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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11
12 MARIA KUZMINOVA, on behalf of herself and
a class of similarly situated employees,

13
14 Plaintiffs,

15 v.

16 READY RESPONDERS, INC., a Delaware
corporation, and DOES 1 through 10, inclusive,

17 Defendants.
18
19

Case No. 21STCV13080

*Assigned for all purposes to: Hon. Yvette M.
Palazuelos, Dept. SSC- 9*

**DECLARATION OF JAMES HAWKINS IN
SUPPORT OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: April 12, 2022

Time: 10:00 a.m.

Dept.: SSC-9

Action Filed: April 6, 2021

DECLARATION OF JAMES HAWKINS

I, James Hawkins, declare as follows:

1. I am an individual over the age of 18. I am one of the attorneys of record for Plaintiffs ("Plaintiffs" or "Class Representatives") and more specifically Ryan Munoz, who filed this class action on behalf of the Class. I submit this declaration in support of the motion for Preliminary approval ("Motion") of the Settlement. I am a partner at James Hawkins APLC. I have personal knowledge of the facts set forth below, and if called to testify regarding them, I could and would do so competently.

2. On February 24, 2021, Plaintiff Munoz exhausted the pre-filing requirements of the Labor Code Private Attorneys General Act of 2004 ("PAGA").

3. On February 24, 2021, Plaintiff Munoz filed his class action in Los Angeles County Superior Court, alleging: (1) Failure to Pay Wages Including Overtime, (2) Failure to Provide Meal Periods, (3) Failure to Provide Rest Periods, (4) Failure to Pay Timely Wages, (5) Failure to Provide Accurate Itemized Wage Statements, and (6) Violation of Business & Professions Code § 17200, et seq. Munoz amended his complaint and added a PAGA claim on May 3, 2021.

4. Plaintiff Munoz began working for Defendant in May 2020 as a full-time, non-exempt, Responder, and continually worked for Defendant until he resigned his position in December 2020. At the time of his resignation, he was earning an hourly wage of \$25.50.

5. As required by Labor Code § 2699(1)(2), concurrent with Plaintiffs' submission of the Settlement Agreement to the Court, they are transmitting it, together with this Motion, to the LWDA.

6. Substantial and detailed information was obtained by Class Counsel during the course of the litigation. The exchange of information ensured that the parties had all information needed to analyze the strengths and weaknesses of the claims and the monetary exposure of the claims, including relevant class data points.

7. I and my team investigated the claims at issue, which included: (1) determining Plaintiffs' suitability as putative representatives through interviews, background investigations, and analyses of their employment files and related records; (2) evaluating all of Plaintiffs' potential representative claims; (3) researching similar wage and hour class actions as to the claims brought, the nature of the positions, and the type of employer; (4) analyzing a time and wage records; (5) researching settlements in

1 similar cases; (6) evaluating Plaintiff's claims and estimating Defendant's liability for purposes of
2 settlement; and (7) participating in the drafting of the settlement agreement and the motion for
3 preliminary.

4 8. I and my firm have a great deal of experience in wage and hour class action litigation. I
5 have been certified and approved as class counsel in many other wage/hour class actions, and I am
6 currently litigating numerous others before federal and state courts. Although not an all-inclusive list,
7 over the years I have prosecuted the following class action matters as lead and/or co-lead counsel, all of
8 which implicated similar law and facts to those associated with this Action:

- 9 a. **Carey, et. al. v. Arthur J. Gallagher, et. al.**, USDC, SOUTHERN DISTRICT- Case No.:
10 09-cv-0168. Wage and Hour Class action seeking past wages of overtime for mis-
11 classification of insurance claims adjusters employed by Gallagher Bassett, a third party
12 administrator (TPA) in the State of California. Certification granted. Plaintiffs' counsel
13 co-lead counsel. Case settled an final distribution has been completed.
- 14 b. **Dao v. 3M Company, et al.** USDC, CENTRAL DISTRICT, Case No. CV-08-04554.
15 Wage and Hour Class Action case seeking past wages for "off the clock", overtime and
16 meal and rest break violations for production workers in the State of California.
17 Plaintiff's Counsel appointed as Lead Counsel. Case settled, Final Approval granted, no
18 objections and funds fully distributed.
- 19 c. **Ortiz v. Kmart**, USDC, CENTRAL DISTRICT, Case No. SACV 06-638 ODW. Wage
20 and Hour Class Action case seeking past wages for meal and rest period violations for
21 retail employees in the State of California. Plaintiff's counsel appointed co-lead counsel.
22 Case settled, Final Approval granted, no objections and funds fully distributed.
- 23 d. **Morgan v. Aramark Campus, LLC**, USDC, CENTRAL DISTRICT, Case No. SACV08-
24 00412. Wage and Hour Class Action case seeking past wages for meal and rest period
25 violations for retail employees in the State of California. Plaintiff's Counsel appointed as
26 Lead Counsel. Case settled, Final Approval granted, no objections and funds fully
27 distributed.
- 28 e. **West v Iron Mountain Information Management, Inc, et. al.;** Los Angeles County

1 Superior Court, Case No. BC393709. Wage and Hour Class Action seeking past wages
2 for overtime, meal and rest break violations for driver employees in the State of
3 California. Settlement for “binding arbitration.” Arbitration Award for Plaintiff Class.
4 Arbitration Award confirmed. Plaintiff’s lead trial counsel and class counsel.

5 f. ***Gonzalez v. Superior Industries International, Inc., et al.***, Los Angeles County Superior
6 Court, Case No. BC 357912. Wage and Hour Class Action seeking past wages for
7 overtime, meal and rest breaks violations for production employees in the State of
8 California. Plaintiff’s counsel appointed as lead counsel. Case settled, Final Approval
9 granted, no objections and funds fully distributed.

10 g. ***Acosta v. Fleetwood Travel Trailers of California, Inc., et al.***, Riverside County Superior
11 Court, Case No. RIC 440630. Wage and Hour Class Action seeking past wages for
12 overtime, meal and rest break violations for production employees in the State of
13 California. Plaintiff’s counsel appointed as co-lead counsel. Case settled, Final Approval
14 granted, no objections and funds fully distributed.

15 h. ***Walker v. Sharkeez, et al.***, Orange County Superior Court, Case No. 05CC00293. Wage
16 and Hour Class Action seeking past wages for
17 unlawful deductions, meal and rest break violations for restaurant employees in the State
18 of California. Plaintiff’s counsel appointed as lead counsel. Case settled, Final Approval
19 granted and funds fully distributed.

20 i. ***Padron v. Universal Protection Service, et al.***, Orange County Superior Court, Case No.
21 05CC00013. Wage and Hour Class Action seeking past wages for overtime, meal and rest
22 break violations for security officers in the State of California. Plaintiff’s counsel
23 appointed as co-lead counsel. Case settled, Final Approval granted, no objections and
24 funds fully distributed.

25 j. ***Martinez v. Securitas Security Services USA, et al.***, Santa Clara Superior Court, Case No.
26 105-CV047499, et al. J.C.C.P. No. 4460. Wage and Hour Class Action seeking past
27 wages for meal and rest break violations for security officers employed by defendant in
28 the State of California. Plaintiff’s counsel and co-counsel. Case settled, Final Approval

1 granted and funds fully distributed.

2 k. *Velasquez-Lopez v. Hotel Cleaning Services, Inc. et al.*, Riverside Superior Court, Case
3 No. RIC 420909. Wage and Hour Class Action seeking past wages for overtime, meal
4 and rest break violations for housekeepers employed by defendant in the State of
5 California. Plaintiff's counsel appointed as lead counsel. Case settled, Final Approval
6 granted, no objections and funds fully distributed.

7 l. *Ruiz, et al. v. Unisource Worldwide, Inc., et al.*, USDC, CENTRAL DISTRICT, Case
8 No. CV09-05848. Wage and Hour Class Action seeking past wages for meal and rest
9 period violations for non-exempt employees employed by defendant in the state of
10 California. Case settled. Final Approval granted and funds fully distributed.

11 m. *Herrudor v. Culligan International Company, et al.*, USDC, CENTRAL DISTRICT,
12 Case No. SACV 08-680. Wage and Hour Class Action seeking past wages for field and
13 branch employees of defendant in the State of California. Plaintiff's counsel appointed as
14 lead counsel. Case settled, Final Approval granted, no objections and funds fully
15 distributed.

16 n. *Defries v. Domain Restaurants, et al.*, Orange County Superior Court, Case No.
17 05CC00128. Wage and Hour Class Action seeking past wages for restaurant employees
18 of defendant in the State of California. Plaintiff's counsel appointed as lead counsel.
19 Case settled, Final Approval granted, no objections and funds fully distributed.

20 o. *Denton v. BLB Enterprises, Inc., et al.*, Orange County Superior Court, Case No.
21 07CC01292. Wage and Hour Class Action seeking unpaid overtime, meal and rest break
22 violations for security guards employed by defendant in the State of California. Plaintiff's
23 counsel appointed as lead counsel. Case settled, Final Approval granted, no objections
24 and funds fully distributed.

25 p. *Rios v. Sandberg Furniture Manufacturing Co., Inc, et al.*, Los Angeles Superior Court.
26 Case No. BC411477. Wage and Hour Class Action seeking unpaid meal and rest break
27 violations for production employees employed by defendant in the State of California.
28 Plaintiff counsel appointed as lead counsel. Case settled, Final Approval granted, no

1 objections and funds fully distributed.

2 q. **McMurray v. Dave and Busters, Inc., et al.**, Orange County Superior Court, Case No.
3 06CC00099. Wage and Hour Class Action seeking past wages for meal and rest break
4 violations for restaurant employees employed by defendant in the State of California.
5 Plaintiff's counsel appointed as co-lead counsel. Case settled, Final Approval granted, no
6 objections and funds fully distributed.

7 r. **Osuna v. DFG Restaurants, Inc., et al.**, Los Angeles Superior Court, Case No. BC
8 330145. Wage and Hour Class Action seeking past wages of overtime for mis-
9 classification of managers employed by Defendant, DBA Carl's Jrs. in the State of
10 California. Plaintiff's counsel appointed as co-lead counsel. Case settled, Final Approval
11 granted, no objections and funds fully distributed.

12 s. **Burns v. Gymboree Operations, Inc., et al.**, San Francisco Superior Court, Case No.
13 CGC-07-461612. Wage and Hour Class Action seeking past wages for meal and rest
14 break violations for retail employees employed by defendant in the State of California.
15 Plaintiff's counsel appointed lead counsel. Case settled, Final Approval granted, no
16 objections and funds fully distributed.

17 t. **Willems v. Diedrich Coffee, Inc., et al.**, Orange County Superior Court, Case No.
18 07CC00015. Wage and Hour Class Action seeking past wages of overtime for mis-
19 classification of managers employed by Defendant in the State of California. Plaintiff's
20 counsel appointed lead counsel. Case settled, Final Approval granted, no objections and
21 funds fully distributed.

22 u. **Davila, et al. v. Beckman Coulter, Inc., et al.**, Orange County Superior Court, Case No.
23 07CC01347. Wage and Hour Class Action seeking past wages for overtime, meal and rest
24 break violations for production workers employed by defendant in the State of California.
25 Plaintiff's counsel appointed lead counsel. Case settled, Final Approval granted, no
26 objections and funds fully distributed.

27 v. **Perez v. Naked Juice Company of Glendora, Inc.**, Los Angeles Superior Court, Case No.
28 BC387088. Wage and Hour Class Action seeking past wages for overtime, meal and rest

1 period violations for production employees employed by defendant in the State of
2 California. Plaintiff counsel appointed as lead counsel. Case settled, Final Approval
3 granted, no objections and funds fully distributed.

4 w. ***Coordination Proceeding Special Title [Rule 1550(b)] Wackenhut Wage and Hour***
5 ***Cases***, Los Angeles Superior Court, Case No. JCCP 4545. Wage and Hour Class Action
6 seeking past wages for overtime, meal and rest period violations for security guards
7 employed by defendant in the State of California. Certification granted. Plaintiff's
8 counsel appointed as co-lead counsel. Writ taken. Court stays action pending Appellate
9 Court ruling. Court of Appeal issues stay. Case settled, Final Approval granted, no
10 objections and funds fully distributed.

11 9. Here, the Parties' agreement to pay Class Counsel Fees of one-third (1/3) of the Gross
12 Settlement Amount is reasonable. My firm and I, along with co-counsel have been the only counsel to
13 represent Plaintiffs and the Settlement Class in this matter, and we have collectively borne the entire risk
14 and cost of this litigation on a pure contingency fee basis. The legal issues raised in this case are
15 complex and drew significantly upon my experience and the extensive review and analysis of documents
16 and information by me and others at my firm and our co-counsel. In a complex action such as this, the
17 proposed attorneys' fees are, reasonable for contingency cases.

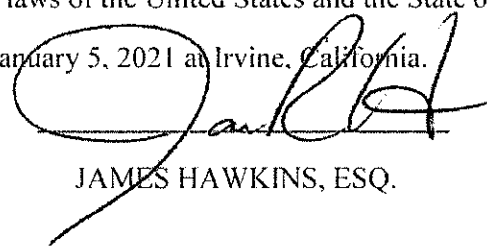
18 10. The Class Representatives Maria Kuzminova and Ryan Munoz provided extensive
19 supporting documents and has assisted Class Counsel in developing information necessary to litigate and
20 settle this case. Plaintiffs also conducted record review and consultation with counsel in preparation for
21 discovery and eventual settlement, and to assist in evaluating and proving the claims. The settlement
22 provides for an enhancement to be paid to the Class Representative of \$5,000.00 to each of the named
23 Plaintiffs subject to Court approval. The purpose is to compensate the Class Representatives an
24 additional enhanced payment, taking into consideration the risks, time, effort and expenses incurred in
25 coming forward to provide invaluable information and negotiate and litigate this matter on behalf of all
26 Settlement Class members who otherwise, would probably not file their own individual claims to recover
27 what may be relatively low damages. Further, the payment to the Class Representatives is very fair and
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1 justified as part of the Settlement based on the risks and benefits Plaintiffs have taken and benefits
2 conferred upon the Settlement Class.

3 11. Despite the complexity of the case, Class Counsel along with our co-counsel, through the
4 investment of substantial effort and the resources, been able to secure an outstanding settlement on behalf
5 of the Class Members. Plaintiffs would have faced substantial legal and factual obstacles in
6 demonstrating that class certification was appropriate, and the difficulties inherent in managing and
7 marshalling evidence for class action claims are exponentially multiplied when dealing with such a large
8 number of employees. Plaintiffs will also be required to establish a significant amount of witness
9 testimony, pattern and practice evidence, statistical evidence, sampling evidence, expert testimony, and
10 other evidence in order to evaluate and present arguments at both class certification and trial. The further
11 conduct of this litigation will likely span several additional years and require the dedication of extensive
12 resources to first establish complex class certification and then to establish the merits of all class claims
13 at trial or through contested motion practice.

14 12. Based upon my experience in litigating wage and hour class actions, and when the costs
15 and risks of non-certification and loss on the merits are considered, Plaintiffs' counsel are of the opinion
16 that the settlement reached is clearly fair reasonable and adequate and in the best interest of the Class
17 Members, and the Court should grant preliminary approval and all its terms.

18 I declare under penalty of perjury under the laws of the United States and the State of California
19 that the foregoing is true and correct. Executed on January 5, 2021 at Irvine, California.

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21 JAMES HAWKINS, ESQ.
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