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14
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

17 DIAMOND WEATHERS, individually,
18 and as a representative of other aggrieved
employees,

19 Plaintiff,

20 v.

21 BG-IC, LLC, and DOES 1 through 250,
22 inclusive,

23 Defendants.

Case No. 21STCV07570
[Related to Case No. 21STCV08334]

*Assigned for all purposes to: Judge Carolyn B.
Kuhl, Dept. SSC-12*

CLASS ACTION

**DECLARATION OF BRENT S. BUCHSBAUM
IN SUPPORT OF UNOPPOSED MOTION
AND UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

DATE: September 21, 2022
TIME: 10:30 a.m.
DEPT.: SSC-12

Action Filed: February 26, 2021

DECLARATION OF BRENT S. BUCHSBAUM

I, Brent S. Buchsbaum, declare as follows:

1. I am an attorney at law, duly licensed to practice law in all of the Courts in the State of California, and I am a partner of Buchsbaum & Haag, LLP, the law firm that represents Plaintiffs and the putative class. I have personal knowledge of the following facts, and if called as a witness, I could and would testify competently to them.

2. I obtained my law degree from the University of San Diego School of Law in 1997, and began practicing employment law, representing employees, in 1998.

3. For the last 20 years, I have worked almost exclusively in the area of employment law, and have litigated hundreds of disputes involving alleged wage and hour violations, including claims for meal periods, rest periods, waiting time penalties, unreimbursed business expenses, and unpaid overtime.

5. I have represented plaintiffs in a wide variety of employment disputes, and have obtained a jury verdict in excess of 1 million dollars in a widely publicized case, *Carter Stephens v. City Of Pasadena*, which involved racial discrimination in a City Fire Department. In connection with this, I was nominated as Trial Lawyer of the Year by the Consumer Attorney Association of Los Angeles.

6. Thomson & Reuters has named me a "Superlawyer" in the area of Employment Law for 2011-2022.

7. My firm is actively involved in class action litigation, and we are currently litigating more than 20 class and/or PAGA representative lawsuits. Within the last 36 months alone, I was approved as class counsel in a \$900,000 wage and hour settlement in Judge Wiley's Department 311 (*Hill v. Wash Laundry*, BC 557047). That case, which involved almost 400 class members, primarily centered around allegations that delivery drivers were denied meal periods and overtime. I was approved as class counsel in the case of *McCombs v. Robertson Ready Mix* (19STCV33829), which was a prevailing wage overtime case that settled for \$970,000. I was approved as class counsel in a Federal District Court case, *Charles v. Airgas*

(2: 18cv-1937-JGB-SHK), which was settled for \$1,300,000. I was approved as class counsel in a \$1,200,000 class action settlement involving wage and hour record keeping violations in the case of *Hardin v. Gensler* (BC646526). I was approved as class counsel in a \$250,000 wage and hour class action settlement in the Orange County Superior Court (*Bonaparte v. Career Connections Staffing*, 30-2014-00725886). That was a misclassification case, with derivative claims for unpaid overtime and meal period premiums. I was recently approved as class counsel in a \$1,700,000 wage and hour settlement in *Cambero v. TFC* (BC 689221). The Los Angeles County Superior Court approved me as Class Counsel for two certified subclasses in *Nichols v. Pacific Wine Distributors* (BC525954) and Final Approval was granted in that case for a settlement of \$300,000. The San Bernardino County Superior Court recently appointed me as class counsel in a \$364,000 class action settlement in *Clemann v. Victoria Development Company* (CIVDS1414968). I was approved in Los Angeles County Superior Court, in Department 310, in the case of *Figueroa v. S&S Petroleum* (BC557369), which was a \$250,000 wage and hour class action settlement, and also in Department 307 in a wage and hour class action in *Beaver v. Roadrunner* (BC603585) for \$220,000. I was approved as class counsel in *Mirasol v. Emcore* (BC604058), which was another wage and hour class action settlement that was approved for \$300,000. I was lead trial counsel in a "PAGA only" settlement in *Faller v. Ernst & Young, US, LLP* (BC 604058), which was approved for \$500,000. I was approved by the San Bernardino County Superior Court as class counsel in a \$455,000 meal period wage and hour class action in *Griffin v. ERRG* (CIVDS 1610157). Last year, I was approved as class counsel in a \$965,000 wage and hour case in the Orange County Superior Court in *Orr v. Safestep* (30-2017-0094692-CU-OE-CXC). I was the lead trial counsel or co-lead trial counsel in each of these cases, and personally negotiated settlements in each of these cases. The fees awarded in each case were 33.3 percent of the gross fund, which we believe is the appropriate market rate.

8. I am an active member of the California Employment Lawyers Association ("CELA") for many years, and am also a member of the Los Angeles County Bar Association Employment Law Section. I have been lead trial counsel on over 1000 employment law cases,

1 and at least half of those have included a wage and hour component. I've also been retained and
2 testified as an expert in the area of employment litigation.

3 9. On February 26, 2021, Plaintiff Weathers filed a class action lawsuit against
4 BG, alleging claims for Violation of California Labor Code §§ 510, 1194, 1198 (Unpaid
5 Overtime and Minimum Wages); (2) Violation of California Labor Code §§ 226(a) and 1174
6 (Non-compliant Wage Statements); (3) Violation of California Labor Code §§ 201-203
7 (Failure to Pay All Wages and on a Timely Basis); and (4) Violation of California Business &
8 Professions Code §§ 17200, et seq.

9 10. I was present at the February 2, 2022 mediation in this matter, and concur with
10 the analysis in the Declaration of Razani's counsel, Daniel Gaines, that the settlement is fair and
11 appropriate given the potential exposure and associated risks to the case.

12 11. My client, Ms. Weathers, attended the mediation as well, which took the entirety
13 of a day. She also communicated with me throughout the case regarding the allegations at issue
14 and provided me documentation supportive of the class claims. Ms. Weathers claims are
15 representative of the class claims, as she was provided inaccurate paystubs, was not paid the
16 appropriate overtime rate and was denied meal and rest periods. I have conveyed to Ms.
17 Weathers the responsibilities of being a class representative and her duty to look after the
18 interests of the class first, which she understands and has proved through her efforts to date.

19 12. I have presented this settlement to the LWDA today via the online filing system.

20 13. I declare under the penalty of perjury under the laws of the State of California
21 that the foregoing is true and correct.

22 Respectfully Submitted,

23 Dated: July 12, 2022

24 LAW OFFICES OF BUCHSBAUM & HAAG
25 A Limited Liability Partnership

26 By: 
27 Brent Buchsbaum, Attorney for Plaintiffs
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