Holdings, LLC* (Super. Ct. San Bernardino County, No. CIVDS1934904)  
9 [final approval granted on November 24, 2020; Hon. David Cohn];
- 10 • *Romero v. Carl Zeiss Meditec Production* (Super. Ct. San Bernardino County, No.  
11 CIVDS1907556) [final approval on December 3, 2020; Hon. David Cohn];
- 12 • *Soto v. Britz Farming Corp* (Super. Ct. Merced County, No. 19CV04182) [final  
13 approval granted on December 8, 2020; Hon. Brian L. McCabe];
- 14 • *Martinez v. Global Sales & Warehousing, LLC* (Super. Ct. Ventura County, No. 56-  
15 2019-00534178-CU-OE-VTA) [final approval granted on December 18, 2020; Hon.  
16 Matthew P. Guasco];
- 17 • *Gaxiola v. Lloyds Manufacturing Services, Inc.* (Super. Ct. San Bernardino County,  
18 No. CIVDS1939269) [final approval granted on February 2, 2021; Hon. David Cohn];
- 19 • *Ancona v. Populus Financial Group, Inc.* (Super. Ct. L.A. County, No. 19STCV41065)  
20 [approval granted on February 18, 2021; Hon. Maurice A. Leiter];
- 21 • *Elayda v. Physassist Scribes, Inc.* (Super. Ct. San Bernardino County, No.  
22 CIVDS2002023) [final approval granted on March 1, 2021; Hon. David Cohn];
- 23 • *Lee v. Home Delivery Logistics, Inc.* (Super. Ct. Alameda County, No. RG18927149)  
24 [final approval granted on March 2, 2021; Hon. Winifred Y. Smith];
- 25 • *Pagh v. Wyndham Vacation Ownership, Inc.* (C.D.Cal., No. 8:19-cv-00812-JWH-  
26 ADSx) [final approval granted on March 23, 2021; Hon. John W. Holcomb];
- 27 • *Robinson v. Paragon Systems, Inc.* (Super. Ct. Sacramento County, No. BC720142)  
28 [final approval granted on April 1, 2021; Hon. Elihu Berle];
- *Lachman v. Berlitz Languages, Inc.* (Super. Ct. L.A. County, No. 19STCV01533) [final  
approval granted on April 1, 2021; Hon. Carolyn Kohl];
- *Murray v. Scelzi Enterprises, Inc.* (Super. Ct. Riverside County, No. RIC2002545)  
[final approval granted on April 13, 2021; Hon. Sunshine Sykes];

- 1 • *Ruiz v. SAILA Motor Freight Line, LLC* (Super. Ct. San Bernardino County, No. CIVDS2014796) [final approval granted on May 19, 2021; Hon. David Cohn];
- 2 • *Gallegos v. TST, Inc.* (Super. Ct. San Bernardino County, No. CIVDS1933834) [final
- 3 approval granted on May 20, 2021; Hon. David Cohn];
- 4 • *Cornejo v. Weidner Property Management LLC* (Super. Ct. San Bernardino County,
- 5 No. CIVDS2016465) [final approval granted on May 25, 2021; Hon. David Cohn];
- 6 • *Garcia v. Construction Innovations Group, LLC* (Super. Ct. Sacramento County, No.
- 7 34-2020-00285239) [final granted on May 25, 2021; Hon. Shama H. Mesiwala];
- 8 • *Aguirre v. Swinerton Builders* (Super. Ct. San Bernardino County, No. CIVDS
- 9 1925363) [final approval granted on May 26, 2021; Hon. David Cohn];
- 10 • *Pease v. Wattrans, Inc.* (Super. Ct. San Bernardino County, No. CIVDS1919832) [final
- 11 approval granted on June 3, 2021; Hon. Thomas Garza];
- 12 • *Moreira v. University of Redlands* (Super. Ct. San Bernardino County, No.
- 13 CIVDS1913813) [final approval granted on June 8, 2021; Hon. David Cohn];
- 14 • *Garcia v. Cardenas Markets, LLC* (Super. Ct. San Bernardino County, No.
- 15 CIVDS1917380) [final granted on July 1, 2021; Hon. David Cohn];
- 16 • *Robinzine v. Mohawk ESV, Inc.* (Super. Ct. San Bernardino County, No.
- 17 CIVDS1930033) [final approval granted on July 7, 2021; Hon. David Cohn];
- 18 • *Cuevas v. Action Embroidery Corp.* (Super. Ct. San Bernardino County, No.
- 19 CIVDS2012230) [final approval granted on July 29, 2021; Hon. David Cohn];
- 20 • *Urquizo v. Santos Montemayor FLC, Inc.* (Super. Ct. Kern County, No. BCV-20-
- 21 101587) [final granted on July 30, 2021; Hon. Thomas S. Clark];
- 22 • *San Juan v. San Marcos Growers* (Super. Ct. Ventura County, No. 56-2020-00542257-
- 23 CU-OE-VTA) [final approval granted on August 13, 2021; Hon. Matthew P. Guasco];
- 24 • *Cartagena v. Impact Healthcare* (Super. Ct. Tulare County, No. VCU283955)
- 25 [approval granted on August 30, 2021; Hon. David C. Mathias];
- 26 • *Reveles v. Certis U.S.A. L.L.C.* (Super. Ct. Kern County, No. BCV-20-102315) [final
- 27 approval granted on October 4, 2021; Hon. Bernard C. Barmann Jr.];
- 28 • *Rico v. Western Mesquite Mines, Inc.* (Super. Ct. Imperial County, No. ECU000873)
- [final approval granted on October 14, 2021; Hon. Jeffrey B. Jones];
- *Correa v. Newell Brands, Inc.* (Super. Ct. San Bernardino County, No.
- CIVDS1901381) [final approval granted on October 29, 2021; Hon. David Cohn];

- 1 • *Gonzalez v. Frank Carson Landscape & Maintenance, Inc.* (Super. Ct. Sacramento  
2 County, No. 34-2020-00289370) [final approval granted on November 4, 2021; Hon.  
3 Christopher E. Krueger];
- 4 • *Nelson v. Hardwoods Specialty Products US LP* (Super. Ct. Alameda County, No.  
5 RG19046262) [final approval granted on November 18, 2021; Hon. Evelio Grillo];
- 6 • *Lopez v. KLX Inc.* (Super. Ct. Tulare County, No. VCU275330) [final approval granted  
7 on November 30, 2021; Hon. Bret Hillman];
- 8 • *Golightly v. AMDA, Inc.* (Super. Ct. L.A. County, No. 20STCV13173) [final approval  
9 granted on December 1, 2021; Hon. Amy D. Hogue];
- 10 • *Bollinger-Felt v. Pacific Bells, LLC* (Super. Ct. Stanislaus County, No. CV-20-000680)  
11 [final approval granted on January 27, 2022; Hon. Stacy P. Speiller];
- 12 • *Mahdian v. AG Laguna Hills, LLC* (Super. Ct. Orange County, No. 30-2019-01098085-  
13 CU-OE-CJC) [approval granted on February 4, 2022; Hon. Randall J. Sherman];
- 14 • *Martinez v. East Coast/West Coast Logistics, LLC* (Super. Ct. San Bernardino County,  
15 No. CIVDS1932745) [final approval granted on March 2, 2022; Hon. David Cohn];
- 16 • *Aguilera v. Salmex Pizza, Inc.* (Super. Ct. San Bernardino County, No.  
17 CIVDS2014336) [approval granted on March 10, 2022; Hon. David Cohn];
- 18 • *Sotelo v. Cosmetix West* (Super. Ct. L.A. County, No. 19STCV28580) [final approval  
19 granted on March 23, 2022; Hon. Kenneth R. Freeman];
- 20 • *Dulay v. Center for Social Dynamics* (Super. Ct. Alameda County, No. RG20055934)  
21 [final approval granted on April 7, 2022; Hon. Frank Roesch];
- 22 • *Pena v. Canyon Plastics, Inc.* (Super. Ct. L.A. County, No. 20STCV34161) [final  
23 approval granted on April 13, 2022; Hon. Amy D. Hogue];
- 24 • *Guerrero v. Advanced Vision Science, Inc.* (Super. Ct. Santa Barbara County, No.  
25 18CV05341) [final approval granted on May 9, 2022; Hon. Donna Geck];
- 26 • *Velasco v. Jasmine Vineyards, Inc.* (Super. Ct. Kern County, No. BCV-19-101405)  
27 [final approval granted on May 18, 2022; Hon. Bernard C. Barmann, Jr.];
- 28 • *Sampson v. Diversified Conveyors International, LLC* (Super. Ct. San Bernardino  
County, No. CIVDS2018610) [final approval granted on June 3, 2022; Hon. Rafael A.  
Arreola];

- 1 • *Martinez v. Victorian Care Homes of the Monterey Peninsula, Inc.* (Super. Ct. Monterey County, No. 20CV002456) [final approval granted on June 29, 2022; Hon. Thomas W. Wills];
- 2
- 3 • *Lujano v. General Production Service of California, Inc.* (Super. Ct. Kern County, No. BCV-20-102705) [final approval granted on July 6, 2022; Hon. Bernard C. Barmann Jr.];
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- 5
- 6 • *Matus v. Flory Industries* (Super. Ct. Stanislaus County, No. CV-20-003117) [final approval granted on August 11, 2022; Hon. John D. Freeland];
- 7
- 8 • *Ramos v. Cambridge College* (Super. Ct. San Bernardino County, No. CIVSB2112109) [final approval granted on August 15, 2022; Hon. David Cohn];
- 9
- 10 • *Garcia v. The Golden 1 Credit Union* (Super. Ct. Sacramento County, No. 34-2021-00293831) [final approval granted on August 26, 2022; Hon. Lauri A. Damrell];
- 11
- 12 • *Casillas v. California Paper Products LLC* (Super. Ct. Kern County, No. BCV-20-102523) [approval granted on September 8, 2022; Hon. David Lampe];
- 13
- 14 • *Arzola v. All Star Glass Inc.* (Super. Ct. Ventura County, No. 56-2021-00553193-CU-OE-VTA) [final approval granted on September 9, 2022; Hon. Matthew P. Guasco];
- 15
- 16 • *Beltran v. Hutchinson Aerospace & Industry, Inc.* (Super. Ct. El Dorado County, No. 20STCV02267) [approval granted on September 9, 2022; Hon. John J. Kralik];
- 17
- 18 • *Avina v. Ravco Construction, Inc.* (Super. Ct. Orange County, No. 30-2020-01146748-CU-OE-CXC) [final approval granted on September 16, 2022; Hon. Randall J. Sherman];
- 19
- 20 • *Garcia v. Pure Heart Congregate Living Facility, Inc.* (Super. Ct. El Dorado County, No. 21STCV05070) [approval granted on September 21, 2022; Hon. Carolyn B. Kuhl];
- 21
- 22 • *Andrisani v. Dracko Merchandising Inc.* (Super. Ct. El Dorado County, No. 20STCV42108) [final approval granted on October 5, 2022; Hon. Carolyn B. Kuhl];
- 23
- 24 • *Torres v. McKesson Medical-Surgical, Inc.* (Super. Ct. San Bernardino, No. CIVDS1917976) [final approval granted on November 2, 2022; Hon. David Cohn];
- 25
- 26 • *Gonzalez v. Lief Organics, LLC*, (Super. Ct. L.A. County, No. 20STCV19371) [final granted on December 9, 2022; Hon. David S. Cunningham III];
- 27
- 28 • *Hernandez v. Avon Protection Systems, Inc.* (Super. Ct. Orange County, No. 30-2021-01183162-CU-OE-CXC) [final approval granted on January 13, 2023; Hon. Randall J. Sherman];

- 1 • *Escalante v. Hudson Technologies Company* (Super. Ct. San Diego County, No. 37-  
2 2019-00070131-CU-OE-CTL) [final approval granted on January 20, 2023; Hon.  
3 Gregory Pollack];
- 4 • *Garcia v. Pacific Diagnostics Laboratories, LLC* (Super. Ct. Santa Barbara County,  
5 No. 19CV00992) [preliminary approval granted on January 20, 2023; final approval  
6 set to be heard on May 3, 2023; Hon. Thomas P. Anderle];
- 7 • *Lopez v. Praesidium Diagnostics LLC* (Super. Ct. El Dorado County, No.  
8 21STCv08378) [final approval granted on February 17, 2023; Hon. Lawrence P. Riff];
- 9 • *Aguilar v. Jimenez Nursery, Inc.* (Super. Ct. Santa Barbara, No. 21CV01836) [final  
10 approval granted on March 9, 2023; Hon. Colleen K. Sterne];
- 11 • *Duarte v. Sage Veterinary Centers, LP* (Super. Ct. Santa Clara, No. 20CV375152) [  
12 final granted on March 14, 2023; Hon. Sunil R. Kulkarni];
- 13 • *Santacruz v. Golden Labor Services, LLC* (Super. Ct. Kern County, No. BCV-20-  
14 102729) [preliminary approval granted on July 19, 2022; final approval set to be heard  
15 on May 9, 2023; Hon. J. Eric Bradshaw];
- 16 • *Medina-Rivera v. Treebeard Landscape, Inc.* (Super. Ct. San Diego County, No. 37-  
17 2021-00050044-CU-OE-CTL) [preliminary approval granted on March 17, 2023; final  
18 approval set to be heard on June 2, 2023; Hon. Joel R. Wohlfeil];
- 19 • *Bray v. Uline, Inc.,* (Super. Ct. San Bernardino County, No. CIVSB2112058)  
20 [preliminary approval granted on March 20, 2023; final approval set to be heard on  
21 August 8, 2023; Hon. David Cohn];
- 22 • *Barrera v. Spencer Aerospace Manufacturing, LLC* (Super. Ct. El Dorado County, No.  
23 21STCV05109) [preliminary approval granted on March 22, 2023; final approval set  
24 to be heard on June 21, 2023; Hon. Lawrence P. Riff];
- 25 • *Guzman v. Destination Anywhere, Inc.,* (Super. Ct. San Joaquin County, No. STK-CV-  
26 UOE-2021-10462) [final approval granted on April 14, 2023; Hon. Barbara Kronlund];
- 27 • *Benson, et al. v. F21 OPCO, LLC dba Forever 21,* (Super. Ct. San Diego, No. 37-2021-  
28 00024619-CU-OE-CTL)[preliminary approval granted on April 21, 2023; final  
approval set to be heard on October 6, 2023; Hon, Eddie C. Sturgeon];
- *Orozco v. Ventura Hospitality Partners LLC* (Super. Ct. Ventura County, No. 56-2021-  
00557454-CU-OE-VTA)[preliminary approval granted on April 25, 2023; final  
approval set to be heard on October 5, 2023; Hon. Mathew Guasco];

- *Janssen, et al. v. Mussetter Distributing, Inc.* (Super. Ct. Pacer County, No. S-CV-0049920 [final approval granted on May 4, 2023; Hon. Michael W. Jones];
- *Brohawn v. Automobile Accessories Company* (Super. Ct. Shasta County, No. CVCV21-0198019) [final approval granted on May 8, 2023; Hon. Stephen H. Baker].

8. Finally, since its inception, my firm has represented numerous individual employees in cases brought under various state and federal statutes, including the California Labor Code and the California Fair Employment and Housing Act, and we have obtained favorable results in many of our individual cases.

9. The attorneys at our law firm and I have performed substantial work and diligently investigated and prosecuted this case to a successful conclusion.

10. Based upon my experience and after factoring in the risks explained below, I believe that the proposed settlement is fair and reasonable. As such, and for the reasons set forth below, I believe that the Motion for Approval of Settlement should be approved.

#### **PROCEDURAL AND FACTUAL HISTORY**

11. On July 1, 2022, Plaintiff Rodales filed a PAGA Notice with LWDA attached herein as **Exhibit 1**.

12. On July 1, 2022, Plaintiff Rodales filed *Rodales v. Alco Harvesting LLC*, Case No. 22CV02506 (“Rodales I”) for class claims in Superior Court of California County of Santa Barbara attached herein as **Exhibit 2**.

13. On August 23, 2023, Plaintiff Rodales filed *Rodales v. Alco Harvesting, LLC*, Case No. 23CV03669 (“Rodales II”) as a pure PAGA actions in Superior Court of California County of Santa Barbara attached herein as **Exhibit 3**.

14. On September 26, 2023, the Court dismissed Plaintiff Rodales’ class claims and ordered Plaintiff Rodales’ individual claims to arbitration.

15. There are six cases pending in this Court against Defendants. These cases include the

1 following, in the order in which they were filed: (1) *Cisneros*, San Luis Obispo Sup. Ct. Case No.  
2 21CV04639 (a PAGA action for meal, rest, and recovery periods); (2) *Guzman*, Santa Barbara Sup.  
3 Ct. Case No. 21CV00299 (Jesus Guzman's individual claims in addition to PAGA action for travel-  
4 time payment and meal and rest periods for H-2A field workers); (3) *García-Brower*, Santa Barbara  
5 Sup. Ct. Case No. 21CV02855 (public law enforcement action for paid sick leave and unpaid  
6 compensation for field workers); (4) *Rodales I*, Santa Barbara Sup. Ct. Case No. 22CV02506  
7 (individual claims for unpaid compensation, meal and rest periods, and expense reimbursement); (5)  
8 *Rodales II*, Santa Barbara Sup. Ct. Case No. 23CV03699 (PAGA action asserting the same  
9 violations as *Rodales I*); and (6) *Crowley*, Santa Barbara Sup. Ct. Case No. 23CV04823 (PAGA  
10 action asserting largely the same violations as *Rodales*).

11  
12 16. Plaintiff Rodales' complaints in this action alleges that Alco and related corporate defendants  
13 failed to comply with all wages, overtime, minimum wages for all hours worked. With respect to  
14 failure to pay minimum wages for all hours work, at all relevant times, foreman clocked Plaintiff  
15 Rodales and other aggrieved employees in to begin the shift, and out to end the shift but required  
16 Plaintiff Rodales and the aggrieved employees to work before or after their shift times off-the-clock.  
17 This off-the-clock work also extended to interrupted, missed, and late meal periods with Plaintiff  
18 Rodales and other aggrieved employees being asked to work by Alco while on their lunch break  
19 without being paid for the time work or being paid meal break penalties for the non-compliant meal  
20 breaks. Plaintiff Rodales' complaints in this action also alleges that Alco and related corporate  
21 defendants failed to pay upon termination, provide complete meal and rest periods, failure to provide  
22 accurate and complete itemized wage statements , unlawful and unfair competition, and enforcement  
23 of penalties pursuant to the California Labor Code §2698 (PAGA) et seq. Finally, Plaintiff Rodales'  
24 complaint alleges that Alco allegedly failed to reimburse domestic employees for the use of their cell  
25 phones in communicating with supervisors regarding scheduling and miscellaneous updates for the  
26 next scheduled shift. *See* Exhibits 2 and 3.  
27  
28

1 17. Since the filing of the complaint, parties engaged written discovery, depositions, the  
2 opposition of the enforcement of an arbitration notice in this court and in appellate court, and three  
3 mediations. While preparing for the third mediation, relevant testimony and an analysis of  
4 employees' time records showed Alco frequently provided employees with noncompliant meal  
5 periods in violation of Labor Code section 226.7. A total of 5% of all workweeks and pay periods  
6 had missing or noncompliant meal periods. A total of 11.2% of all second meal periods were  
7 noncompliant or missing, with that amount rising to 38% of all second meal periods being  
8 noncompliant or missing in 2019. Alco failed to provide employees with compensated, duty-free rest  
9 periods of not less than ten minutes for every major fraction of four hours worked as required by  
10 Labor Code section 226.7, and Wage Order 14-2001. An analysis of employees' time records shows  
11 that Alco forced employees to work through 30.2% of their rest periods with 45% of all workweeks  
12 having rest period violations.  
13

14 18. In addition to seeking injunctive relief, Plaintiffs sought various categories of monetary  
15 relief. Following discovery, Plaintiffs calculated the maximum unpaid wages and penalties  
16 assuming Plaintiffs prevailed on all their liability theories and damage models as follows:  
17

- 18 • **PSL and COVID-19 Supplemental PSL:** \$14,604,950 in liquidated damages;
- 19 • **Minimum Wage and Overtime:** \$9,071,001.14 in wages, liquidated damages, interest, and  
20 statutory penalties;
- 21 • **Meal and Rest Break Premiums:** \$8,233,525.00 in premium pay and interest;
- 22 • **Reimbursements:** \$3,607,637.50 in reimbursements, with expert analysis showing that this  
23 number may be smaller;
- 24 • **Waiting Time Penalties:** \$6,456,482.44 in statutory waiting time penalties;
- 25 • **Wage Statement Penalties:** \$4,511,950 in statutory wage statement penalties;
- 26 • **Civil Penalties:** \$44,474,000 across various claims

27 19. After the third mediation on February 18, 2025, parties continued settlement discussions with  
28 the assistance of Justice Lamden where an agreement was reached

1 **PLAINTIFF RODALES' INDIVIDUAL SETTLEMENT**

2 20. Based on Plaintiff Rodales' factual allegations of individual wage and hour claims and the  
3 information and documents provided by Defendant, the settlement for Plaintiff Rodales' individual  
4 claims is a reasonable resolution.

5 21. Plaintiff Rodales' individual claims include unpaid minimum wages, overtime wages,  
6 owed meal and rest period premium pay, accrued sick leave wage statement penalties, denied sick  
7 leave penalties, waiting time penalties, liquidated damages, and interest.

8  
9 22. Through the settlement agreement, Plaintiff Rodales will receive \$30,000.00 from the  
10 attorneys'-fee allocation.

11 **PAGA Settlement**

12 23. I believe the settlement reached is a reasonable resolution of all disputed PAGA claims.

13 24. Alco is required to pay a non-reversionary settlement of \$6,175,000.00 in exchange for a  
14 release limited to the facts alleged by Plaintiffs. The settlements funds are as follows:

- 15
- 16 • \$1,500,000.00 is allocated as non-wage payments to compensate the employees for alleged  
17 violations of paid sick leave and itemized wage statement laws as alleged in the LCO's action.  
18 This fund will be allocated pro rata based on the number of workweeks worked by aggrieved  
19 employees during the liability period, which is from July 16, 2018, through the time that the  
20 approximately 10,428 aggrieved employees as a whole have worked 349,219 pay periods  
21 (which the parties estimate has occurred or will occur in September 2025).
  - 22 • \$1,000,000.00 is allocated as a wage payment for unpaid minimum wages alleged in the LCO  
23 and *Guzman* actions, and unpaid premium wages alleged in the *Cisneros*, *Crowley*, and  
24 *Rodales* actions. This fund will be allocated pro rata based on the number of workweeks  
25 worked by aggrieved employees during the liability period.
  - 26 • \$1,500,000.00 is allocated as payments to H-2A employees for damages for alleged violations  
27 of paid sick leave laws and minimum wage violations, among others, as alleged in the LCO's  
28 action and the *Guzman* action. This fund will be allocated pro rata based on the number of

workweeks worked by H-2A employees during the liability period.

- \$100,000.00 is allocated as PAGA penalties raised in the *Cisneros, Guzman, Crowley*, and *Rodales* actions, 75% of which shall be paid to the LWDA and 25% of which shall be paid to the aggrieved employees as provided by law.
- \$1,852,500.00 or 30% of the gross settlement amount is allocated as attorneys' fees for the private law firms that prosecuted these actions (to avoid any additional impact on the gross settlement amount, Plaintiffs' counsel agreed to deduct individual general-release payments to the named plaintiff-employees from the attorneys-fee allocation).
- \$122,500.00 is allocated to Plaintiffs' litigation expenses.
- \$100,000.00 is allocated for settlement administration expenses.

25. Plaintiffs reasonably believe that the PAGA settlement is fair, adequate, and reasonable given the risks that Plaintiffs could lose at trial and recover nothing. PAGA settlement is still fair even if Plaintiffs would have won at trial. Plaintiffs would have risked the possibility of multiple appeals on behalf of the Defendants, further prolonging the case.

26. This settlement is a great result given that Courts can exercise their discretion to reduce the amount of PAGA penalties. *See e.g., Fleming v. Covidien Inc.*, 2011 WL 7563047, at \*4 (C.D. Cal. Aug. 12, 2011).

27. The scope of the release of the PAGA Settlement is necessarily strictly confined to those PAGA civil penalties that were or could have been alleged by Plaintiffs. The PAGA released claims do not release any Aggrieved Employee's non-PAGA claims for alleged violations of the Labor Code. Individual PAGA Settlement Group Members who believe they have been denied, for example, minimum wage or overtime, can maintain those rights to pursue those claims in another proceeding.

28. The proposed Settlement, even with deductions, provides a substantial sum of \$75,000.00 to the State and \$25,000.00 to eligible PAGA aggrieved employees.

29. **Finally, public** policy strongly favors the settlement of litigation. *Consumer Advocacy Group v. Kintetsu Enterprises of America* (2006) 141 Cal.App.4<sup>th</sup> 46, 63. Because the proposed Settlement is neither unjust nor ignores the public interest, it should be approved.

30. Accordingly, the total PAGA penalty payment is extremely reasonable in light of the risks and

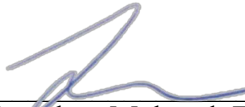
1 uncertainties associated with the PAGA claims in this case. The Settlement commits Defendant to pay  
2 at least **\$100,000.00** in PAGA penalties, which is large enough to punish Defendants for alleged  
3 violations and to deter such alleged conduct in the future. At the same time, in light of the alleged  
4 violations and defenses thereto, it is not so large as to be unjust, oppressive or confiscatory. Based  
5 upon the foregoing, the proposed settlement is fair, reasonable, and in the best interest of the state of  
6 California, Plaintiffs, and the aggrieved employees.

7  
8 **PLAINTIFF RODALES' COUNSELS' COSTS**

9 31. As part of Plaintiffs' motion for attorney's fees in this case, I seek approval for Melmed's  
10 fees and cost in this matter. This case required that Melmed Law Group spend significant time and  
11 financial resources for which it has not received reimbursement. Melmed has spent \$16,948.38 on  
12 this litigation as of the date of this declaration. These were necessary and reasonable expenses made  
13 in order to successfully litigate this case. I anticipate that I will spend an additional 15 hours on this  
14 matter. I believe that the amount sought in the Settlement Agreement for this cost is reasonable and  
15 appropriate  
16

17  
18 I declare under penalty of perjury under the laws of the state of California that the foregoing is  
19 true and correct this 29<sup>rd</sup> of October, 2025, at Los Angeles, California.

20  
21 By:

  
Jonathan Melmed, Esq.