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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

SANTIAGO GUTIERREZ, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

M.M.C.L., INC. dba CALIFORNIA
LANDCARE, a California corporation; and
DOES 1 through 100,

Defendants.

Case No. 30-2021-01182371-CU-OE-CXC

*[Case assigned for all purposes to the Hon.
Randall J. Sherman, Dept. CX105]*

**DECLARATION OF FLETCHER W.
SCHMIDT IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: October 28, 2022
Time: 10:00 a.m.
Dept.: CX105
Reservation No.: 73797124

Action Filed: February 2, 2021
Trial Date: None Set

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I, Fletcher W. Schmidt, declare as follows:

1. I am a Partner at the Haines Law Group, APC, and counsel for the named Plaintiff, Jo Gutierrez (“Plaintiff”) in the above-captioned matter. I am a member in good standing of the State of California and am admitted to practice in this Court. I have personal knowledge of the facts stated in this declaration and could testify competently to them if called to do so.

2. I am a 2012 graduate of Loyola Law School, Los Angeles, where I graduated *cum* and was awarded membership in the Order of the Coif. From August 2013 to March 2016, I worked as an associate attorney at Boren, Osher & Luftman LLP. Since March 2016 I have worked at my current firm, Haines Law Group, APC, where, in 2018, I became a Partner.

3. During my time with Boren, Osher & Luftman LLP and Haines Law Group, APC, practice has been solely devoted to litigating plaintiff-side wage and hour class actions in Pennsylvania state and federal court. I am currently responsible for managing a caseload of over twenty-five (75) active wage and hour class actions in which I am integrally involved in all aspects of the litigation.

4. The following is a non-exhaustive list of class action and PAGA settlements in which Plaintiff has been named as Class Counsel, and which have been granted final approval: *Julio v. [redacted], Inc.*, Case No. CV14-03172 AB (SHx), United States District Court, Central District of California, Honorable Judge Andre Birotte, Jr. presiding (approving an hourly rate of \$350 for work performed in 2014 and 2015); *Litt v. Western Stone & Metal Corp.*, Case No. 3:14-cv-00123-PJH, United States District Court, Northern District of California, Honorable Judge Phyllis K. Hamilton presiding (approving an hourly rate of \$350 for work performed in 2014 and 2015); *Alava v. United Towing and Transport Burbank, et al.*, Case No. BC518468, California Superior Court, County of Los Angeles, Honorable Judge Kenneth Freeman presiding (approving an hourly rate of \$350 for work performed in 2013, 2014 and 2015); *Rivera Regalado v. Jaguar Labor Contracting*, Case No. CV 130569, California Superior Court, County of San Luis Obispo, Honorable Martin J. Tangeman presiding (approving an hourly rate of \$350 for work performed in 2013, 2014 and 2015).

performed in 2014 and 2015); *Sanchez v. Res-Care, Inc.*, Case No. BC526175, California Superior Court, County of Los Angeles, Honorable John S. Wiley presiding (approving an hourly rate of \$350 for work performed in 2013, 2014 and 2015); *Rodas v. Gateways Hospital and Mental Health Center*, Case No. BC503179, California Superior Court, County of Los Angeles, Honorable Judge Amy D. Hogue presiding (approving an hourly rate of \$350 for work performed in 2014 and 2015); *Prado v. Warehouse Demo Services, Inc.*, Case No. CV14-3170 JFW (Ex), United States District Court, Central District of California, Honorable Judge John F. Walter presiding (approving an hourly rate of \$350 for work performed in 2014 and 2015); *Shaw v. Conant Auto Retail, San Diego*, Case No. 37-2014-00044052-CU-OE-CTL, California Superior Court, County of San Diego, Honorable Judge Joan M. Lewis presiding (approving an hourly rate of \$375 for work performed in 2014, 2015, and 2016); *Tirado v. Ricon Corp.*, Case No BC537042, California Superior Court, County of Los Angeles, Honorable Judge John Shepard Wiley, Jr. presiding (approving an hourly rate of \$375 for work performed in 2014, 2015, and 2016); *Tesla Motors Wage and Hour Litigation*, JCCP 4792, California Superior Court, County of Santa Clara, Honorable Peter H. Kirwan presiding (approving an hourly rate of \$375 for work performed in 2013, 2014, 2015, and 2016); *Lopez v. RM HQ LLC, et al.*, Case No. BC525592, California Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding (approving an hourly rate of \$375 for work performed in 2013, 2014, 2015, and 2016); *Horta v. Searles Valley Minerals, Inc.*, Case No. CIVDS 1507615, California Superior Court, County of San Bernardino, Honorable Donald Alvarez presiding (approving an hourly rate of \$375 for work performed in 2015 and 2016); *Mansilla v. Haeco Americas Line Services, LLC, et al*, Case No. BC615310, Superior Court of California, County of Los Angeles, Honorable Judge Elihu M. Berle presiding (approved at an hourly rate of \$425 for work performed in 2016 and 2017); *Khosravi v. Enterprise Rent-A-Car Company of Los Angeles, LLC, et al.*, Case No. 30-2016-00829923-CU-OE-CXC, Superior Court of California, County of Orange, Honorable Judge Thierry Patrick Colaw presiding (approved at an hourly rate of \$425 for work performed in 2016 and 2017); *Nieves v. Ta Chen International, Inc.*, Case No. BC609005, Superior Court of California, County of Los Angeles, Honorable Judge Kenneth R. Freeman presiding (approved at an hourly rate of \$425 for

work performed in 2016 and 2017); *Berkel v. Pride Bakeries, LLC*, Case No. 30-2017-00923148-CU-OE-CXC, Superior Court of California, County of Orange, Honorable Judge William Claster presiding (approved at an hourly rate of \$425 for work performed in 2017 and 2018); *Ruvalcaba Quiroz v. Circle M Contractors, Inc.*, Case No. 30-2016-00885065-CU-OE-CXC, Superior Court of California, County of Orange, Honorable William D. Claster presiding (approving an hourly rate of \$425 for work performed in 2016, 2017 and 2018); *Armenta, et al., v. California Friends Homes d/b/a Quaker Gardens*, Case No. 30-2016-00883282-CU-OE-CXC, Superior Court of California, County of Orange, Honorable Randall J. Sherman presiding (approving an hourly rate of \$425 for work performed in 2016, 2017 and 2018); *Sandra Zinnerman v. Tumbleweed Educational Enterprises, Inc.*, Case No. BC673708, Superior Court of California, County of Los Angeles, Honorable Maren E. Nelson presiding (approving an hourly rate of \$425 for work performed in 2016, 2017, and 2018); *Tina Arellano v. Williams Sonoma Stores, Inc.*, Case No. BC693760, Los Angeles County Superior Court, Honorable Daniel J. Buckley, presiding; *William Cuellar v. UMA Enterprises, Inc.*, Case No. BC657146, Los Angeles County Superior Court, Honorable Maren E. Nelson, presiding (approving an hourly rate of \$475 for work performed in 2017, 2018 and 2019); *Maria C. Garcia, et al. v. Simplified Labor Staffing Solutions, Inc.*, Case No. BC696898, Los Angeles County Superior Court, Honorable Elihu M. Berle, presiding (approving an hourly rate of \$475 for work performed in 2018 and 2019); *Arturo Delgado v. Spears Manufacturing Co.*, Case No. BC709665, Los Angeles County Superior Court, Honorable Maren E. Nelson, presiding (approving an hourly rate of \$595 for work performed in 2018, 2019 and 2020); *Soto v. L I Metal Systems*, Case No. 37-2017-00009607-CU-OE-CTL, San Diego County Superior Court, Honorable Timothy Taylor, presiding (approving an hourly rate of \$595 for work performed in 2017-2020); *Michael Fishback v. Paragon Framing, Inc.*, Case No. CIVDS1906610, San Bernardino County Superior Court, Honorable David Cohn, presiding (approving an hourly rate of \$595 for work performed in 2019 and 2020); *Francisco Garcia v. Searing Industries, Inc.*, Case No. CIVDS1932477, San Bernardino County Superior Court, Honorable David Cohn, presiding (approving an hourly rate of \$595 for work performed in 2019 and 2020); *Ahmad Teeba v. Brill, Inc.*, Case No. CIVDS1923242, San Bernardino County

1 Superior Court, Honorable David Cohn, presiding (approving an hourly rate of \$595 for work
2 performed in 2019-2021); *David Hasler, et al. v. Anheuser-Busch, LLC*, Case No. 19STCV00802,
3 Los Angeles County Superior Court, Honorable Daniel J. Buckley, presiding; and *Angel Ochoa*
4 *v. Fonseca Construction, Inc.*, Case No. CIVDS1928625, San Bernardino County Superior Court,
5 Honorable David Cohn, presiding (approving an hourly rate of \$595 for work performed in 2019
6 to 2021); *William Chang v. Avcorp Composite Fabrication, Inc.*, Case No. BC715159, Los
7 Angeles County Superior Court, Honorable Amy D. Hogue, presiding (approving an hourly rate
8 of \$595 for work performed in 2018 to 2021); *David Alvarado, et al. v. J.G. Boswell Company*,
9 Case No. 19STCV19033, Los Angeles County Superior Court, Honorable Daniel J. Buckley,
10 presiding (approving an hourly rate of \$595 for work performed in 2019 to 2021); *Gaudencio*
11 *Arroyo Reynoso, et al. v. Cream of the Crop Ag Service, Inc.*, Case No. VCU278847, Tulare
12 County Superior Court, Honorable Bret D. Hillman, presiding (approving an hourly rate of \$595
13 for work performed in 2019 to 2022); *Alejandra Parra v. Sixty Collective, LLC*, Case No.
14 19STCV01016, Los Angeles County Superior Court, Honorable Carolyn B. Kuhl, presiding
15 (approving an hourly rate of \$625 for work performed in 2019-2022); *Veronica Gonzalez v.*
16 *Precision Hospitality & Development, LLC*, Case No. 30-2020-01127597-CU-OE-CXC, Orange
17 County Superior Court, Honorable Randall J. Sherman, presiding (approving an hourly rate of
18 \$625 for work performed in 2020-2021); *Steve Qawas v. Socal Framing, Inc.*, Case No
19 RIC1902588, Riverside County Superior Court, Honorable Sunshin S. Sykes, presiding
20 (approving an hourly rate of \$650 for work performed in 2019-2022); *Jessica Burrola v.*
21 *Trademark Cosmetics, Inc.*, Case No. RIC2002311, Riverside County Superior Court, Honorable
22 Sunshine S. Sykes, presiding (approving an hourly rate of \$650 for work performed in 2020-
23 2022); and *Elmy Calderon v. Personnel Staffing Group, LLC*, Case No. VCU278910, Tulare
24 County Superior Court, Honorable David C. Mathias, presiding (approving an hourly rate of \$650
25 for work performed in 2019-2022).

26 5. I have also moved to certify and have received an order certifying a class action
27 and/or conditionally certifying a collective action as Class Counsel in the following cases:
28 *Medeiros v. Vortex Financial Management Inc.*, Case No. 30-2013-00644741-CU-OE-CXC,

1 California Superior Court, County of Orange, Honorable Judge Gail A. Andler presiding
2 (certifying a class of employees who were misclassified as independent contractors); *Javine v.*
3 *San Luis Ambulance Service, Inc.*, Case No. CV13-07480 BRO (SSx), United States District
4 Court, Central District of California, Honorable Judge Beverly Reid O’Connell presiding
5 (conditionally certifying an unpaid FLSA overtime wage class); *Prado v. Warehouse Demo*
6 *Services, Inc.*, Case No. CV14-3170 JFW (Ex), United States District Court, Central District of
7 California, Honorable Judge John F. Walter presiding (certifying a rest period violation class and
8 conditionally certifying a FLSA unpaid overtime wage class); *Bower v. Cycle Gear, Inc.*, Case
9 No. CV14-2712 HSG, United States District Court, Northern District of California, Honorable
10 Judge Haywood S. Gilliam, Jr. presiding (conditionally certifying an unpaid FLSA overtime wage
11 class); *Vega v. Weatherford U.S., Limited Partnership*, Case No. CV14-1790-JLT, United States
12 District Court, Eastern District of California, Honorable Judge Jennifer L. Thurston presiding
13 (conditionally certifying an unpaid FLSA overtime wage class); *Galvan v. AMVAC Chemical*
14 *Corporation*, Case No. 30-2014-00716103-CU-OE-CXC, California Superior Court, County of
15 Orange, Honorable Judge William Claster presiding (certifying unpaid overtime wage class and
16 waiting time penalty class); *Camacho v. Residential Fire Systems, Inc.*, Case No. 30-2015-
17 00775372-CU-OE-CXC, California Superior Court, County of Orange, Honorable Judge Glenda
18 Sanders presiding (certifying five separate classes for claims for unpaid wages, unreimbursed
19 expenses, failure to authorize and permit rest periods, and derivative claims); *Ontiveros v. Safelite*
20 *Fulfillment, Inc., et al*, Case No. CV 15-7118-DMG (RAOx), United States District Court, Central
21 District of California, Honorable Dolly M. Gee presiding (certifying six classes of employees for
22 rest period violations, wage statement violations, meal period violations, and overtime and
23 double-time violations); *Staublein v. Wells Fargo Bank, National Association*, Case No.
24 CIVDS1712267, San Bernardino Superior Court, Honorable David Cohn presiding (certifying a
25 wage statement class); and *Danica N. Keich, et al. v. U.S. Healthworks, Inc., et al.*, Case No. 37-
26 2017-00015343-CU-OE-CTL, San Diego County Superior Court, Honorable Eddie C. Sturgeon,
27 presiding (certifying classes for rest period violations, meal period violations, on-call pay
28 violations, wage statement violations, and waiting time violations).

6. In each year from 2018 through 2022, Thomson Reuters and Los Angeles Magazine recognized me as a Top Young Attorney in Southern California in the annual Rising Star Edition of Super Lawyers. This is an honor awarded to no more than two-and-a-half percent (2.5%) of attorneys under the age of forty in Southern California each year.

7. I confirm that I do not have any interest or involvement in the governance or work of the proposed *cy pres* recipient, Girls Inc. of Orange County. Likewise, I am not affiliated with the proposed settlement administrator, Simpluris, Inc.

8. As counsel for Plaintiff, I have been intimately involved in all aspects of this litigation from its inception and believe that the proposed Settlement is a fair and reasonable result for the Class Members. The details of the work completed by Plaintiff's Counsel in this case are set forth in the declaration of Matthew K. Moen, filed concurrently herewith.

I declare under penalty of perjury under the laws of California and the United States that the foregoing is true and correct. Executed on July 7, 2022, at El Segundo, California.


Fletcher W. Schmidt