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Attorneys for Plaintiff KEVIN MURPHY

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

KEVIN MURPHY, individually and
on behalf of all other Aggrieved
Employees,

Plaintiff,

vs.

FUSION LEARNING, INC., a
Delaware Corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No. 2:21-cv-06732-JAK-AS
Related Case No.: 2:22-cv-04497-JAK-AS

*[Assigned to Hon. Judge John A.
Kronstadt]*

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

Date: December 11, 2023
Time: 8:30 a.m.
Place: First Street Courthouse,
350 W. First Street
Courtroom 10B
Los Angeles, CA 90012

Action Filed: July 8, 2021
Removal Date: August 19, 2021
Trial Date: None Set

1 **DECLARATION OF FLETCHER W. SCHMIDT**

2 I, Fletcher W. Schmidt, declare as follows:

3 1. I am a Partner at the Haines Law Group, APC, and counsel for
4 Plaintiffs Kevin Murphy, Gabriel Schwartz, Marc Brewer, and Garrison Moreno
5 (“Plaintiffs”) in the above-captioned matter. I am a member in good standing of the
6 bar of the State of California and am admitted to practice in this Court. I have
7 personal knowledge of the facts stated in this declaration and could testify
8 competently to them if called upon to do so.

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

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

19 4. The following is a non-exhaustive list of class action and PAGA
20 settlements in which I have been named as Class Counsel, and which have been
21 granted final approval: *Julio v. Anthony, Inc.*, Case No. CV14-03172 AB (SHx),
22 United States District Court, Central District of California, Honorable Judge Andre
23 Birotte, Jr. presiding (approving an hourly rate of \$350 for work performed in 2014
24 and 2015); *Litt v. Western Stone & Metal Corp.*, Case No. 3:14-cv-02804-PJH,
25 United States District Court, Northern District of California, Honorable Judge
26 Phyllis J. Hamilton presiding (approving an hourly rate of \$350 for work performed
27 in 2014 and 2015); *Rubalcava v. United Towing and Transport Burbank, et al.*,
28 Case No. BC518468, California Superior Court, County of Los Angeles, Honorable

1 Judge Kenneth Freeman presiding (approving an hourly rate of \$350 for work
2 performed in 2013, 2014 and 2015); *Rivera Regalado v. Jaguar Farm Labor*
3 *Contracting*, Case No. CV 130569, California Superior Court, County of San Luis
4 Obispo, Honorable Martin J. Tangeman presiding (approving an hourly rate of \$350
5 for work performed in 2014 and 2015); *Sanchez v. Res-Care, Inc.*, Case No.
6 BC526175, California Superior Court, County of Los Angeles, Honorable John S.
7 Wiley presiding (approving an hourly rate of \$350 for work performed in 2013,
8 2014 and 2015); *Rodas v. Gateways Hospital and Mental Health Center*, Case No.
9 BC503179, California Superior Court, County of Los Angeles, Honorable Judge
10 Amy D. Hogue presiding (approving an hourly rate of \$350 for work performed in
11 2014 and 2015); *Prado v. Warehouse Demo Services, Inc.*, Case No. CV14-3170
12 JFW (Ex), United States District Court, Central District of California, Honorable
13 Judge John F. Walter presiding (approving an hourly rate of \$350 for work
14 performed in 2014 and 2015); *Shaw v. Conant Auto Retail, San Diego*, Case No.
15 37-2014-00044052-CU-OE-CTL, California Superior Court, County of San Diego,
16 Honorable Judge Joan M. Lewis presiding (approving an hourly rate of \$375 for
17 work performed in 2014, 2015, and 2016); *Tirado v. Ricon Corp.*, Case No
18 BC537042, California Superior Court, County of Los Angeles, Honorable Judge
19 John Shepard Wiley, Jr. presiding (approving an hourly rate of \$375 for work
20 performed in 2014, 2015, and 2016); *Tesla Motors Wage and Hour Litigation*,
21 JCCP 4792, California Superior Court, County of Santa Clara, Honorable Peter H.
22 Kirwan presiding (approving an hourly rate of \$375 for work performed in 2013,
23 2014, 2015, and 2016); *Lopez v. RM HQ LLC, et al.*, Case No. BC525592,
24 California Superior Court, County of Los Angeles, Honorable Elihu M. Berle
25 presiding (approving an hourly rate of \$375 for work performed in 2013, 2014,
26 2015, and 2016); *Horta v. Searles Valley Minerals, Inc.*, Case No. CIVDS 1507615,
27 California Superior Court, County of San Bernardino, Honorable Donald Alvarez
28 presiding (approving an hourly rate of \$375 for work performed in 2015 and 2016);

1 *Mansilla v. Haeco Americas Line Services, LLC, et al*, Case No. BC615310,
2 Superior Court of California, County of Los Angeles, Honorable Judge Elihu M.
3 Berle presiding (approved at an hourly rate of \$425 for work performed in 2016 and
4 2017); *Khosravi v. Enterprise Rent-A-Car Company of Los Angeles, LLC, et al.*,
5 Case No. 30-2016-00829923-CU-OE-CXC, Superior Court of California, County
6 of Orange, Honorable Judge Thierry Patrick Colaw presiding (approved at an
7 hourly rate of \$425 for work performed in 2016 and 2017); *Nieves v. Ta Chen*
8 *International, Inc.*, Case No. BC609005, Superior Court of California, County of
9 Los Angeles, Honorable Judge Kenneth R. Freeman presiding (approved at an
10 hourly rate of \$425 for work performed in 2016 and 2017); *Berkel v. Pride Bakeries,*
11 *LLC*, Case No. 30-2017-00923148-CU-OE-CXC, Superior Court of California,
12 County of Orange, Honorable Judge William Claster presiding (approved at an
13 hourly rate of \$425 for work performed in 2017 and 2018); *Ruvalcaba Quiroz v.*
14 *Circle M Contractors, Inc.*, Case No. 30-2016-00885065-CU-OE-CXC, Superior
15 Court of California, County of Orange, Honorable William D. Claster presiding
16 (approving an hourly rate of \$425 for work performed in 2016, 2017 and 2018);
17 *Armenta, et al., v. California Friends Homes d/b/a Quaker Gardens*, Case No. 30-
18 2016-00883282-CU-OE-CXC, Superior Court of California, County of Orange,
19 Honorable Randall J. Sherman presiding (approving an hourly rate of \$425 for work
20 performed in 2016, 2017 and 2018); *Sandra Zinnerman v. Tumbleweed Educational*
21 *Enterprises, Inc.*, Case No. BC673708, Superior Court of California, County of Los
22 Angeles, Honorable Maren E. Nelson presiding (approving an hourly rate of \$425
23 for work performed in 2016, 2017, and 2018); *Tina Arellano v. Williams Sonoma*
24 *Stores, Inc.*, Case No. BC693760, Los Angeles County Superior Court, Honorable
25 Daniel J. Buckley, presiding; *William Cuellar v. UMA Enterprises, Inc.*, Case No.
26 BC657146, Los Angeles County Superior Court, Honorable Maren E. Nelson,
27 presiding (approving an hourly rate of \$475 for work performed in 2017, 2018 and
28 2019); *Maria C. Garcia, et al. v. Simplified Labor Staffing Solutions, Inc.*, Case No.

1 BC696898, Los Angeles County Superior Court, Honorable Elihu M. Berle,
2 presiding (approving an hourly rate of \$475 for work performed in 2018 and 2019);
3 *Arturo Delgado v. Spears Manufacturing Co.*, Case No. BC709665, Los Angeles
4 County Superior Court, Honorable Maren E. Nelson, presiding (approving an
5 hourly rate of \$595 for work performed in 2018, 2019 and 2020); *Soto v. L I Metal*
6 *Systems*, Case No. 37-2017-00009607-CU-OE-CTL, San Diego County Superior
7 Court, Honorable Timothy Taylor, presiding (approving an hourly rate of \$595 for
8 work performed in 2017-2020); *Michael Fishback v. Paragon Framing, Inc.*, Case
9 No. CIVDS1906610, San Bernardino County Superior Court, Honorable David
10 Cohn, presiding (approving an hourly rate of \$595 for work performed in 2019 and
11 2020); *Francisco Garcia v. Searing Industries, Inc.*, Case No. CIVDS1932477, San
12 Bernardino County Superior Court, Honorable David Cohn, presiding (approving
13 an hourly rate of \$595 for work performed in 2019 and 2020); *Ahmad Teeba v. Brill,*
14 *Inc.*, Case No. CIVDS1923242, San Bernardino County Superior Court, Honorable
15 David Cohn, presiding (approving an hourly rate of \$595 for work performed in
16 2019-2021); *David Hasler, et al. v. Anheuser-Busch, LLC*, Case No.
17 19STCV00802, Los Angeles County Superior Court, Honorable Daniel J. Buckley,
18 presiding; and *Angel Ochoa v. Fonseca Construction, Inc.*, Case No.
19 CIVDS1928625, San Bernardino County Superior Court, Honorable David Cohn,
20 presiding (approving an hourly rate of \$595 for work performed in 2019 to 2021);
21 *William Chang v. Avcorp Composite Fabrication, Inc.*, Case No. BC715159, Los
22 Angeles County Superior Court, Honorable Amy D. Hogue, presiding (approving
23 an hourly rate of \$595 for work performed in 2018 to 2021); *David Alvarado, et al.*
24 *v. J.G. Boswell Company*, Case No. 19STCV19033, Los Angeles County Superior
25 Court, Honorable Daniel J. Buckley, presiding (approving an hourly rate of \$595
26 for work performed in 2019 to 2021); *Gaudencio Arroyo Reynoso, et al. v. Cream*
27 *of the Crop Ag Service, Inc.*, Case No. VCU278847, Tulare County Superior Court,
28 Honorable Bret D. Hillman, presiding (approving an hourly rate of \$595 for work

performed in 2019 to 2022); *Alejandra Parra v. Sixty Collective, LLC*, Case No. 19STCV01016, Los Angeles County Superior Court, Honorable Carolyn B. Kuhl, presiding (approving an hourly rate of \$625 for work performed in 2019-2022); *Veronica Gonzalez v. Precision Hospitality & Development, LLC*, Case No. 30-2020-01127597-CU-OE-CXC, Orange County Superior Court, Honorable Randall J. Sherman, presiding (approving an hourly rate of \$625 for work performed in 2020-2021); *David Montalvo v. Warehouse Services No. 4 LLC*, Case No. CIVDS1931568, San Bernardino County Superior Court, Honorable David Cohn, presiding (approving an hourly rate of \$625 for work performed in 2019-2022); *Steve Qawas v. Socal Framing, Inc.*, Case No RIC1902588, Riverside County Superior Court, Honorable Sunshin S. Sykes, presiding (approving an hourly rate of \$650 for work performed in 2019-2022); *Jessica Burrola v. Trademark Cosmetics, Inc.*, Case No. RIC2002311, Riverside County Superior Court, Honorable Sunshine S. Sykes, presiding (approving an hourly rate of \$650 for work performed in 2020-2022); *Elmy Calderon v. Personnel Staffing Group, LLC*, Case No. VCU278910, Tulare County Superior Court, Honorable David C. Mathias, presiding (approving an hourly rate of \$650 for work performed in 2019-2022); *Santos Orellana v. Smarte Carte, Inc.*, Case No. 20STCV08890, Los Angeles County Superior Court, Honorable Yvette M. Palazuelos, presiding (approving an hourly rate of \$650 for work performed in 2020-2022); *Luis Montanez v. MEI Rigging & Crating, LLC, et al.*, Case No. 21STCV04062, Los Angeles County Superior Court, Honorable Carolyn B. Kuhl, presiding (approving an hourly rate of \$650 for work performed in 2021-2022); *Ketema Nelson v. Santini Foods, Inc.*, Case No. RG21090890, Alameda County Superior Court, Honorable Evelio Grillo, presiding (approving an hourly rate of \$650 for work performed in 2021-2022); *Edward Salgado v. S.R. Bray LLC, dba Power Plus!, et al.*, Case No. 30-2020-01172134-CU-OE-CXC, Orange County Superior Court, Honorable Lon F. Hurwitz, presiding (approving an hourly rate of \$725 for work performed in 2020-

2023); *Santiago Gutierrez v. M.M.C.L., Inc. dba California Landcare*, Case No. 30-2021-01182371-CU-OE-CXC, Orange County Superior Court, Honorable Randall J. Sherman, presiding (approving an hourly rate of \$725 for work performed in 2021-2023); and *Robert Lewis v. IMERYS Filtration Minerals, Inc., et al.*, Case No. 22CV02874, Santa Barbara County Superior Court, Honorable Jed Beebe, presiding (approving an hourly rate of \$725 for work performed in 2021-2023).

5. I have also moved to certify and have received an order certifying a class action and/or conditionally certifying a collective action as Class Counsel in the following cases:

- *Medeiros v. Vortex Financial Management Inc.*, Case No. 30-2013-00644741-CU-OE-CXC, California Superior Court, County of Orange, Honorable Judge Gail A. Andler presiding (certifying a class of employees who were misclassified as independent contractors);
- *Javine v. San Luis Ambulance Service, Inc.*, Case No. CV13-07480 BRO (SSx), United States District Court, Central District of California, Honorable Judge Beverly Reid O’Connell presiding (conditionally certifying an unpaid FLSA overtime wage class);
- *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 (certifying a rest period violation class and conditionally certifying a FLSA unpaid overtime wage class);
- *Bower v. Cycle Gear, Inc.*, Case No. CV14-2712 HSG, United States District Court, Northern District of California, Honorable Judge Haywood S. Gilliam, Jr. presiding (conditionally certifying an unpaid FLSA overtime wage class);
- *Vega v. Weatherford U.S., Limited Partnership*, Case No. CV14-1790-JLT, United States District Court, Eastern District of California, Honorable Judge

Jennifer L. Thurston presiding (conditionally certifying an unpaid FLSA overtime wage class);

- *Galvan v. AMVAC Chemical Corporation*, Case No. 30-2014-00716103-CU-OE-CXC, California Superior Court, County of Orange, Honorable Judge William Claster presiding (certifying unpaid overtime wage class and waiting time penalty class);
- *Camacho v. Residential Fire Systems, Inc.*, Case No. 30-2015-00775372-CU-OE-CXC, California Superior Court, County of Orange, Honorable Judge Glenda Sanders presiding (certifying five separate classes for claims for unpaid wages, unreimbursed expenses, failure to authorize and permit rest periods, and derivative claims);
- *Ontiveros v. Safelite Fulfillment, Inc., et al*, Case No. CV 15-7118-DMG (RAOx), United States District Court, Central District of California, Honorable Dolly M. Gee presiding (certifying six classes of employees for rest period violations, wage statement violations, meal period violations, and overtime and double-time violations);
- *Staublein v. Wells Fargo Bank, National Association*, Case No. CIVDS1712267, San Bernardino Superior Court, Honorable David Cohn presiding (certifying a wage statement class);
- *Danica N. Keich, et al. v. U.S. Healthworks, Inc., et al.*, Case No. 37-2017-00015343-CU-OE-CTL, San Diego County Superior Court, Honorable Eddie C. Sturgeon, presiding (certifying classes for rest period violations, meal period violations, on-call pay violations, wage statement violations, and waiting time violations);
- *George Gomez v. The Bedrock Company*, Case No. CIVDS1824255, San Bernardino County Superior Court, Honorable David Cohn, presiding

(certifying claims for unpaid overtime and minimum wage violations, meal period violations, rest period violations, wage statement violations, and waiting time penalties); and

- *Aurora Gatica v. Valley Ag, Inc. et al.*, Case No. 19CECG03018, Fresno County Superior Court, Honorable Tyler D. Tharpe, presiding (certifying claims for meal period violations, unpaid rest period violations, wage statement violations, and waiting time penalties).

6. In March 2023, I served as trial counsel for the plaintiff and the aggrieved employees in the matter of *Abraham Taduran v. James R. Glidewell, Dental Ceramics, Inc. dba Glidewell Laboratories*, Case No. 30-2017-00934037-CU-OE-CXC, Orange County Superior Court, Honorable William Claster presiding, which was a case brought under the Private Attorneys General Act, Labor Code §§ 2698 *et seq.*, that resulted in a six-figure verdict in favor of the aggrieved employees.

7. In each year from 2018 through 2023, 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.

8. On December 13, 2022, I filed a Notice of Appearance of Counsel in this matter [Dkt. No. 31]. As counsel for Plaintiffs, I have been closely involved in all aspects of this litigation since being retained by Plaintiffs. The details of the work completed by Class Counsel in this case are set forth in the declaration of Matthew K. Moen, filed concurrently herewith.

9. I am not aware of any actual or potential conflicts of interest between myself and the Settlement Class Members. Likewise, I am not affiliated with, nor

1 do I have any interest or involvement in, the proposed settlement administrator,
2 CPT Group, Inc.

3
4 I declare under penalty of perjury under the laws of the United States and the
5 state of California that the foregoing is true and correct. Executed on November 9,
6 2023, at El Segundo, California.

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8 
9 Fletcher W. Schmidt