

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder, Esq. (State Bar No. 170131)
Polaris Law Group LLP
501 San Benito Street, Suite 200
Hollister, CA 95023
Tel: (831) 531-4214
Fax: (831) 634-0333

Attorneys for Plaintiff Jodie Blanton Jr. and the Class

[Additional Counsel on following page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN

JODIE BLANTON JR., YAZMIN CORTES,
and GABRIELA ESCRIBA, individually, on
a representative basis, and on behalf of all
others similarly situated;

Plaintiff,

vs.

COMMUNICATIONS TEST DESIGN, INC.,
a Pennsylvania Corporation; and DOES 1
through 20, inclusive;

Defendants.

Case No.: STK-CV-UOE-2021-0005136
*[Assigned to Hon. Judge Robert T. Waters,
Dept. 11B, for all purposes]*

**DECLARATION OF LOUIS BENOWITZ
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

1 Brian J. Mankin, Esq. [CSB No. 216228]
brian@lmlfirm.com
2 Misty M. Lauby, Esq. [CSB No. 243009]
misty@lmlfirm.com
3 LAUBY, MANKIN & LAUBY LLP
4 5198 Arlington Avenue, PMB 513
Riverside, CA 92504
Tel: (951) 320-1444 | Fax: (951) 320-1445

5 Attorneys for Plaintiff Yazmin Cortes, on a representative basis and on behalf of all others
6 similarly situated

7 David G. Spivak (SBN 179684)
david@spivaklaw.com
8 THE SPIVAK LAW FIRM
16530 Ventura Blvd., Ste 203
9 Encino, CA 91436
Telephone (213) 725-9094
10 Facsimile (213) 634-2485

11 Louis M. Benowitz, Esq. (SBN 262300)
BENOWITZ LAW CORPORATION
12 8605 Santa Monica Blvd., PMB 97638
West Hollywood, CA 90069-4109
13 Tel: (818) 839-9610

14 Attorneys for Plaintiff Gabriela Escriba, and all others similarly situated
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

1. I am an attorney admitted in good standing to the State Bar of California and an attorney of record for Plaintiff Gabriela Escriba in this action.

3. Based on my extensive experience in class and representative wage and hour litigation (as set forth herein), and for the reasons set forth in Plaintiffs' Motion and the other supporting Declarations, I believe that the settlement in this case is fair, adequate, and reasonable, and thus warrants this Court's approval.

5. Since being admitted to the State Bar of California in February of 2009 after passing the California Bar Examination on my first attempt, I have almost exclusively practiced in the areas of civil litigation and employment law. I am a member of the California Employment Lawyers Association (“CELA”) and the vast majority of my work during my time in active legal practice has consisted of wage and hour and other employment law cases on behalf of employees, with a few matters on behalf of employers. I currently have numerous pending employment law cases at various stages of litigation, the majority of which are wage and hour class actions.

a. *Vang v. Burlington Coat Factory Warehouse Corp., et al.*, U.S. District Court, Central District of California, No. 09-CV-8061-CAS (appointed class counsel and granted final approval of settlement on behalf of retail store employees in case involving,

1 among other things, alleged vacation pay forfeitures, failures to provide meal and rest periods,
2 and failures to pay overtime wages based on employee misclassification).

3 b. *Garcia v. Am. Gen. Fin. Mgmt. Corp., et al.*, U.S. District Court, Central
4 District of California, No. 09-CV-1916-DMG (appointed class counsel and granted final
5 approval of settlement on behalf of account managers in case involving, among other things,
6 alleged overtime miscalculations and meal and rest period violations).

7 c. *Cerdenia v. USA Truck, Inc.*, U.S. District Court, Central District of
8 California, Case No. 10-CV-1489-JVS (appointed class counsel and granted final approval of
9 settlement on behalf of truck drivers).

10 d. *Jones v. Shred-It, Inc.*, U.S. District Court, Central District of California,
11 Case No. 2:11-cv-00526-SVW-FFM (appointed class counsel and granted final approval of
12 settlement on behalf of customer service representatives and balers in case involving alleged
13 off-the-clock work and meal and rest period violations).

14 e. *Douglas v. California Credit Union*, Los Angeles Superior Court, Case
15 No. BC445050 (appointed class counsel and granted final approval of settlement on behalf of
16 customer service representatives for overtime miscalculation claims).

17 f. *Alvarez v. Gary Grace Enterprises, LP*, Marin Superior Court, Case No.
18 CIV 1002553 (appointed class counsel and granted final approval of settlement on behalf of
19 hair salon employees for overtime miscalculation and related claims).

20 g. *Calderon v. Greatcall, Inc.*, San Diego Superior Court, Case No. 37-
21 2010-00093743-CU-OE-CTL (appointed class counsel and granted final approval of settlement
22 on behalf of customer service employees in case involving, among other things, alleged meal
23 and rest period violations and overtime calculation errors).

24 h. *Butler v. Lexxiom, Inc.*, San Bernardino Superior Court, Case No.
25 CIVRS 1001579 (appointed class counsel and granted final approval of settlement on behalf of
26 debt resolution center employees in case involving, among other things, alleged meal and rest
27 period violations and overtime calculation errors).

28 i. *Valencia v. SCIS Air Security Corp.*, Los Angeles Superior Court, Case
No. BC421485 (granted class certification through contested motion and appointed class
counsel in case on behalf of former security workers based on late final wage payments in

1 violation of Labor Code §§ 201–203; also granted final of proposed class action settlement on
2 behalf of certified class).

3 j. *Sandoval v. Rite Aid Corp.*, Los Angeles County Superior Court, Case
4 No. BC431249 (granted class certification through contested motion and appointed class
5 counsel in case on behalf of former pharmacy employees based on late final wage payments in
6 violation of Labor Code §§ 201–203; also granted final approval of class action settlement on
7 behalf of certified class).

8 7. In addition to the class actions for which I am currently, or have been, an
9 attorney of record, I have also performed work on several other wage and hour class action
10 cases, including the preparation of liability exposure analyses and settlement approval motions.
11 Further, both before and during law school, I worked as a law clerk for the Law Offices of
12 Spivak and Harrison (now The Spivak Law Firm), where the majority of my work consisted of
13 law and motion and discovery in California employment law cases.

14 8. Though not a traditional class action, I successfully prosecuted an eleven-day
15 bench trial with David Spivak, one of my co-counsel in this action, in the case of *Alina*
16 *Ghrdilyan, et al. v. RJ Financial, Inc., et al.*, Los Angeles Superior Court, Case No. BC430633
17 (2012), the Honorable Ronald Sohigian presiding. To my knowledge, this is the first and only
18 case to be successfully prosecuted through trial in a non-class representative capacity under the
19 Labor Code Private Attorney Generals Act of 2004, Labor Code § 2698 *et seq.* on behalf of
20 both named plaintiffs and aggrieved employees against someone other than an employer for
21 civil penalties including unpaid wages. The case involves claims of unpaid overtime,
22 unprovided rest and meal periods, unpaid vacation, untimely interval and final wages, and
23 unreimbursed expenses.

24 9. In addition to my experience in representing plaintiffs in class action litigation, I
25 also represented two of the defendants the case of *Sam Jaicaman v. Mustafa Ertan Tuysuzoglu,*
26 *et al.*, Los Angeles Superior Court, Case No. BC467147. In that case, a putative wage and hour
27 class action alleging off-the-clock, meal and rest period, and related claims, I, along with
28 counsel for other defendants, successfully opposed the plaintiff's motion for class certification.

10. I authored and submitted an *amicus curiae* brief on behalf of CELA in support
of the plaintiffs and the certified class in the case of *Augustus v. ABM Security Services, Inc.* at
both the Court of Appeal and Supreme Court levels. The ultimate decision from the Supreme

1 Court in favor of the plaintiffs incorporates much of the reasoning and arguments set forth in
2 my briefs.

3 11. I am also one of the counsel for the plaintiff in *Troester v. Starbucks Corp.*,
4 which the California Supreme Court resolved in favor of the plaintiff. I have been involved in
5 that case at all points since its inception. In that case, the California Supreme Court decided
6 that a *de minimis* exception does not exist under California law as a defense to wage and hour
7 claims (unlike under federal law) and thus expanded the rights of employees in California.

8 12. I have also been counsel for the plaintiffs in two recent successful appeals in
9 employment law cases. In *Alejandro Chavez v. Southern California Edison Co.*, Court of
10 Appeal, Second Appellate District, Division Two, Case No. B253514, a male-on-male sexual
11 harassment case, my co-counsel and I obtained a reversal of a defense verdict after trial based
12 on an erroneous jury instruction with respect to the standard for establishing that workplace
13 harassment is “because of” sex. In *Valencia v. SCIS Air Security Corporation*, Court of
14 Appeal, Second Appellate District, Division One, Case No. B255199, in a published opinion,
15 my co- counsel and I obtained reversals of a denial of class certification and a grant of
16 summary adjudication based on the trial court’s drawing of an erroneous conclusion with
17 respect to Airline Deregulation Act preemption in a case centering around alleged meal and
18 rest period violations and related unpaid time.

19 13. Tasks I have performed have included, but not been limited to: performing the
20 initial client intake for Plaintiff Escriba, preliminarily identifying her claims, reviewing
21 pleadings, settlement agreements, and other case-related documents, and monitoring
22 developments in the more-complicated-than-usual notice process in this case.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

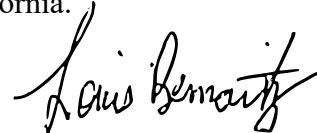
///

///

1 14. For the reasons set forth in the Memorandum of Points and Authorities in
2 Support of Plaintiff's Motion for Approval of Final Approval of Class Action Settlement and
3 the supporting declarations, I concur that the Settlement is a fair, adequate, and reasonable
4 compromise of the disputed claims in this case in view of the risks of continued litigation.

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

7 Executed on August 1, 2023 at Manhattan Beach, California.



8
9 _____
10 LOUIS BENOWITZ
11 Declarant