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11 Attorneys for ABEL ESCOBEDO and CHRISTOPHER
12 CARVER, on behalf of themselves, all others similarly
situated, and on behalf of the general public

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO, NORTHERN DIVISION

14 ABEL ESCOBEDO and CHRISTOPHER
15 CARVER on behalf of themselves, all
others similarly situated, and on behalf of
16 the general public ,

17 Plaintiffs,

18 v.

19 Matheson Tri-Gas, Inc. an unknown
business entity; Noelle Renouf, an
20 individual; Marvin Solis, an individual
and DOES 1 through 25, inclusive,

21 Defendants
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Case No. 37-2020-00044507-CU-OE-CTL

**DECLARATION OF ARTHUR R.
BOTHAM, JR.**

1 I, ARTHUR R. BOTHAM, JR., declare as follows:

- 2 1. I am an attorney at law duly licensed to practice before all Courts of the State of
3 California. I am one of the attorneys of record in this matter. I am familiar with the
4 facts and legal proceedings in this case and have personal first-hand knowledge of
5 the facts herein. If called as a witness, I could and would competently testify to the
6 facts stated herein.
- 7 2. On June 8, 2020 I sent a letter to the Labor and Workforce Development Agency
8 [LWDA] notifying them of the alleged violations of the Labor Code, through the
9 online portal. I also sent payment of the \$75 filing fee. I received confirmation of the
10 filing and was provided PAGA case number 792669-2020 by the LWDA.
- 11 3. More than 65 days passed and I did not receive any notice from the LWDA that
12 they would intervene.
- 13 4. On January 24, 2023, I filed copies of the operative complaint and settlement
14 agreement for this case with the LWDA through their online portal. At the same
15 time, I notified the LWDA that this hearing would take place in Department 65 of
16 the San Diego Superior Court on March 3, 2023 at 8:30 am, and provided details of
17 the settlement through the online portal.
- 18 5. I have practiced law in San Diego County for over 20 years.
- 19 6. My billable rate for this type of contingency-based case is \$750.00 dollars per hour.
- 20 7. My law firm practice is focused on civil litigation including employment matters.
21 I have at least 10 years' experience litigating employment representative class action
22 and PAGA claims. I have tried at least 3 unlimited civil matters to verdict by jury,
23 bench trial or arbitration award.
- 24 8. By way of example, and not by limitation, I have litigated the following
25 class/PAGA matters in superior court: (i) *Shadoan v. Las Fajitas, Inc.* SDSC Case No.
26 37-2013-00079169-CU-OE-CTL; (ii) *Marlette v. Mossy Nissan* SDSC Case No. 37-2014-
27 00038054-CU-OE-CTL; (iii) *Wooton v. Herbican, LLC* 37-2015-00033233-CU-OE-CTL;
28 (iv) *Fassino v. Welk Resort Properties, Inc.* 37-2016-00007049-CU-OE-CTL; (v.)

1 *Buckhannon v. Stone South Bay* 37-2017-00012951-CU-OE-CTL (vi.) *Hansen v. So-Cal*
2 *Dominoids, Inc.* 37-2017-00025142-CU-OE-CTL; (vii) *Olivas v. MYOBZ, LLC* 37-2018-
3 00001881-CU-OE-CTL (viii) *Tapia v. Frank Motors, Inc.* 37-2019-00003807-CU-OE-
4 CTL; *Burns v. World Famous, Inc.* 37-2020-00025597-CU-OE-CTL; *Mancera v. SDRC*
5 37-2020-00030835 *et cetera*.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct and that this declaration was executed in San Diego,
8 California.

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10 Dated: February 2, 2023

11 By: s/Athur R. Botham, Jr.
12 Arthur R. Botham, Jr.
13 Attorney for Plaintiffs
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