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Attorneys for Plaintiff BRITTNEY JONES

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

BRITTNEY JONES, an individual, in her
representative capacity on behalf of the State of
California and fellow Aggrieved Employees,

Plaintiffs,

vs.

ASD6 LLC, a California Limited Liability
Company; and Does 1 through 50, Inclusive,

Defendants.

Case No: 37-2021-00016864-CU-OE-CTL

**DECLARATION OF JEAN-CLAUDE
LAPUYADE, ESQ. IN SUPPORT OF
PLAINTIFF'S MOTION FOR
APPROVAL OF PAGA SETTLEMENT**

Date: April 15, 2022

Time: 1:30 p.m.

Dept.: C-72

Judge: Hon. Timothy Taylor

1 I, JEAN CLAUDE LAPUYADE, declare as follows:

2 1. I am the managing partner of JCL Law Firm, APC, and co-counsel of record for Plaintiff
3 BRITTNEY JONES, on behalf of herself, and on behalf of all persons similarly situated, and in her
4 representative capacity on behalf of the State of California and fellow Aggrieved Employees,
5 (“Plaintiff”) in this matter. As such, I am fully familiar with the facts, pleadings and history of the
6 matter.

7 2. I am submitting this declaration in support of Plaintiff’s Motion for Approval of PAGA
8 Settlement.

9 **I. EXHIBITS**

10 3. Attached hereto as **Exhibit “A”** is a true and correct copy of the JCL Law Firm, APC’s
11 “Transaction Summary” detailing Settlement Counsel’s actually incurred litigation expenses for this
12 matter as of March 3, 2022. As shown in detail in the attached transaction summary, Counsel has
13 incurred a total of \$5,849.08 in litigation costs prosecuting this action. I anticipate incurring an
14 additional \$150 - \$200 for the filing, service and appearance at this motion.

15 4. Attached hereto as **Exhibit “B”** is a true and correct copy of the Time and Billing Journal
16 for Counsel, Jean-Claude Lapuyade, Esq., as of March 10, 2022. Each entry was made
17 contemporaneously by me and in the ordinary course of my usual course of business. The attached
18 Billing Journal shows that I billed a total of 46.1 hours for a total of \$25,325.00 successfully litigating
19 this action at \$550 per hour.

20 5. The JCL Law Firm’s rates are comparable to those judicially approved for other
21 plaintiff’s firms, such as Baron & Budd (rates ranging from \$775 for the requested partner to \$390-
22 \$630 for non-partners), Western Comden Casselman & Essensten (rates ranging from \$670-\$750 for
23 partners and \$300-\$500 for associates), and Blood Hurst & Rearden (\$510-\$695 for partners). See
24 Aarons v. BMW of North America, No. 11-7667-PSG, 2014 U.S. Dist. LEXIS 118442, *40-41 (C.D.
25 Cal. Apr. 29, 2014). Other Southern California courts have approved hourly rates in the requested
26 range. See e.g., Kearney v. Hyundai Motor Am., 2013 U.S. Dist. LEXIS 91636, *24 (C.D. Cal. June
27 28, 2013) (approving hourly rates of \$650 -\$800 for senior attorneys in consumer class action);

1 Parkinson v. Hyundai Motor America, 796 F.Supp.2d 1160, 1172 (C.D. Cal. 2010)(approving hourly
2 rates between \$445 and \$675); Faigman v. AT&T Mobility, LLC, 2011 U.S. Dist. LEXIS 15825, *2
3 (N.D. Cal. Feb. 15, 2011)(Approving hourly rates of \$650 an hour for partners and \$500 for associates);
4 Richard v. Ameri-Force Mgmt. Servs., Inc., No 37-2008-00096019 (San Diego Superior Court, August
5 27, 2010)(\$695 to \$750 an hour for partners and \$495 for associates); Barrera v. Gamestop, No. CV
6 09-1399 (C.D. Cal. Nov. 29, 2010)(\$700 for partners and \$475 for associates); Anderson v. Nextel
7 Retail Stores, LLC, No. CV 07-4480 (C.D. Cal. June 20, 2010)(\$655- \$750 for partners and \$300 –
8 515 for associates); Luquetta v. Regents of Cal., CGC-05-443007 (San Francisco Sup. Ct.) (approving
9 2012 partner rates between \$550 and \$850 per hour); and Holoway v. Best Buy Co., C-05-5056-PJH
10 (MEJ)(N.D. Cal.)(approving 2011 partner rates between \$825 and \$700, and associates hourly rates
11 between \$355 and \$405 an hour).

12 6. Moreover, my billing rate has been approved multiple times within the last several
13 months by California Superior Court judges. (*See generally Rodriguez v. RSI Home Products, Inc.*,
14 San Bernardino Superior Court Case No. CIVDS 2023354 (July 30, 2021 – Hon. David Cohn approved
15 \$550 billing rate and appointed Jean-Claude Lapuyade, Esq. as Counsel in a \$1,450,000 wage and hour
16 class action settlement); *Nunes v. Home Depot U.S.A., Inc.*, San Joaquin Superior Court Case No. STK-
17 CV-UOE-2020-0011011 (October 20, 2021 – Hon. Roger Ross approved \$550 billing rate and
18 appointed Jean-Claude Lapuyade, Esq. as Counsel in a \$1,500,000 wage and hour class action
19 settlement); *Pillsbury v. T&T Restaurants CA, Inc.*, Del Norte Superior Court Case No. CVUJ-20-
20 1214 (December 14, 2021 – Hon. Darren McElfresh approved \$550 billing rate and appointed Jean-
21 Claude Lapuyade, Esq. as Counsel in a wage and hour class action settlement); *Elias Kaser v. Aviation*
22 *Consultants, Inc.*, Orange County Superior Court Case No. 30-2021-01191204-CU-OE-CXC
23 (September 22, 2021 – Hon. Peter J. Wilson approved \$550 billing rate in a representative California
24 Labor Code Private Attorney General Act settlement).

25 7. Further, Counsel will be performing additional work, including finalizing the orders and
26 judgment and monitoring the completion of the settlement process over the course of the next coming
27 months.

8. All of Counsel's out-of-pocket expenses are the types of expenses normally charged to paying clients including the following: filing fees; copying; telephone; postage; factual and legal research charges; mediation fees; expert costs and travel expenses, which were all incurred during, and were necessary for the successful prosecution of, the litigation and, therefore, should be reimbursed.

9. Counsel now requests reimbursement for those incurred litigation expenses and costs as provided for in the Settlement Agreement and based upon Counsel's billing records.

II. JCL LAW FIRM EXPERIENCE

10. Counsel in this matter has extensive class action and PAGA experience in multiple fields and has represented tens-of-thousands of persons in class actions and PAGA matters. Counsel has previously litigated similar wage and hour class actions involving similar meal and rest period violations. Counsel has been approved as class counsel in similar wage and hour actions throughout the State of California, including in the Superior Court for the County of San Diego. As such, courts throughout the California have deemed Counsel experienced and knowledgeable in this area of law. Counsel has participated in every aspect of the settlement discussions and has concluded the settlement is fair, adequate and reasonable and in the best interests of the Class.

11. Plaintiff and the Aggrieved Employees are represented by competent and experienced counsel to pursue their claims. I established the JCL Law Firm, APC ("Firm"), in 2010. The Firm is a boutique plaintiff firm representing aggrieved employees and consumers throughout California in wage and hour class actions, PAGA Actions and complex multi-party product liability matters. The Firm currently consists of myself, Jean-Claude Lapuyade, Esq. (Partner/Owner), Eduardo Garcia (Associate), Tesla Stone (Paralegal), and Leilani Edmunds (Legal Secretary).

12. I am qualified to represent the Plaintiff, the State of California and the Aggrieved Employees. I have extensive experience with wage and hour class and representative actions litigation like this matter, and employment matters in general. Additionally, I have extensive complex mass tort litigation experience and complex construction product liability experience. I can, will and have adequately represented the interests of the Plaintiff, the State of California and the Aggrieved Employees throughout this action.

13. I have represented consumers and employees in California class actions, and complex multi-party product liability actions exclusively for more than 13 years. I have been in practice as a plaintiffs' civil litigation attorney since April 2007.

14. I have significant class counsel and collective action counsel experience. I served as class and/or collective (PAGA) counsel in, among other cases, the following matters:

a. *Munoz v. AMTCR*, San Bernardino Superior Court Case No. CIV-DS2001914 (August 24, 2021) Hon. David Cohn approved a \$1.8 million dollar class and PAGA settlement for, *inter alia*, inaccurate itemized wage statements. The JCL Law Firm, APC acted as class counsel for the settlement class and as representative PAGA counsel the State of California and the Aggrieved Employees.)

b. *Nunes v. Home Depot U.S.A., Inc.*, San Joaquin Superior Court Case No. STK-CV-UOE-2020-0011011 (October 20, 2021 – Hon. Roger Ross approved a \$1.5 million dollar class and PAGA settlement for, *inter alia*, miscalculated meal period premiums and appointed Jean-Claude Lapuyade, Esq. as Class Counsel.)

c. *Pillsbury v. T&T Restaurants CA, Inc.*, Del Norte Superior Court Case No. CVUJ-20-1214 (December 14, 2021 – Hon. Darren McElfresh approved \$550 billing rate and appointed Jean-Claude Lapuyade, Esq, as Class Counsel in a wage and hour class action settlement.)

d. *Rodriguez v. RSI Home Products, Inc.*, San Bernardino Superior Court Case No. CIVDS2023354 (July 30, 2021 – Hon. David Cohn approved a \$1.45 million class and PAGA settlement for, *inter alia*, failure to comply with piece-rate laws, and appointed the JCL Law Firm, APC as Class Counsel)

e. *Elias Kaser v. Aviation Consultants, Inc.*, Orange County Superior Court Case No. 30-2021-01191204-CU-OE-CXC (September 22, 2021 – Hon. Peter J. Wilson approved \$550 billing rate in a representative California Labor Code Private Attorney General Act settlement).

1 f. *Jer Vang v. Bridge Property Management*, Alameda County Superior Court,
2 Case No RG19047434 (January 8, 2021 – Hon. Winifred Smith approved a class and
3 PAGA settlement for, *inter alia*, unpaid off the clock work. The JCL Law Firm, APC
4 acted as class counsel for the settlement class and as representative PAGA counsel the
5 State of California and the Aggrieved Employees.)

6 g. *Johnson v. Volt Management Corp., Inc. et al.*, Los Angeles County Superior
7 Court, Case No. 19STCV16466 (December 11, 2020 – Hon. Amy Hogue approved a
8 PAGA Settlement negotiated on behalf of the State of California and the aggrieved
9 employees by the JCL Law Firm, APC.)

10 h. *Salazar v. Frontier Auto Sales Inc., dba Frontier Toyota*, Los Angeles Superior
11 Court, Case No. 19STCV20382 (November 24, 2020 – Hon. John P. Doyle appointed
12 the JCL Law Firm, APC as class counsel and approved a class and PAGA settlement
13 for, *inter alia*, missed meal and rest periods.)

14 i. *Villalobos v. Alterra Group, LLC et al.*, Los Angeles County Superior Court,
15 Case No. 19STCV19448 (November 11, 2020 – Hon. Richard Fruin approved a PAGA
16 Settlement for, *inter alia*, unreimbursed business expenses. The JCL Law Firm, APC
17 acted as counsel for the plaintiff, the State of California and the Aggrieved Employees.)

18 j. *Stevens et al., v. Bank of England*, San Diego County Superior Court Case No.
19 37-2019-00018662-CU-OE-CTL (October 16, 2020 – Hon. John Meyer appointed JCL
20 Law Firm as Class Counsel and granted final approval of wage and hour class action for,
21 *inter alia*, off-the-clock work.)

22 k. *Frazier v. ASA Carlton, Inc.*, San Diego Superior Court Case No. 37-2019-
23 00036147 (October 9, 2020 Hon. Kenneth Medel appointed the JCL Law Firm as Class
24 Counsel and granted final approval of wage and hour class action for off-the-clock
25 work.)

26 l. *Krake et al., v. Central Valley Diner, Inc.*, Placer County Superior Court Case
27 No. SCV0041645 (September 4, 2020 – Hon. Michael Jones appointed JCL Law Firm
28

as class counsel and granted final approval of wage and hour class action for meal period violations.)

m. *Conner v. Ascendant Marketing, LLC et al.*, San Diego Superior Court Case No. 37-2019-00026864-CU-OE-CTL (July 24, 2020 Hon. Joel Wohlfeil granted approval of PAGA Settlement for, among other things, off-the-clock work. JCL Law Firm, APC acted as lead counsel.)

n. *Guerrero v. Estancia Operations, LLC.*, San Diego Superior Court Case No. 37-2019-00028963 (August 25, 2020 – Hon. Katherine Bacal approved PAGA Settlement for, *inter alia*, missed meal and rest periods. JCL LAW Firm, APC, acted as lead counsel.)

o. *Moreno v. Dash Lube, et al.*, United States District Court, Southern District of California, Case No. 18cv1922 DMS (AHG) (December 13, 2019 – Granted class certification of Labor Code Section 226 claim and appointed JCL Law Firm, APC, as Class Counsel.)

p. *Perkins et al., v. Tahiti Enterprises, Inc., et al.*, Orange County Superior Court Case No. 30-2016-00863095 (October 22, 2019 – Hon. Peter Wilson appointed JCL Law Firm, APC, as Class Counsel and granted final approval for an unlawful housing class action settlement arising out of Civil Code Section 1940.1.)

q. *Hill v. Stemak Holdings, Ltd.*, San Diego Superior Court Case No., 37-2018-00000747 (January 28, 2020 – Hon. Kenneth Medel appointed JCL Law Firm, APC as class counsel and granted final approval of wage and hour class action for unpaid overtime.)

r. *Shachno et al., v. KT Hotels, LLC, et al.* San Diego Superior Court Case No Case No. 37-2018-00043601 (May 31, 2019 – Hon, Gregory Pollack appointed JCL Law Firm, APC, as Class Counsel and granted preliminary approval for the wage and hour class action settlement involving nearly 900 current and former employees. Final approval scheduled for October 4, 2019)

s. *Almanza v. The Express Group, Inc.*, San Bernardino Superior Court Case No. CIVDS1722542 (April 19, 2019 – Hon. David Cohn appointed the JCL Law Firm, APC, as Class Counsel and granted final approval for a wage and hour class action settlement for *inter alia*, missed meal and rest periods and independent contractor misclassification.)

t. *Moschetto v. Pillow Global, Inc. San Diego Superior Court*, Case No. 37-2017-00024031-CU-OE-CTL (April 5, 2019 – Hon. John S. Meyer appointed JCL LAW Firm, APC, as Class Counsel and granted final approval for a wage and hour wage class action settlement involving misclassified house cleaners.)

u. *Burke v. Friendship Hotel, LLC*, San Diego County Superior Court Case No. 37-2017-00022517-CU-OE-CTL (March 10, 2019 – final approval granted on for an unlawful housing class action arising under Civil Code Section 1940.2)

v. *Terrado et al., v. Accredited Debt Relief, LLC*, San Diego County Superior Court Case No. 37-2018-00014181-CU-OE-CTL (February 8, 2019 – Hon. Gregory W. Pollock appointed JCL Law Firm, APC as Class Counsel and granted final approval for a wage and hour class action settlement for meal and rest period violations);

w. *Macaspac v. San Antonio Regional Hospital*, San Bernardino Superior Court Case No. CIVDS1512625, (July 27, 2018 – Hon. Thomas S. Garza appointed JCL Law Firm, APC, as Class Counsel and granted final approval for a wage and hour class action settlement involving claims for on duty meal and rest periods.);

x. *Summerlin et al. v. Maplebear, Inc. dba Instacart*, Los Angeles Superior Court Case No. BC603030 (2018 - certified and settled wage and hour class action.)

y. *Ortega v. Prime Healthcare*, San Diego Superior Court Case No. 37-2014-00011240-CU-OE-CTL (2018 – Approved PAGA only settlement for on duty meal and rest periods)



1 z. *Engstrom v. Bender-Rosenthal, Inc.* San Diego Superior Court Case No. 37-
2 2016-00012373-CU-OE-CTL (2017 - Certified and settled class action for employee
3 misclassification);

4 aa. *Crawford v. Outlook Amusements, Inc.*, Los Angeles Superior Court Case No.
5 BC617160 (2017 - Certified and settled wage and hour class action.);

6 bb. *Hernandez v. Sunglass Hut Trading, LLC*, San Bernardino Superior Court Case
7 No. CIVDS1505181 (2016 - Certified and settled wage and hour class action);

8 cc. *Burns v. Shalom, LLC*, San Diego Superior Court, Case No., 37-2013-00058356-
9 CU-BT-CTL (2015 - certified and settled class action for unlawful housing practices
10 arising out of Civil Code Section 1940.1);

11 15. Since 2010, I have successfully tried two (2) cases to conclusion, each resulting in a
12 favorable verdict for the firm's clients.

13 16. Finally, I have published appellate experience in *William Blanchette et al., v. The*
14 *Superior Court of Imperial County, (GHA Enterprises)*, 8 Cal.App.5th 521.

15 17. Consequently, I was named to the prestigious Thomson Reuters, Super Lawyers, Rising
16 Star in 2015, 2016, 2017 and, again, in 2018. According to Thomson Reuters, the Super Lawyers, Rising
17 Star list recognizes the top 2.5% of eligible attorneys. (see
18 https://www.superlawyers.com/about/selection_process.html.)

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is
20 true and correct. Executed this 8th day of April 2022, at San Diego, California.

21
22 **JCL LAW FIRM, APC**

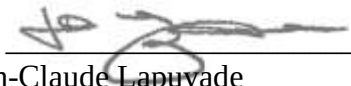
23 By: 
24 Jean-Claude Lapuyade
25 Attorneys for Plaintiff
26
27
28

EXHIBIT A

JCL Law Firm

Transaction Report
All Dates

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	ACCOUNT	SPLIT	AMOUNT	BALANCE
Jones v. ASD6 (002-204)								
04/30/2021	Journal Entry	Apr. 2022 Postage		Copies for Apr. 2021	Client costs deferred	-Split-	10.40	10.40
05/31/2021	Journal Entry	May 2021 Postage		Copies for May 2021	Client costs deferred	-Split-	0.20	10.60
07/01/2021	Check	2514	Judicate West	Invoice Number 532779- re: Mediation	Client costs deferred	US Bank-Checking - 4270	2,575.00	2,585.60
10/15/2021	Expense		One Legal LLC	One Legal Order Number: 17065140 - Filing Fee Re: Notice of Change of Address/Telephone	Client costs deferred	Chase Card 7349	12.35	2,597.95
10/27/2021	Check	2614	Judicate West	Invoice Number 532779 - re: Mediation	Client costs deferred	US Bank-Checking - 4270	2,575.00	5,172.95
12/08/2021	Check	2677	Berger Consulting Group	Invoice No. 5201	Client costs deferred	US Bank-Checking - 4270	675.00	5,847.95
12/31/2021	Journal Entry	Dec 2021 Postage		Copies for Dec 2021	Client costs deferred	-Split-	0.60	5,848.55
12/31/2021	Journal Entry	Dec 2021 Postage		Postage for Dec 2021	Client costs deferred	-Split-	0.53	5,849.08
Total for Jones v. ASD6 (002-204)							\$5,849.08	
TOTAL							\$5,849.08	

EXHIBIT B

JCL Law Firm

Unbilled Time

Activity: All Dates

ACTIVITY DATE	POSTING	EMPLOYEE	MEMO/DESCRIPTION	RATE	DURATION	AMOUNT	BALANCE
Jones v. ASD6 (002-204)							
02/19/2021	No	Jean Claude Lapuyade	Fact Investigation - Client Intake	550.00	0:54	495.00	495.00
02/23/2021	No	Jean Claude Lapuyade	Fact Investigation - Reviewed Client Documents	550.00	2:18	1,265.00	1,760.00
02/25/2021	No	Jean Claude Lapuyade	TCW Client Re Fee Agreement	550.00	0:48	440.00	2,200.00
03/02/2021	No	Jean Claude Lapuyade	Legal Research - Meal, Rest and PAGA	550.00	1:48	990.00	3,190.00
03/09/2021	No	Jean Claude Lapuyade	Fact Investigation - Reviewed Employee File from Defendant	550.00	1:42	935.00	4,125.00
03/18/2021	No	Jean Claude Lapuyade	Drafted Claim Analysis Letter to Client	550.00	1:24	770.00	4,895.00
04/14/2021	No	Jean Claude Lapuyade	Pleadings - Reviewed, Revised and Finalized Complaint	550.00	1:18	715.00	5,610.00
04/27/2021	No	Jean Claude Lapuyade	TCW OC Re Case Management and Mediation	550.00	0:18	165.00	5,775.00
05/18/2021	No	Jean Claude Lapuyade	TCW OC RE Case Management and Stip to Stay	550.00	0:24	220.00	5,995.00
05/21/2021	No	Jean Claude Lapuyade	Pleadings - Reviewed, Revised and Finalized Stip to Stay	550.00	0:12	110.00	6,105.00
10/14/2021	No	Jean Claude Lapuyade	Drafted Notice of COA	550.00	1:00	550.00	6,655.00
11/08/2021	No	Jean Claude Lapuyade	Mediation - Mediation Brief	550.00	4:24	2,420.00	9,075.00
11/09/2021	No	Jean Claude Lapuyade	Mediation - Expert Analysis Review	550.00	1:12	660.00	9,735.00
11/18/2021	No	Jean Claude Lapuyade	Attended Mediation	550.00	6:30	3,575.00	13,310.00
11/30/2021	No	Jean Claude Lapuyade	Settlement- PAGA Settlement Agreement	550.00	5:12	2,860.00	16,170.00
11/30/2021	No	Jean Claude Lapuyade	Settlement- Individual Settlement Agreement	550.00	2:48	1,540.00	17,710.00
12/01/2021	No	Jean Claude Lapuyade	Phone Call regarding settlement.	550.00	0:30	275.00	17,985.00
12/07/2021	No	Jean Claude Lapuyade	Pleadings - Reviewed Answer	550.00	0:30	275.00	18,260.00
12/08/2021	No	Jean Claude Lapuyade	Settlement- Revisions to Settlement Agreement and Individual Settlement Agreement	550.00	1:48	990.00	19,250.00
12/09/2021	No	Jean Claude Lapuyade	Correspondence to OC with SAR and Individual SAR	550.00	0:06	55.00	19,305.00
01/04/2022	No	Jean Claude Lapuyade	Correspondence with OC regarding SAR.	400.00	0:12	80.00	19,385.00
01/04/2022	No	Jean Claude Lapuyade	Phone Call with client regarding status of settlement.	550.00	0:18	165.00	19,550.00

JCL Law Firm

Unbilled Time

Activity: All Dates

ACTIVITY DATE	POSTING	EMPLOYEE	MEMO/DESCRIPTION	RATE	DURATION	AMOUNT	BALANCE
01/11/2022	No	Jean Claude Lapuyade	Correspondence to/from OC regarding SAR	550.00	0:18	165.00	19,715.00
02/09/2022	No	Jean Claude Lapuyade	Settlement - Reviewed Defense edits to SAR	550.00	1:36	880.00	20,595.00
02/18/2022	No	Jean Claude Lapuyade	Revisions to PAGA SAR and Individual SAR	550.00	0:30	275.00	20,870.00
03/08/2022	No	Jean Claude Lapuyade	Settlement - Reviewed Settlement Agreement	550.00	2:48	1,540.00	22,410.00
03/15/2022	No	Jean Claude Lapuyade	Legal Research - MPA Standards and Case Law	550.00	3:48	2,090.00	24,500.00
03/16/2022	No	Jean Claude Lapuyade	Settlement - Reviewed and Revised Settlement Agreements	550.00	1:30	825.00	25,325.00
Total for Jones v. ASD6 (002-204)					46:06	\$25,325.00	