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7 Attorneys for Plaintiff(s),

8 SIMONETTE VILLENA, and all others similarly situated

(Additional attorneys for parties on following page)

9  
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF SAN DIEGO**

12 **(UNLIMITED JURISDICTION)**

13 SIMONETTE VILLENA, on behalf of herself and  
14 as an “aggrieved employee” on behalf of other  
15 “aggrieved employees” under the Labor Code  
Private Attorneys General Act of 2004,

16 *Plaintiff,*

17 vs.

18 MIDWAY VENTURE LLC, a California limited  
19 liability company; PETER BALOV, an  
20 individual; and DOES 1–50, inclusive,

21 *Defendants.*

Case No. 37-2021-00005970-CU-OE-CTL

**DECLARATION OF WALTER L.  
HAINES IN SUPPORT OF PLAINTIFF  
SIMONETTE VILLENA’S MOTION  
FOR APPROVAL OF PAGA  
SETTLEMENT**

**RESERVATION: 2883081**

Hearing Time: January 6, 2023

Hearing Dept.: 1:30 p.m.

C-72, The Honorable

Timothy Taylor

Action filed:

Trial Date: February 09, 2021

October 14, 2022



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**ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)**

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1                   **DECLARATION OF WALTER L. HAINES IN SUPPORT OF MOTION FOR**

2 I, WALTER L. HAINES, declare as follows:

3           1.       I am an attorney duly licensed to practice law in the State of California and am  
4 an attorney of record for Plaintiff Simonette Villena (“Plaintiff”) in her lawsuit against  
5 Defendants Midway Venture LLC and Peter Balov (collectively “Defendants”). I am a member  
6 in good standing of the State Bar of California. I make this Declaration in support of Plaintiff’s  
7 Motion for Approval of PAGA Settlement. I make this Declaration based on my personal  
8 knowledge and if called to testify I could and would competently testify to the matters contained  
9 in this Declaration.

10          2.       I am a highly experienced class action counsel specializing in actions of this  
11 nature. I have been practicing law for over 40 years and I am highly experienced in actions of  
12 this nature. I am the most senior attorney at my firm, United Employees Law Group, and worked  
13 on the litigation of this matter. I formed United Employees Law Group in 2005, primarily to  
14 represent employees in their wage claims. I have represented over 1,500 clients in wage and  
15 hour disputes of which more than 300 cases were class actions with settlements totaling over  
16 \$400,000,000. These class action cases include Fortune 500 companies such as Pepsi, Intel,  
17 Home Depot, Kaiser, Wells Fargo, Bank of America, Cisco Systems, First American Title Co.,  
18 Yahoo!, WellPoint, Inc., Sun Microsystems, and Kaiser Foundation Hospitals.

19          3.       I have no conflicts of interest with the class or with the PAGA Settlement  
20 Members Representative. I am not related to the representative plaintiff. I have not previously  
21 represented Defendants in any matter. I do not represent opposing factions within the class in  
22 that all claims are predicated upon the same theories of liability and benefit all class members  
23 equally. In sum, I am well-suited to act as PAGA Settlement Members Counsel and will continue  
24 to vigorously represent the interests of the PAGA Members.

25          4.       United Employees Law Group has prosecuted this litigation solely on a  
26 contingent-fee basis, and has been completely at risk that it would not receive any compensation  
27 for prosecuting claims against the Defendant.

28          5.       United Employees Law Group has participated in this litigation and has  
performed work on behalf of Plaintiff since the inception of this litigation. The hours submitted  
with this declaration are solely for work performed on behalf of the PAGA Members alleged in  
the above-entitled California action and not any other state or federal matter.



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1           6. I performed, among other things, the following tasks related to this matter:  
2 analyzed initial clients' claims; performed initial investigation inclusive of research necessary  
3 for case evaluation and searched court records relative to possible competing cases. I  
4 participated in its mediation and settlement and reviewed all settlement papers along with orders  
5 from the court, law and motion papers and assisted with client liaison and other tasks assigned  
6 by lead counsel.

7           7. The hourly rate for my time is \$725.00 per hour which is my usual and customary  
8 hourly rate charged for my services in similar complex class and representative actions.

9           8. The total number of hours spent by me on this litigation is 26.30 hours through  
10 August 30, 2022.

11           9. My total lodestar amount through August 30, 2022 is \$19,067.50.

12           10. My out of pocket expenses for court fees are \$15.50. These fees are paid to  
13 various courts to obtain records in order to determine if there is a similar case already on file in  
14 any court.

15           11. I believe that the Settlement is fair, adequate, and reasonable. The Settlement  
16 provides substantial monetary benefits to PAGA Members and is a product of diligent efforts of  
17 Plaintiff's Counsel to obtain the best possible result for the PAGA Members. This Settlement  
18 was reached following thorough legal and factual research and analysis, thorough review of  
19 extensive data relative to the claims in the action, arduous settlement negotiations, and thorough  
20 investigation of the underlying facts by the respective parties and review of records. The  
21 settlement negotiations were, at all times, adversarial and non-collusive in nature. The proposed  
22 Settlement is within the range of reasonableness, and PAGA Members have supported the  
23 Settlement.

24           I declare under the penalty of perjury of the laws of the State of California that the  
25 foregoing is true and correct to the best of my knowledge.

26           Executed on Thursday, September 15, 2022 at Los Angeles, California.

27  
28  
  
WALTER L. HAINES,  
Declarant



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