

1 **BLUMENTHAL NORDREHAUG BHOWMIK DE BLOUW LLP**

Norman B. Blumenthal (State Bar #068687)

2 Kyle R. Nordrehaug (State Bar #205975)

Aparajit Bhowmik (State Bar #248066)

3 Nicholas J. De Blouw (State Bar #280922)

2255 Calle Clara La Jolla, CA 92037

4 Telephone: (858)551-1223

Facsimile: (858) 551-1232

5 Website: www.bamlawca.com

6 Attorneys for Plaintiff and the Class

7 *(Additional counsel on following page)*

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SACRAMENTO**

11 ALONZO SMITH, Dawn Williams, and
12 ROMERO REYES, as individuals and on behalf
13 of all others similarly situated, and as private
attorneys general,

14 Plaintiffs,

15 vs.

16 CLEAN HARBORS ENVIRONMENTAL
17 SERVICES, INC., a Massachusetts corporation;
18 and DOES 1 through 50, inclusive,

19 Defendant.

Case No.: 34-2021-00292526

CLASS ACTION

**DECLARATION OF MELISSA A.
HUETHER IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Hearing:

Date: November 4, 2022

Time: 9:00 a.m.

Dept: 28

1 **DIVERSITY LAW GROUP, P.C.**
2 Larry W. Lee (State Bar No. 228175)
3 lwlee@diversitylaw.com
4 Simon L. Yang (State Bar No. 260286)
5 sly@diversitylaw.com
6 515 South Figueroa Street, Suite 1250
7 Los Angeles, California 90071
8 Telephone: (213) 488-6555
9 Facsimile: (213) 488-6554

10 Attorneys for Plaintiff Williams

11 Joseph Lavi, Esq. (SBN 209776)
12 Vincent C. Granberry, Esq. (SBN 276483)
13 Melissa A. Huether, Esq. (SBN 316604)
14 **LAVI & EBRAHIMIAN, LLP**
15 8889 W. Olympic Blvd., Suite 200
16 Beverly Hills, California 90211
17 Telephone: (310) 432-0000
18 Facsimile: (310) 432-0001
19 Email: jlavi@lelawfirm.com
20 vgranberry@lelawfirm.com
21 mhuether@lelawfirm.com
22 whteam@lelawfirm.com

23 Sahag Majarian II, Esq. (State Bar No. 146621)
24 **Law Office of Sahag Majarian II**
25 E-Mail: sahagii@aol.com
26 18250 Ventura Boulevard
27 Tarzana, California 91356
28 Telephone: (818) 609-0807
Facsimile: (818) 609-0892

Attorneys for Plaintiff Reyes

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF MELISSA A. HUETHER

I, Melissa A. Huether, declare:

1. I am an attorney licensed to practice law in the state of California and have been admitted to practice before this Court. I am an associate attorney with the law firm Lavi & Ebrahimian, LLP, Counsel for Plaintiff Romero Reyes to this case and familiarity with the file and actions in this matter; I have personal knowledge of the matters stated herein and if called and sworn as a witness, I would and could competently testify under oath thereto. I am a member in good standing of all State and Federal District Courts of California.

2. This Declaration is submitted in support of Plaintiffs' Motion for Preliminary Approval of the Class Action Settlement.

3. On September 23, 2021, Plaintiff Reyes filed a PAGA letter with the LWDA and filed a separate class action in the Los Angeles County Superior Court, Case No. 21STCV35058. Plaintiff Reyes' class action alleged the following wage and hour violations: failure to pay minimum and overtime wages, failure to pay the prevailing wages, the failure to provide compliant meal and rest breaks and pay related premiums, the failure to produce requested employment records, failure to indemnify employees for employment-related expenditures, the failure to timely pay wages to current employees, the failure to timely pay final wages, and the failure to provide accurate wage statements.

4. On February 2, 2022, Plaintiffs Dawn Williams, Alonzo Smith, and Romero Reyes ("Plaintiffs") and Defendant Clean Harbors Environmental Services, Inc. ("Defendant") (collectively, "the Parties"), participated in a mediation with Louis Marlin, Esq., a prominent mediator experienced in resolving wage and hour class and collective actions. The Parties continued negotiations, with the assistance of the mediator, through March 16, 2022. As a result of the mediation, the Parties reached an agreement to settle all causes of action alleged by the Plaintiffs under the California Labor Code, the California Business and Professionals Code, the California Code of Regulations, the applicable California Wage Order, and under the Private Attorneys General Act (the "PAGA") in the lawsuits entitled *Williams v. Clean Harbors Environmental*

1 *Services, Inc. et al* (U.S. District Court, Northern District of California, Case No. 3:20-cv-07872);
2 *Smith v. Clean Harbors Environmental Services, Inc. et al* (U.S. District Court, Eastern District of
3 California, Case No. 2:21-cv-00585); *Reyes v. Clean Harbors Environmental Services, Inc. et al*
4 (California Superior Court, County of Los Angeles, Case No. 21STCV35058).

5 **EXPERIENCE OF CLASS COUNSEL:**

6 5. Lavi & Ebrahimian, LLP is experienced and qualified to act as Class Counsel, to
7 evaluate the class claims, to evaluate settlement versus trial on a fully informed basis, and to
8 evaluate the viability of the defenses.

9 6. I, and the law firm of Lavi & Ebrahimian, LLP, have exclusively practiced in the
10 area of labor and employment law.

11 7. I graduated from Loyola Law School, Los Angeles in 2017. I have been in practice
12 with the law firm of Lavi & Ebrahimian, LLP since April 2021, focusing almost exclusively in the
13 area of employment law and specifically wage and hour class actions. Prior to joining Lavi &
14 Ebrahimian, I litigated exclusively wage and hour class and PAGA actions on behalf of employees
15 throughout California. I have been involved in numerous cases in all aspects from pre-filing through
16 settlement, including California and Federal class actions, PAGA representative actions, and
17 collective actions.

18 8. I am also familiar with the practice of Lead Counsel Joseph Lavi having worked as
19 an associate with Lavi & Ebrahimian, LLP since April 2021, which has included reviewing Mr.
20 Lavi's declarations in support of motions for attorneys' fees and/or to seek appointment as Class
21 Counsel. Mr. Lavi graduated from law school in 2000 and has handled numerous cases in all
22 aspects of employment and labor law, including state and federal class actions, wrongful
23 termination, discrimination, harassment and retaliation cases. Mr. Lavi has tried employment cases
24 in State and Federal court, and has argued before various Courts of Appeals, on employment issues
25 such as validity of Arbitration Agreements, Application of Res Judicata in class action cases, and
26 other employment issues. Mr. Lavi has been a panelist and/or speaker for various Employment Law
27 Continuing Legal Education Panels on issues of employment law trials, how to proceed and conduct
28 trials, and proving and winning punitive damages. Mr. Lavi has been named a Southern California
Super Lawyer in the area of Plaintiff's employment litigation for Class Actions from 2011-2022.

1 Mr. Lavi has settled dozens of wage and hour class actions and is currently Plaintiff's counsel in
2 many others. Some of the class actions that Mr. Lavi has handled against employers on wage and
3 hour issues and have been approved as class counsel include cases against the following: Kaiser
4 Permanente which settled for \$6,510,000.00; Hustler Casino which settled for \$980,000.00;
5 Chevron Stations Inc., which settled for \$4,500,000.00; Commerce Casino which settled for
6 \$1,575,000.00; BP West Cost Products, which settled for \$4,000,000.00; Kaiser Permanente which
7 settled for \$3,600,000.00, Fuddruckers (as lead counsel) which settled for \$900,000.00; Movado
8 Retail Group, Inc. (as lead counsel) which settled for \$728,000.00, Chuck-E-Cheese's (as lead
9 counsel) which settled for \$1,900,000.00; Aero-Electric Connector, Inc. (as lead counsel) which
10 settled for \$1,500,000.00; Clougherty Packing, LLC (as lead counsel) which settled for
11 \$4,250,000.00; and Gruma Corporation (as lead counsel) which Defendants' petition to the United
12 States Supreme Court in the matter was denied and the matter settled for \$2,300,000.00. Mr. Lavi
13 has been approved as class counsel by both Federal and California Courts. Mr. Lavi and the other
14 attorneys at Lavi & Ebrahimian who are available to assist me in this case if needed are fully
15 capable of adequately and fairly representing Plaintiff and the proposed class in this matter.

16 9. Lavi & Ebrahimian, LLP, and has been appointed Class Counsel in over fifty
17 contested proceedings including the following:

18 a. *Ischak v. Kaiser Foundation Hospitals, Inc.*, Los Angeles Superior Court Case No.
19 BC343535;

20 b. *Santana v. El Pollo Loco, Inc.*, Los Angeles Superior Court Case No. BC369846;

21 c. *Edlin, et al. v. Fuddruckers, Inc.*, United States District Court, Central District of
22 California, Case No. CV-07-3678-ABC;

23 d. *Chavez, et al. vs. CEC Entertainment, Inc. d/b/a Chukee-Cheeses*, Los Angeles
24 Superior Court Case No. BC380996;

25 e. *Bustamante, et al. v. Teamone Employment Specialists*, Los Angeles Superior Court
26 Case No. BC383266;

27 f. *Cervantes, et al. v. Kaiser Foundation Hospitals, Inc.*, Alameda Superior Court Case
28 No. RG 0265835;

1 g. *Seng Savang v. Club One Casino*; Fresno Superior Court Case No. 05CECG02189;
2 h. *Norman, et al. v. Movado Retail Group, Inc.*, United States District Court, Central
3 District of California, Case No. CV08-06691 SVW (PLA)
4 i. *Shand v. G.A.L.A., Inc. dba Giorgio Armani*, Los Angeles Superior Court Case No.
5 BC342588;
6 g. *Solis v. Plycraft Industries, Inc.*, Los Angeles Superior Court Case No. BC374816;
7 h. *Campos v. HWB Carwash, Inc.*, Los Angeles Superior Court Case No. BC378990;
8 i. *Acosta, et al. v. Texwood Industries*, United States District Court, Central District of
9 California, Case No. CV07-3237-DDP (PLAX);
10 h. *Arevalo v. Gruma Corporation*, Los Angeles Superior Court Case No. BC410322;
11 j. *Burrola v. American Promotional Events*, Los Angeles Superior Court Case No.
12 BC412315;
13 k. *Cortez v. Trader Distribution Services*, Los Angeles Superior Court Case No.
14 BC397208;
15 l. *Cueva v. Allied Industries, Inc.*, Los Angeles Superior Court Case No. BC399431;
16 m. *Del Toro v. Petco Animal Supplies, Inc.*, San Diego Superior Court Case No. 37-
17 2009-00103626-CU-OE-CTL;
18 n. *Garcia v. Home Cooking, Inc.*, Los Angeles Superior Court Case No. BC451148;
19 o. *Alcantar v. Amerimax Building Products, Inc.*, United States District Court, Central
20 District of California, Case No. CV 10-8916 DDP (CWx);
21 p. *Arancivias v. Clougherty Packaging, LLC dba Farmer John*, Los Angeles Superior
22 Court Case No. BC432406;
23 q. *Barajas v. Menzies Aviation, Inc.*, United States District Court, Central District of
24 California, Case No CV-10-02315-JEM;
25 r. *Barrera v. BHFC Operating, LLC dba Bottega Louie*, Los Angeles Superior Court
26 Case No. BC462603;
27 s. *Camacho v. American Textile Maintenance Co.*, Los Angeles Superior Court
28 Case No. BC452570;

1 t. *Cortes v. Monsanto Company*, Ventura Superior Court Case No. 56-2010-00366952-
2 CU-OE-VTA;
3 u. *Escobar v. Aero-Electric Connector, Inc.*, Los Angeles Superior Court Case No.
4 BC421009;
5 v. *Gomez v. Bacara Resort & Spa*, Santa Barbara Superior Court Case No. 1341987;
6 w. *Gonzalez v. Ashley Furniture Industries, Inc.*, Los Angeles Superior Court Case No.
7 BC425708
8 x. *Gonzalez v. Burrtec Waste Industries, Inc.*, Los Angeles Superior Court Case No.
9 BC436879;
10 y. *Gutierrez v. Visterra Credit Union*, Riverside Superior Court Case No.
11 RIC10020183;
12 z. *Hernandez v. Kruse & Son, Inc.*, Los Angeles Superior Court Case No. BC411849;
13 aa. *Lopez v. Tecno Industrial Engineering*, Los Angeles Superior Court Case No.
14 BC411134;
15 bb. *Lowanga v. Continental Currency Services, Inc.*, Orange County Superior Court
16 Case No. 30-2011-0044011-CU-OE-CXC;
17 cc. *Aguilar v. PLS Financial Services, Inc.*, United States District Court, Central District
18 of California, Case No. CV 10-0415 ODW (FMOx)
19 dd. *Lozada v. Classic Party Rentals, Inc.*, Los Angeles Superior Court Case No.
20 BC443792;
21 ee. *Madrid v. OPI Products, Inc.*, Los Angeles Superior Court Case No. BC451489;
22 ff. *Martinez v. J. Fletcher Creamer & Son, Inc.*, United States District Court Case No.
23 CV 10-0968-PSG-FMOX;
24 gg. *Martinez v. Administaff Companies II, L.P.*, Los Angeles Superior Court Case No.
25 BC425799;
26 hh. *Martinez v. Morgans Hotel Group Management, LLC*, Los Angeles Superior Court
27 Case No. BC446744;
28 jj. *Sanchez v. La Brea Bakery, Inc.*, Los Angeles Superior Court Case No. BC456420;

1 ii. *Montenegro v. Ruggeri Marble and Granite, Inc.*, United States District Court,
2 Central District of California, Case No. CV-10-00711 JFW (PLAx);
3 kk. *Reed v. 99 Cents Only Stores*, Los Angeles Superior Court Case No. BC436793;
4 ll. *Santos v. Noble Management Group-California, LLC*, United States District Court,
5 Central District of California, Case No. CV 10-2594 DSF (VBKx)
6 mm. *Taylor v. U.S. Healthworks Holding Company, Inc.*, Orange County Superior Court
7 Case No. 30-2011-00473505;
8 nn. *Valencia Diaz v. Gene Wheeler Farms, Inc.*, Los Angeles Superior Court Case No.
9 BC436235;
10 oo. *Zad-Behtooie v. Valley Village*, Los Angeles Superior Court Case No. BC451490;
11 pp. *Bell v. Aidells Sausage Company, Inc.*, Alameda Superior Court Case No.
12 RG10523946;
13 qq. *Negrete v. Cenveo, Inc.*, United States District Court, Central District of California,
14 Case No. CV 11-09543 DSF (MRWx);
15 rr. *Bejar v. Exopack-Ontario, Inc.*, Orange County Superior Court Case No. 30-2011-
16 00518396-CU-OE-CXC;
17 ss. *Aguilar v. PLS Financial Services, Inc.*, United States District Court, Central District
18 of California, Case No. CV 10-0415 ODW (FMOx);
19 tt. *Sparks v. Larry Flynt dba Hustler Casino*, Los Angeles Superior Court Case No.
20 BC320172;
21 uu. *Morris v. Chevron Stations, Inc.*, Los Angeles Superior Court Case No. BC361380;
22 vv. *Marino v. BP West Coast Products, LLC*, Los Angeles Superior Court Case
23 No. BC357987.

24 10. Mr. Lavi and other attorneys at Lavi & Ebrahimian made every effort to litigate this
25 action in an efficient and cost-effective manner. Given Mr. Lavi's years of experience, his trial and
26 appellate experience, and the focus of his practice, if he were to charge for this type of work by the
27 hour, his current hourly rate would be \$750 per hour. This rate is the firm's current billing rate and
28 is supported by the extensive and specialized experience in these types of cases and recognized

1 expertise described. I have personal knowledge of the hourly rates charged by other attorneys with
2 comparable experience mine. Based on that information, I believe that my rate and other attorneys
3 at Lavi & Ebrahimian rates are fully consistent with the market rate for attorneys with comparable
4 expertise, experience and qualifications. Based on the information I have, I believe that our rates
5 are reasonable and appropriate fees for Los Angeles attorneys with comparable expertise,
6 experience, and qualifications.

7 11. The specific work performed by my firm in prosecuting this action has included, but
8 not been limited to: conducting an intake with Plaintiff Reyes, preparing the pleadings, preparing
9 the letter to the LWDA, conducting legal research, reviewing documents and data from Defendants,
10 Plaintiff Reyes, and co-counsel, developing the strategy with co-counsel for prosecuting the claims
11 in the cases; reviewing documents; participating in settlement negotiations; participating in a full-
12 day mediation; negotiating, drafting, and reviewing the Settlement Agreement and Motion for
13 Preliminary Approval.

14 12. Based on the documents and data reviewed, and the experience of Mr. Lavi and other
15 attorneys at Lavi & Ebrahimian, counsel for Plaintiff Reyes believes that the settlement reached
16 herein is a fair, reasonable, and adequate result for the class members involved and should be
17 approved by the Court.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing
19 is true and correct. Executed this 13th day of October 2022, at Beverly Hills California.

20 
21 _____
22 Melissa A. Huether
23
24
25
26
27
28