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and on behalf of all others similarly situated.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF KERN

DIANA FOY; RAYMOND YBARRA; and
RAYMOND HARRIS; individually and on
behalf of all others similarly situated,

Plaintiffs,

vs.

EXEL INC., dba DHL SUPPLY CHAIN; and
DOES 1 through 20, inclusive,

Defendants.

Case No. BCV-20-102463

*[Case assigned for all purposes to the Hon.
Bernard C. Barmann, Jr., Dept. 10]*

**DECLARATION OF FLETCHER W.
SCHMIDT IN SUPPORT OF
PLAINTIFFS' MOTION FOR
SETTLEMENT APPROVAL OF CLAIMS
BROUGHT UNDER THE PRIVATE
ATTORNEYS GENERAL ACT,
REASONABLE ATTORNEYS' FEES AND
COSTS, AND ENHANCEMENT AWARDS**

Date: June 2, 2022

Time: 8:30 a.m.

Dept: Division H

Action Filed: October 21, 2020

Trial Date: None Set

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I, FLETCHER W. SCHMIDT, declare as follows:

1. I am a Partner at the Haines Law Group, APC, and counsel for the named Plaintiffs Diana Foy, Raymond Ybarra, and Raymond Harris (“Plaintiffs”) in the above-captioned matter. I am a member in good standing of the bar of the State of California and am admitted to practice in this Court. I have personal knowledge of the facts stated in this declaration and could testify competently to them if called upon to do so.

2. I am a 2012 graduate of Loyola Law School, Los Angeles, where I graduated *cum laude* and was awarded membership in the Order of the Coif. Since graduating from law school, I worked as a law clerk for the law firm of Tredway, Lumsdaine & Doyle, where I was part of the defense team for two class actions, including one wage and hour class action in Los Angeles County Superior Court. From August 2013 to March 2016, I worked as an associate attorney at Boren, Osher & Luftman LLP. Since March 2016 I have worked at my current firm, Haines Law Group, APC, where, in 2018, I became a Partner.

3. During my time with Boren, Osher & Luftman LLP and Haines Law Group, APC, my practice has been solely devoted to litigating plaintiff-side wage and hour class actions in California state and federal court. I am currently responsible for managing a caseload of over seventy-five (75) active wage and hour class actions in which I am integrally involved in all aspects of the litigation.

4. The following is a non-exhaustive list of class action settlements in which I have been named as Class Counsel, and which have been granted final approval: *Julio v. Anthony, Inc.*, Case No. CV14-03172 AB (SHx), United States District Court, Central District of California, Honorable Judge Andre Birotte, Jr. presiding (approving an hourly rate of \$350 for work performed in 2014 and 2015); *Litt v. Western Stone & Metal Corp.*, Case No. 3:14-cv-02804-PJH, United States District Court, Northern District of California, Honorable Judge Phyllis J. Hamilton presiding (approving an hourly rate of \$350 for work performed in 2014 and 2015); *Rubalcava v. United Towing and Transport Burbank, et al.*, Case No. BC518468, California Superior Court, County of Los Angeles, Honorable Judge Kenneth Freeman

1 presiding (approving an hourly rate of \$350 for work performed in 2013, 2014 and 2015);
2 *Rivera Regalado v. Jaguar Farm Labor Contracting*, Case No. CV 130569, California Superior
3 Court, County of San Luis Obispo, Honorable Martin J. Tangeman presiding (approving an
4 hourly rate of \$350 for work performed in 2014 and 2015); *Sanchez v. Res-Care, Inc.*, Case No.
5 BC526175, California Superior Court, County of Los Angeles, Honorable John S. Wiley
6 presiding (approving an hourly rate of \$350 for work performed in 2013, 2014 and 2015);
7 *Rodas v. Gateways Hospital and Mental Health Center*, Case No. BC503179, California
8 Superior Court, County of Los Angeles, Honorable Judge Amy D. Hogue presiding (approving
9 an hourly rate of \$350 for work performed in 2014 and 2015); *Prado v. Warehouse Demo*
10 *Services, Inc.*, Case No. CV14-3170 JFW (Ex), United States District Court, Central District of
11 California, Honorable Judge John F. Walter presiding (approving an hourly rate of \$350 for
12 work performed in 2014 and 2015); *Shaw v. Conant Auto Retail, San Diego*, Case No. 37-2014-
13 00044052-CU-OE-CTL, California Superior Court, County of San Diego, Honorable Judge
14 Joan M. Lewis presiding (approving an hourly rate of \$375 for work performed in 2014, 2015,
15 and 2016); *Tirado v. Ricon Corp.*, Case No BC537042, California Superior Court, County of
16 Los Angeles, Honorable Judge John Shepard Wiley, Jr. presiding (approving an hourly rate of
17 \$375 for work performed in 2014, 2015, and 2016); *Tesla Motors Wage and Hour Litigation*,
18 JCCP 4792, California Superior Court, County of Santa Clara, Honorable Peter H. Kirwan
19 presiding (approving an hourly rate of \$375 for work performed in 2013, 2014, 2015, and
20 2016); *Lopez v. RM HQ LLC, et al.*, Case No. BC525592, California Superior Court, County of
21 Los Angeles, Honorable Elihu M. Berle presiding (approving an hourly rate of \$375 for work
22 performed in 2013, 2014, 2015, and 2016); *Horta v. Searles Valley Minerals, Inc.*, Case No.
23 CIVDS 1507615, California Superior Court, County of San Bernardino, Honorable Donald
24 Alvarez presiding (approving an hourly rate of \$375 for work performed in 2015 and 2016);
25 *Mansilla v. Haeco Americas Line Services, LLC, et al*, Case No. BC615310, Superior Court of
26 California, County of Los Angeles, Honorable Judge Elihu M. Berle presiding (approved at an
27 hourly rate of \$425 for work performed in 2016 and 2017); *Khosravi v. Enterprise Rent-A-Car*
28 *Company of Los Angeles, LLC, et al.*, Case No. 30-2016-00829923-CU-OE-CXC, Superior

1 Court of California, County of Orange, Honorable Judge Thierry Patrick Colaw presiding
2 (approved at an hourly rate of \$425 for work performed in 2016 and 2017); *Nieves v. Ta Chen*
3 *International, Inc.*, Case No. BC609005, Superior Court of California, County of Los Angeles,
4 Honorable Judge Kenneth R. Freeman presiding (approved at an hourly rate of \$425 for work
5 performed in 2016 and 2017); *Berkel v. Pride Bakeries, LLC*, Case No. 30-2017-00923148-CU-
6 OE-CXC, Superior Court of California, County of Orange, Honorable Judge William Cluster
7 presiding (approved at an hourly rate of \$425 for work performed in 2017 and 2018); *Ruvalcaba*
8 *Quiroz v. Circle M Contractors, Inc.*, Case No. 30-2016-00885065-CU-OE-CXC, Superior
9 Court of California, County of Orange, Honorable William D. Cluster presiding (approving an
10 hourly rate of \$425 for work performed in 2016, 2017 and 2018); *Armenta, et al., v. California*
11 *Friends Homes d/b/a Quaker Gardens*, Case No. 30-2016-00883282-CU-OE-CXC, Superior
12 Court of California, County of Orange, Honorable Randall J. Sherman presiding (approving an
13 hourly rate of \$425 for work performed in 2016, 2017 and 2018); *Sandra Zinnerman v.*
14 *Tumbleweed Educational Enterprises, Inc.*, Case No. BC673708, Superior Court of California,
15 County of Los Angeles, Honorable Maren E. Nelson presiding (approving an hourly rate of
16 \$425 for work performed in 2016, 2017, and 2018); *Tina Arellano v. Williams Sonoma Stores,*
17 *Inc.*, Case No. BC693760, Los Angeles County Superior Court, Honorable Daniel J. Buckley,
18 presiding; *William Cuellar v. UMA Enterprises, Inc.*, Case No. BC657146, Los Angeles County
19 Superior Court, Honorable Maren E. Nelson, presiding (approving an hourly rate of \$475 for
20 work performed in 2017, 2018 and 2019); *Maria C. Garcia, et al. v. Simplified Labor Staffing*
21 *Solutions, Inc.*, Case No. BC696898, Los Angeles County Superior Court, Honorable Elihu M.
22 Berle, presiding (approving an hourly rate of \$475 for work performed in 2018 and 2019);
23 *Arturo Delgado v. Spears Manufacturing Co.*, Case No. BC709665, Los Angeles County
24 Superior Court, Honorable Maren E. Nelson, presiding (approving an hourly rate of \$595 for
25 work performed in 2018, 2019 and 2020); *Soto v. L I Metal Systems*, Case No. 37-2017-
26 00009607-CU-OE-CTL, San Diego County Superior Court, Honorable Timothy Taylor,
27 presiding (approving an hourly rate of \$595 for work performed in 2017-2020); *Michael*
28 *Fishback v. Paragon Framing, Inc.*, Case No. CIVDS1906610, San Bernardino County

1 Superior Court, Honorable David Cohn, presiding (approving an hourly rate of \$595 for work
2 performed in 2019 and 2020); *Francisco Garcia v. Searing Industries, Inc.*, Case No.
3 CIVDS1932477, San Bernardino County Superior Court, Honorable David Cohn, presiding
4 (approving an hourly rate of \$595 for work performed in 2019 and 2020); *David Hasler, et al. v.*
5 *Anheuser-Busch, LLC*, Case No. 19STCV00802, Los Angeles County Superior Court,
6 Honorable Daniel J. Buckley, presiding; *Angel Ochoa v. Fonseca Construction, Inc.*, Case No.
7 CIVDS1928625, San Bernardino County Superior Court, Honorable David Cohn, presiding
8 (approving an hourly rate of \$595 for work performed in 2019 to 2021); *William Chang v.*
9 *Avcorp Composite Fabrication, Inc.*, Case No. BC715159, Los Angeles County Superior Court,
10 Honorable Amy D. Hogue, presiding (approving an hourly rate of \$595 for work performed in
11 2018 to 2021); and *David Alvarado, et al. v. J.G. Boswell Company*, Case No. 19STCV19033,
12 Los Angeles County Superior Court, Honorable Daniel J. Buckley, presiding (approving an
13 hourly rate of \$595 for work performed in 2019 to 2021).

14 5. I have also moved to certify and have received an order certifying a class action
15 and/or conditionally certifying a collective action as Class Counsel in the following cases:
16 *Medeiros v. Vortex Financial Management Inc.*, Case No. 30-2013-00644741-CU-OE-CXC,
17 California Superior Court, County of Orange, Honorable Judge Gail A. Andler presiding
18 (certifying a class of employees who were misclassified as independent contractors); *Javine v.*
19 *San Luis Ambulance Service, Inc.*, Case No. CV13-07480 BRO (SSx), United States District
20 Court, Central District of California, Honorable Judge Beverly Reid O'Connell presiding
21 (conditionally certifying an unpaid FLSA overtime wage class); *Prado v. Warehouse Demo*
22 *Services, Inc.*, Case No. CV14-3170 JFW (Ex), United States District Court, Central District of
23 California, Honorable Judge John F. Walter presiding (certifying a rest period violation class
24 and conditionally certifying a FLSA unpaid overtime wage class); *Bower v. Cycle Gear, Inc.*,
25 Case No. CV14-2712 HSG, United States District Court, Northern District of California,
26 Honorable Judge Haywood S. Gilliam, Jr. presiding (conditionally certifying an unpaid FLSA
27 overtime wage class); *Vega v. Weatherford U.S., Limited Partnership*, Case No. CV14-1790-
28 JLT, United States District Court, Eastern District of California, Honorable Judge Jennifer L.

Thurston presiding (conditionally certifying an unpaid FLSA overtime wage class); *Galvan v. AMVAC Chemical Corporation*, Case No. 30-2014-00716103-CU-OE-CXC, California Superior Court, County of Orange, Honorable Judge William Claster presiding (certifying unpaid overtime wage class and waiting time penalty class); *Camacho v. Residential Fire Systems, Inc.*, Case No. 30-2015-00775372-CU-OE-CXC, California Superior Court, County of Orange, Honorable Judge Glenda Sanders presiding (certifying five separate classes for claims for unpaid wages, unreimbursed expenses, failure to authorize and permit rest periods, and derivative claims); *Ontiveros v. Safelite Fulfillment, Inc., et al*, Case No. CV 15-7118-DMG (RAOx), United States District Court, Central District of California, Honorable Dolly M. Gee presiding (certifying six classes of employees for rest period violations, wage statement violations, meal period violations, and overtime and double-time violations); *Staublein v. Wells Fargo Bank, National Association*, Case No. CIVDS1712267, San Bernardino Superior Court, Honorable David Cohn presiding (certifying a wage statement class); and *Danica N. Keich, et al. v. U.S. Healthworks, Inc., et al.*, Case No. 37-2017-00015343-CU-OE-CTL, San Diego County Superior Court, Honorable Eddie C. Sturgeon, presiding (certifying classes for rest period violations, meal period violations, on-call pay violations, wage statement violations, and waiting time violations).

6. In 2018-2022, Thomson Reuters and Los Angeles Magazine recognized me as a Top Young Attorney in Southern California in the annual Rising Star Edition of Super Lawyers. This is an honor awarded to no more than two-and-a-half percent (2.5%) of attorneys under the age of forty in Southern California each year.

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7. As counsel for Plaintiffs, I have been intimately involved in every aspect of this case and believe that the proposed Settlement is a fair and reasonable result for the state of California and the Aggrieved Employees. The details of the work completed by Plaintiffs' counsel in this case are set forth in the declaration of Matthew K. Moen, filed concurrently herewith.

I declare under penalty of perjury under the laws of the United States and the state of California that the foregoing is true and correct. Executed on May 9, 2022, at El Segundo, California.


Fletcher W. Schmidt