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17 Attorneys for Plaintiff,
18 EDWARD GNAT, on behalf of himself and all similarly aggrieved employees

19 **SUPERIOR COURT OF CALIFORNIA**

20 **COUNTY OF MONTEREY**

21 EDWARD GNAT, on behalf of himself and
22 all similarly aggrieved employees,

23 Plaintiff,

24 v.

25 QUINN COMPANY; and DOES 1 through
26 50, inclusive,

27 Defendants.

Case No. 20CV003431

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

Date: February 23, 2024
Time: 8:30 a.m.
Dept.: 15

Action Filed: December 21, 2020
Trial Date: Not Set

1 I, B. James Fitzpatrick, hereby declare and state as follows:

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

6 2. Based on their own independent investigation and evaluation, the Parties and
7 their respective counsel are of the opinion that settlement for the consideration and on the
8 terms set forth in the Joint Stipulation and Settlement Agreement of Class Action and PAGA
9 Claims (“Settlement Agreement”) is fair, reasonable, and adequate and is in the best interests
10 of the Class and Defendant in light of all known facts and circumstances and the expenses and
11 risks inherent in litigation.

12 3. I have spent significant time researching and pursuing the claims that have been
13 alleged in this action. From the inception of the case, Class Counsel have zealously
14 represented the interests of the Class. Class Counsel have engaged in significant meet and
15 confer discussions with opposing counsel to obtain informal data and documents and to
16 discuss the merits of the claims on behalf of the Class. This settlement was obtained for the
17 benefit of the Class, as opposed to the individual Class Representative. Based on my review of
18 all the documents and information, and based on my experience in class action litigation, I
19 believe this settlement to be fair, adequate, and reasonable.

20 4. I am one of the primary attorneys on this matter. My qualifications are as
21 follows: I received my bachelor’s degree from the University of California, Santa Barbara and
22 my Juris Doctor degree from the University of Santa Clara School of Law. I have practiced
23 law since 1987. The primary emphasis of my practice is employment litigation. I have
24 represented both employers and employees. Approximately 15 years ago my office
25 commenced handling plaintiff class action wage and hour cases. Since then, my office has
26 handled hundreds of wage and hour cases to conclusion and has been class counsel and/or co-
27 counsel in over 100 class actions. Currently, we have multiple ongoing wage and hour class
28 actions in Alameda County Superior Court, Monterey County Superior Court, Nevada County

1 Superior Court, Santa Clara County Superior Court, San Benito County Superior Court, San
2 Bernardino County Superior Court, Santa Cruz County Superior Court, Ventura County
3 Superior Court, and the United States District Court, Northern District of California, where we
4 will seek class certification by way of a settlement or a class certification motion.

5 5. Currently, we have multiple ongoing wage and hour class actions in Alameda
6 County Superior Court, Monterey County Superior Court, Nevada County Superior Court,
7 Santa Clara Superior Court, San Benito Superior Court, Santa Cruz Superior Court, Ventura
8 County Superior Court, and the United States District Court, Northern District of California,
9 where we will seek class certification by way of a settlement or a class certification motion.

10 6. Neither counsel nor their respective firms have any relationship with the
11 proposed *cy pres* recipient that would create an actual or potential conflict of interest. Defense
12 counsel and I further agree that the Watsonville Law Center satisfies the legislative intent set
13 out in Code of Civil Procedure § 384(a), in that the organization helps further the purposes of
14 the underlying class action and promote justice for all Californians.

15 7. My co-counsel and I will adequately represent the Class Members in this
16 action. Class Counsel have and will zealously represent Plaintiff and the Class and pursue this
17 lawsuit to its conclusion. I have no conflicts with the Class and will adequately represent the
18 Class.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct and if called as a witness I could and would competently testify to
21 each of the matters stated herein, and I state that these matters are based upon my own
22 personal knowledge acquired through first-hand observation, except where stated otherwise.
23 This declaration was executed by me on January 30, 2024, in Salinas, California.

24
25 
26 B. James Fitzpatrick