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10 Attorneys for Plaintiff,
11 ANGELICA MACIAS, on behalf of herself and all similarly aggrieved employees

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF MONTEREY**

14 CECILIA ZAMUDIO, on behalf of herself
and all similarly aggrieved employees,

15
16 Plaintiff,

17 v.

18 CYPRESS HEALTHCARE PARTNERS,
LLC; and DOES 1 through 50, inclusive,

19
20 Defendants.

21 ANGELICA MACIAS, on behalf of herself
and all similarly aggrieved employees,

22
23 Plaintiff,

24 v.

25 CYPRESS HEALTHCARE PARTNERS,
LLC; and DOES 1 through 50, inclusive,

26
27 Defendants.

Case No. 20CV003329
[Related Case No. 21CV000056]

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

Date: March 10, 2023

Time: 8:30 a.m.

Dept.: 15

Complaint Filed: December 11, 2020
FAC Filed: February 23, 2021
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 partner
3 in the law firm of Fitzpatrick & Swanston, counsel of record for Plaintiff Angelica Macias
4 (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to testify I could
5 and would do so competently.

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

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

19 4. I do not have a relationship with Legal Aid at Work, the proposed *cy pres*
20 beneficiary, nor am I aware of any relationship between Class Counsel and Legal Aid at Work.

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

28 6. Currently, we have multiple ongoing wage and hour class actions in Alameda

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

5 7. My co-counsel and I will adequately represent the Class Members in this action.
6 Class Counsel have and will zealously represent Plaintiffs and the Class and pursue this lawsuit to
7 its conclusion. I have no conflicts with the Class and will adequately represent the Class.

8 I declare under penalty of perjury under the laws of the State of California that the foregoing
9 is true and correct and if called as a witness I could and would competently testify to each of the
10 matters stated herein, and I state that these matters are based upon my own personal knowledge
11 acquired through first-hand observation, except where stated otherwise. This declaration was
12 executed by me on February 15, 2023, in Salinas, California.

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16 B. James Fitzpatrick
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