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[Additional counsel on following page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

MARIO ANGEL MENDOZA, an individual and on behalf of himself and all others similarly situated; EDIN MARROQUIN, an individual, on behalf of himself and all others similarly situated, and on behalf of the State of California and other aggrieved persons,

Plaintiffs,

v.

AMUSEMENT INDUSTRY, INC., a California corporation; and DOES 1 through 100, inclusive,

Defendants.

Case No.: 21STCV09790

[Assigned for all purposes to: Hon. Carolyn B. Kuhl, Dept. 12]

DECLARATION OF JUSTIN F. MARQUEZ IN SUPPORT OF PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

HEARING INFORMATION

Date: March 23, 2023
Time: 10:30 a.m.
Dept.: 12

ADDITIONAL ATTORNEYS

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Attorneys for Plaintiff Mario Angel Mendoza

I, Justin F. Marquez, declare as follows:

CASE BACKGROUND

3. On April 9, 2021, Plaintiff Marroquin filed a putative wage and hour class action complaint against Defendant in the Los Angeles County Superior Court, Case No. 21STCV13690, on behalf of himself and all others similarly situated. Plaintiff Marroquin alleges that Defendant: (1) failed to pay minimum and straight time wages (Cal. Lab. Code §§ 204, 1194, 1194.2, and 1197); (2) failed to pay overtime wages (Cal. Lab. Code §§ 1194 and 1198); (3) failed to provide meal periods (Cal. Lab. Code §§ 226.7 and 512); (4) failed to authorize and permit rest periods (Cal. Lab. Code §§ 226.7); (5) failed to timely pay final wages at termination (Cal. Lab. Code §§ 201-203); (6) failed to provide accurate itemized wage statements (Cal. Lab. Code § 226); (7) failed to indemnify employees for expenditures (Cal. Lab. Code § 2802); and (8) engaged in unfair

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business practices (Cal. Bus. & Prof. Code §§ 17200, *et seq.*).

4. On April 12, 2021, Plaintiff Marroquin notified Defendant and the California Labor & Workforce Development Agency (“LWDA”) of his intent to pursue a California Private Attorneys General Act (“PAGA”) case against Defendant.

5. On January 5, 2022, Plaintiff Marroquin filed a First Amended Class and Representative Action Complaint, which added a claim for civil penalties under PAGA.

6. Plaintiffs allege that Defendant’s payroll, timekeeping, and wage and hour practices resulted in Labor Code violations. Plaintiffs allege that Defendant failed to pay for all hours worked by: 1) not recording the actual start and end times of shifts for each workday; 2) engaging in an unlawful rounding scheme; and 3) failing to include nondiscretionary remuneration in the regular rate of pay for purposes of calculating overtime. Plaintiffs further allege that Defendant failed to provide employees with legally compliant meal and rest periods. Plaintiffs further allege that Defendant failed to indemnify employees for all necessary business expenditures.

7. Plaintiffs and putative class members worked in California as hourly-paid, non-exempt employees for Defendant during the Class Period, which is defined as the period from March 12, 2017 to February 10, 2022.

DISCOVERY AND INVESTIGATION

8. The Parties engaged in an informal discovery exchange before mediating this action. Defendant produced a sample of time and pay records for the class members. Defendant also provided documents of their wage and hour policies and practices during the class period, and information regarding the total number of current and former employees in its informal discovery responses.

9. After reviewing documents regarding Defendant’s wage and hour policies and practices, analyzing Defendant’s timekeeping and payroll records, Class Counsel was able to evaluate the probability of class certification, success on the merits, and Defendant’s maximum monetary exposure for all claims. Class Counsel also investigated the applicable law regarding the claims and defenses asserted in the litigation. Class Counsel reviewed these records and utilized an expert to prepare a damages analysis prior to mediation

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14. The Parties sought and reviewed bids from several experienced class action settlement administrators to handle the responsibilities of the Settlement Administrator under this Settlement. The Parties accepted the bid of ILYM Group, Inc. ILYM Group, Inc. has multiple years of experience in the field of Class Action Administration, particularly in the wage and hour arena. In its bid, ILYM Group, Inc. agreed to cap its costs at 11,275.00. The bid also provides that class notice will be provided in English and Spanish.

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15. The Settlement provides for attorneys' fees payable to Class Counsel in an amount

up to 35% of the Settlement Amount, for a maximum fees award of \$391,503.00, plus actual costs and expenses not to exceed \$30,000.00. The proposed award of attorneys' fees to Class Counsel in this case can be justified under either method – lodestar or percentage recovery. Class Counsel, however, intend to base the proposed award of fees, costs and expenses on the percentage method as many of the entries in the time records will have to be redacted to preserve attorney-client and attorney work product privileges.

16. The total current lodestar for Wilshire Law Firm, PLC is not less than the following:

Person	Role	Hours	Rate	Lodestar
Justin F. Marquez	Senior Partner (10+ years)	40	\$850	\$34,000
Benjamin H. Haber	Associate Attorney (6th Year)	50	\$650	\$32,500
Arrash T. Fattahi	Associate Attorney (3rd Year)	75	\$450	\$33,750
Min Jee Kim	Paralegal	10	\$150	\$1,500
Total:				\$101,750

17. Plaintiff Marroquin's counsel has spent over 170 hours litigating this Action to bring it to resolution, not including time which will be expended monitoring the administration of the settlement and distribution of funds to the Class Members. The efforts expended by Plaintiff Marroquin's counsel to achieve this result include, but are not limited to, the following:

- a. the investigation of the matter, including meeting with Plaintiff Marroquin, reviewing Defendant's policies, and requesting and reviewing Plaintiff Marroquin's timekeeping and payroll records, personnel files, and exploring the corporate structure of Defendant;
- b. filing the Action;
- c. attending status conferences and meeting and conferring with Defendant regarding the case;
- d. meeting and conferring with Defendant regarding mediation, exchange of informal discovery beforehand, and negotiating with opposing counsel regarding the parameters thereof;

- e. selecting a mediator and mediation date;
- f. working with opposing counsel and consultants for the receipt of a representative sampling and analyzing the same with the aid of expert consultants and Plaintiffs to perform analyses of liability and exposure prior to attendance of the mediation in this matter;
- g. working cooperatively with co-counsel to discuss our respective clients' claims, analyze the records provided by Defendant, and discuss damages models related to our cases;
- h. reviewing policy documents from Defendant;
- i. preparation of a mediation brief and damages model for use at mediation;
- j. attendance at mediation by all Parties and Counsel;
- k. communicating with Plaintiff Marroquin who requested updates or other information regarding this matter;
- l. negotiating, finalizing and fully executing the Settlement Agreement, in which numerous drafts were distributed by all Parties and Counsel;
- m. assisting with preparing and filing the Motion for Preliminary Approval and supporting documents;
- n. communicating regularly with co-counsel, Defendant's counsel, and the settlement administrator regarding the status of the settlement administration; and
- o. assisting with preparing and filing the instant Motion for Final Approval.

18. There are additional hours devoted by me (and by my colleagues) to this litigation that are not reflected in Class Counsel's request for attorneys' fees.

19. We can provide complete, detailed billing records in the event the Court requests them but would request the opportunity to redact attorney-client privileged information and any other privileged information.

20. Additional time will be required by Class Counsel to obtain final approval of the settlement and requested awards, monitor the settlement and respond to class member inquiries, and oversee administration of the settlement and distribution of the fund. I estimate that my office

1 will commit no less than 10 hours to those tasks and have included those hours above. Given my
2 firm's time spent on this case and the positive reaction by the class, the requested fee award is
3 reasonable and fair.

4 21. The risk to my office has been very significant, particularly if we would not be
5 successful in pursuing this class action. In that case, we would have been left with no compensation
6 for all the time taken in litigating this case. Indeed, I have taken on a number of class action cases
7 that have resulted in thousands of attorney hours being expended and ultimately having
8 certification denied or the defendant company going bankrupt. The contingent risk in these types
9 of cases is very real and they do occur regularly. Furthermore, we were precluded from focusing
10 on, or taking on, other cases which could have resulted in a larger, and less risky, monetary gain.

11 22. Because most individuals cannot afford to pay for representation in litigation on an
12 hourly basis, Wilshire Law Firm, PLC represents virtually all of its employment law clients on a
13 contingency fee basis. Pursuant to this arrangement, we are not compensated for our time unless
14 we prevail at trial or successfully settle our clients' cases. Because Wilshire Law Firm, PLC is
15 taking the risk that we will not be reimbursed for our time unless our client settles or wins his or
16 her case, we cannot afford to represent an individual employee on a contingency basis if, at the
17 end of our representation, all we are to receive is our regular hourly rate for services. It is essential
18 that we recover more than our regular hourly rate when we win if we are to remain in practice so
19 as to be able to continue representing other individuals in civil rights employment disputes.

20 23. Wilshire Law Firm, PLC has a 35/65 (35% Wilshire Law Firm, PLC; 65% Bibiyan
21 Law Group, P.C.) fee-splitting agreement with Bibiyan Law Group, P.C., who serves as co-counsel
22 in this case.

23 24. As of the drafting of the Motion for Final Approval, my office has incurred around
24 \$10,002.27 in expenses litigating this action. Attached as **Exhibit 1** is a true and correct copy of
25 the Plaintiff Marroquin's itemized costs through the date of filing the Motion for Final Approval.
26 These expenses are reasonably necessary to the litigation and were actually incurred by my office.
27 We also anticipate accruing additional costs of at least \$300.00, which includes the costs for filing
28 Plaintiffs' Motion for Final Approval, if necessary, and appearing at the hearing. The added

1 expenses and added additional expenses make the total request for reimbursement to \$10,302.27.
2 These costs should be reimbursed in full, up to the maximum amount allowed in the Settlement
3 Agreement.

4 ENHANCEMENT AWARDS FOR PLAINTIFFS ARE REASONABLE

5 25. Class Counsel represent that Plaintiffs devoted a great deal of time and work
6 assisting counsel in the case, communicated with counsel very frequently for litigation and to
7 prepare for mediation, and were frequently in contact with Class Counsel during the mediation.
8 Plaintiffs' requested enhancement awards is reasonable particularly in light of the substantial
9 benefits Plaintiffs generated for all class members.

10 26. Throughout this litigation, Plaintiffs, who are former employees of Defendant, have
11 cooperated immensely with this action and have taken many actions to protect the interests of the
12 class. Plaintiffs provided valuable information regarding unpaid overtime, meal period, and rest
13 period claims. Plaintiffs also informed Class Counsel of developments and information relevant
14 to this action, participated in decisions concerning this action, and made themselves available to
15 answer questions during the mediation. Plaintiffs provided Class Counsel with documents
16 regarding the claims alleged in this action. The information and documentation provided by
17 Plaintiffs was instrumental in establishing the wage and hour violations alleged, and the recovery
18 provided for in the Settlement Agreement would have been impossible to obtain without Plaintiffs'
19 participation.

20 27. At the same time, Plaintiffs faced many risks in adding themselves as the class
21 representatives in this matter. Plaintiffs faced actual risks with their future employment, as putting
22 themselves on public record in an employment lawsuit could also very well affect their likelihood
23 for future employment.

24 28. In turn, class members will now have the opportunity to participate in a settlement,
25 reimbursing them for alleged wage violations they may have never known about on their own or
26 been willing to pursue on their own. If these class members would have each tried to pursue their
27 legal remedies on their own, that would have resulted in each having to expend a significant amount
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1 of their own monetary resources and time, which were obviated by Plaintiffs putting themselves
2 on the line on behalf of these other class members.

3 29. In the final analysis, this class action would not have been possible without the aid
4 of Plaintiffs, who put their own time and effort into this litigation, sacrificed the value of their own
5 individual claims, and placed themselves at risk for the sake of the class members. The requested
6 enhancement awards for Plaintiffs for their services as the class representatives is a relatively small
7 amount of money when the time and effort put into the litigation are considered and in comparison
8 to enhancements granted in other class actions. The requested incentive award is therefore
9 reasonable to compensate Plaintiffs for their active participation in this lawsuit. Indeed, in *Karl*
10 *Adams, III, et al. v. MarketStar Corporation, et al.*, No. 2:14-cv-02509-TLN-DB, a wage and hour
11 class action alleging that class members were misclassified as exempt outside salespersons, I was
12 co-lead Class Counsel and helped negotiate a \$2.5 million class action settlement for 339 class
13 members, and the court approved a \$25,000.00 class representative incentive award for each named
14 plaintiff.

15 **CLASS COUNSEL'S EXPERIENCE**

16 30. Wilshire Law Firm, PLC was selected by Best Lawyers and U.S. News & World
17 Report as one of the nation's Best Law Firms in 2023 and is comprised of over 55 attorneys and
18 over 300 employees. Wilshire Law Firm, PLC is actively and continuously practicing in
19 employment litigation, representing employees in both individual and class actions in both state
20 and federal courts throughout California.

21 31. Wilshire Law Firm, PLC is qualified to handle this litigation because its attorneys
22 are experienced in litigating Labor Code violations in both individual, class action, and
23 representative action cases. Wilshire Law Firm, PLC has handled, and is currently handling,
24 numerous wage and hour class action lawsuits, as well as class actions involving consumer rights
25 and data privacy litigation.

26 32. I graduated from the University of California, Los Angeles's College Honors
27 Program in 2004 with Bachelor of Arts degrees in History and Japanese, *magna cum laude* and *Phi*
28 *Beta Kappa*. As an undergraduate, I also received a scholarship to study abroad for one year at

1 Tokyo University in Tokyo, Japan. I received my Juris Doctor from Notre Dame Law School in
2 2008.

3 33. My practice is focused on advocating for the rights of consumers and employees in
4 class action litigation and appellate litigation. I am currently the primary attorney in charge of
5 litigating several class action cases in state and federal courts across the United States.

6 34. I have received numerous awards for my legal work. From 2017 to 2020, Super
7 Lawyers selected me as a “Southern California Rising Star,” and in 2022 and 2023, I was selected
8 as a “Southern California Super Lawyer.” I was selected as one of the “Best Lawyers in America”
9 in 2023. In 2016 and 2017, the National Trial Lawyers selected me as a “Top 40 Under 40”
10 attorney. I am also rated 10.0 (“Superb”) by Avvo.com.

11 35. I am on the California Employment Lawyers Association (“CELA”)’s Wage and
12 Hour Committee and Mentor Committee, and I was selected to speak at CELA’s 2019 Advanced
13 Wage & Hour Seminar on the topic of manageability of class actions. Since 2013, I have actively
14 mentored young attorneys through CELA’s mentorship program.

15 36. I am also a past member of the Consumer Attorneys of California (“CAOC”). In
16 2020, I was selected for a position on CAOC’s Board of Directors. I am also a past member of
17 CAOC’s Diversity Committee, and I helped assist the CAOC in defeating bills that harm
18 employees. Indeed, I recently helped assist Jacqueline Serna, Esq., Legislative Counsel for CAOC,
19 in defeating AB 443, which proposed legislation that sought to limit the enforceability of California
20 Labor Code § 226.

21 37. As the attorney responsible for day-to-day management of this matter at the
22 Wilshire Law Firm, PLC, I have over thirteen years of experience with litigating wage and hour
23 class actions. Over the last thirteen years, I have managed and assisted with the litigation and
24 settlement of several wage and hour class actions. In those class actions, I performed similar tasks
25 as those performed in the course of prosecuting this action. My litigation experience includes:

- 26 a. I served as lead or co-lead in negotiating class action settlements worth over \$10
27 million in gross recovery to class members for each year since 2020, including over
28 \$37.5 million in 2022.

- b. I was part of the team of attorneys that prevailed in *Moore v. Centrelake Medical Group, Inc.* (2022) 83 Cal.App.5th 515, the first California appellate decision in a data breach class action holding that consumer plaintiffs adequately alleged injury in fact under the benefit of the bargain theory and monitoring-costs theory.
- c. In 2022, Top Verdict recognized Wilshire Law Firm and myself for having one case in the Top 20 Labor & Employment Settlements (including number 19 for the \$1.6 million settlement in *Moreno v. Pretium Packaging, L.L.C.*) and four additional cases in the Top 50 Labor & Employment Settlements (numbers 27, 30, 33, and 37).
- d. To my knowledge, I am the only attorney to appear on each of the following Top Verdict lists for 2018 in California: Top 20 Civil Rights Violation Verdicts, Top 20 Labor & Employment Settlements, and Top 50 Class Action Settlements.
- e. As lead counsel, on April 29, 2021, I prevailed against CVS Pharmacy, Inc. by winning class certification on behalf of hundreds of thousands of consumers for misleading advertising claims in *Joseph Mier v. CVS Pharmacy, Inc.*, U.S. Dist. Ct. C.D. Cal. no. SA CV 20-1979-DOC-(ADSx).
- f. As lead counsel, I prevailed against Bank of America by: winning class certification on behalf of thousands of employees for California Labor Code violations; defeating appellate review of the court's order certifying the class; defeating summary judgment; and defeating a motion to dismiss. (*Frausto v. Bank of America, N.A.* (N.D. Cal. 2019) 334 F.R.D. 192, 2020 WL 1290302 (9th Cir. Feb. 27, 2020), 2019 WL 5626640 (N.D. Cal. Oct. 31, 2019), 2018 W.L. 3659251 (N.D. Cal. Aug. 2, 2018)). The decision certifying the class in *Frausto* is also discussed in Class Certification Under Fed. R. Civ. P. 23 in Action by Information Technology or Call Center Employees for Violation of State Law Wage and Hour Rules, 35 A.L.R. Fed. 3d Art. 8.
- g. I was the primary author of the class certification and expert briefs in *ABM Industries Overtime Cases* (2017) 19 Cal.App.5th 277, a wage and hour class action for over 40,000 class members for off-the-clock, meal period, split shift, and

1 reimbursement claims. *ABM Industries Overtime Cases* is the first published
2 California appellate authority to hold that an employer’s “auto-deduct policy for
3 meal breaks in light of the recordkeeping requirements for California employers is
4 also an issue amenable to classwide resolution.” (*Id.* at p. 310.)² Notably, the Court
5 of Appeal also held that expert analysis of timekeeping records can also support the
6 predominance requirement for class certification. (*Id.* at p. 310-11.) In 2021, the
7 case settled for \$140 million, making it one of the largest ever wage and hour class
8 action settlements for hourly-paid employees in California.

9 h. I briefed, argued, and won *Yocupicio v. PAE Group, LLC* (9th Cir. 2015) 795 F.3d
10 1057. The Ninth Circuit ruled in my client’s favor and held that non-class claims
11 under the PAGA cannot be used to calculate the amount in controversy under the
12 Class Action Fairness Act (“CAFA”). This case is cited in several leading treatises
13 such as Wright & Miller’s Federal Practice & Procedure, and Newberg on Class
14 Actions. In October 2016, the U.S. Supreme Court denied review of a case that
15 primarily concerned *Yocupicio*. That effort was led by Theodore J. Boutrous, who
16 brought the cert petition, with amicus support from a brief authored by Andrew J.
17 Pincus.³ Considering that leading Supreme Court practitioners from the class action
18 defense bar were very motivated in undermining *Yocupicio* case, but failed, this
19 demonstrates the national importance of the *Yocupicio* decision.

20 i. On December 13, 2018, the United States District Court granted final approval of
21 the \$2,500,000 class action settlement in *Mark Brulee, et al. v. DAL Global Services,*
22 *LLC* (C.D. Cal. Dec. 13, 2018) No. CV 17-6433 JVS(JCGx), 2018 WL 6616659 in
23 which I served as lead counsel. In doing so, the Court found: “Class Counsel’s
24 declarations show that the attorneys are experienced and successful litigators.” (*Id.*
25 at p. *10.)

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27 ² As a California district court observed before the *ABM Industries Overtime* decision, “[t]he case law
28 regarding certification of auto-deduct classes is mixed.” (*Wilson v. TE Connectivity Networks, Inc.* (N.D. Cal. Feb.
9, 2017) No. 14-CV-04872-EDL, 2017 WL 1758048, *7.)

³ <http://www.chamberlitigation.com/cases/abm-industries-inc-v-castro>.

- 1 j. *Gasio v. Target Corp.* (C.D. Cal. Sep. 12, 2014) 2014 U.S. Dist. LEXIS 129852, a
2 reported decision permitting class-wide discovery even though the employer has a
3 lawful policy because “[t]he fact that a company has a policy of not violating the
4 law does not mean that the employees follow it, which is the issue here.” The court
5 also ordered defendant to pay for the cost of *Belaire-West* notice.
- 6 k. In 2013, I represented a whistleblower that reported that his former employer was
7 defrauding the State of California with the help of bribes to public employees. The
8 case, a false claims (*qui tam*) action, resulted in the arrest and criminal prosecution
9 of State of California employees by the California Attorney General’s Office.
- 10 l. In 2013, I was part of a team of attorneys that obtained conditional certification for
11 over 2,000,000 class members in a federal labor law case for misclassification of
12 independent contractors that did crowdsourced work on the Internet, *Otey v.*
13 *CrowdFlower, Inc.*, N.D. Cal. Case No. 12-cv-05524-JST (MEJ), resulting in the
14 following pro-plaintiff reported decisions:
- 15 1) 2013 U.S. Dist. LEXIS 151846 (N.D. Cal. Oct. 22, 2013) (holding
16 that an unaccepted Rule 68 offer doesn’t moot plaintiff’s claims, and
17 granting plaintiff’s motion to strike defendant’s affirmative defenses
18 based on *Twombly/Iqbal*).
 - 19 2) 2013 U.S. Dist. LEXIS 122007 (N.D. Cal. Aug. 27, 2013) (order
20 granting conditional collective certification).
 - 21 3) 2013 U.S. Dist. LEXIS 95687 (N.D. Cal. July 8, 2013) (affirming the
22 magistrate judge’s discovery ruling which held that “evidence of
23 other sources of income is irrelevant to the question of whether a
24 plaintiff is an employee within the meaning of the FLSA”).
 - 25 4) 2013 U.S. Dist. LEXIS 91771 (N.D. Cal. June 20, 2013) (granting
26 broad discovery because “an FLSA plaintiff is entitled to discovery
27 from locations where he never worked if he can provide some
28 evidence to indicate company-wide violations”).

1 m. From 2012 to 2013, I was part of a team of attorneys that obtained class certification
2 for over 60,000 class members for off-the-clock claims, *Linares v. Securitas*
3 *Security Services USA, Inc.*, Los Angeles Superior Court, Case No. BC416555. We
4 also successfully opposed subsequent appeals to the California Court of Appeal and
5 California Supreme Court.

6 38. Benjamin H. Haber is a sixth-year Associate Attorney at Wilshire Law Firm, PLC.
7 He was admitted to practice law in the State of California and the Central, Southern, Eastern, and
8 Northern Districts of California. He graduated from the University of California, Los Angeles,
9 with a Bachelor of Arts in Political Science, and received his Juris Doctor from the University of
10 California, Hastings College of the Law in 2016. During law school, he was a member of the
11 executive board for the Hastings Law Journal and a student mediator at the San Francisco Superior
12 Court, Small Claims Division. Since graduating law school, he has focused his legal work
13 primarily on wage and hour class action litigation. His current contingent billing rate for this case
14 is \$650 per hour, which is consistent with his level of experience in the wage and hour arena.

15 39. Arrash T. Fattahi is a third-year Associate Attorney at Wilshire Law Firm, PLC. He
16 was admitted to practice law in the State of California and the Central and Southern Districts of
17 California in January 2021. Arrash graduated from the University of California, Los Angeles, with
18 a Bachelor of Arts in Political Science, *summa cum laude*. He received his Juris Doctor from The
19 George Washington University Law School. During law school, he was a member of the student
20 editorial board for the *Federal Circuit Bar Journal*. Since January 2021, his practice has mainly
21 been focused on wage and hour class action litigation. His current contingent billing rate for this
22 case is \$450 per hour.

23 40. Min Jee Kim is a Senior Paralegal at Wilshire Law Firm, PLC with eleven years of
24 experience working at law firms, including over five years of experience working on class action
25 cases. She is a graduate of the University of California, San Diego with a Bachelor's of Arts degree
26 in Economics.

27 41. My current contingent billing rate of \$850 per hour is consistent with my practice
28 area, lead appellate experience in the Ninth Circuit Court of Appeals, numerous awards received,

1 legal market and accepted hourly rates:

- 2 a. In the December 8, 2008 article “Billable Hours Aren’t the Only Game in Town
3 Anymore,” NATIONAL LAW JOURNAL, the following hourly billing rates were
4 reported by Sheppard, Mullin, Richter & Hampton, a leading firm in the defense of
5 wage-and-hour class actions that I opposed when litigating wage-and-hour class
6 actions: Partners: \$475-\$795; Associates: 1st Year - \$275, 2nd Year - \$310, 3rd
7 Year - \$335, 4th Year - \$365, 5th Year - \$390, 6th Year - \$415, 7th Year - \$435,
8 8th Year - \$455. I am a 14th year attorney and Senior Partner, with most of my
9 experience in class action litigation as a primary practice area. Having successfully
10 briefed and argued a published appeal in the Ninth Circuit Court of Appeals
11 involving CAFA and PAGA, having experience certifying large class actions
12 (including ABM Industries Overtime Cases, which was decided on appeal), and
13 having received numerous awards for my legal work, my hourly rate should be
14 adjusted upward.
- 15 b. On February 16, 2023, the Hon. Charles S. Treat of the Contra Costa County
16 Superior Court granted final approval of the class action settlement in *Raul Frias-
17 Estrada, et al. v. Trek Retail Corporation, et al.*, Case No. MSC20-01916, and
18 approved my \$850 hourly rate, Benjamin H. Haber’s hourly rate of \$650, and
19 Arrash T. Fattahi’s hourly rate of \$450.
- 20 c. On January 31, 2023, the Hon. Brad Seligman of the Alameda County Superior
21 Court granted final approval of the class action settlement in *Kaneisha Kingsbury,
22 et al. v. Caravan Foods II, Inc., et al.*, Case No. RG21096357, and approved my
23 \$850 hourly rate, Benjamin H. Haber’s hourly rate of \$650, and Arrash T.
24 Fattahi’s hourly rate of \$450.
- 25 d. On January 6, 2023, the Hon. Jill H. Talley of the Sacramento County Superior
26 Court granted final approval of the class action settlement in *Alysia Ford, et al.
27 v. BoaVida Communities LLC, et al.*, Case No. 34-2021-00299610-CU-OE-GDS,
28 and approved my \$850 hourly rate, Benjamin H. Haber’s hourly rate of \$650, and

1 Arrash T. Fattahi's hourly rate of \$450.

- 2 e. On May 6, 2022, the Hon. Jay A. Garcia-Gregory of the United States District Court
3 in Puerto Rico approved my \$850 hourly rate when he granted final approval of the
4 class action settlement in *Serrano v. Inmediata Corp.*, No. 3:19-cv-01811-JAG, Dkt.
5 57 (U.S. Dist. Ct. P.R. May 6, 2022).
- 6 f. On September 9, 2021, the Hon. Peter Wilson of the Orange County Superior Court
7 approved my \$800 hourly rate when he granted final approval of the class action
8 settlement in *Ricardo Campos Hernandez v. Adams Iron Co., Inc.*, No. 30-2019-
9 01066522-CU-OE-CXC.
- 10 g. On August 6, 2021, the Hon. Stanley Blumenfeld, Jr. of the United States District
11 Court granted final approval of the \$1,600,000 class action settlement in *Carlos*
12 *Moreno v. Pretium Packaging, Inc.* (C.D. Cal. Aug. 6, 2021) No. 8:19-cv-02500-
13 SB-DFM, 2021 WL 3673845 in which I served as lead counsel. In doing so, the
14 Court approved my then \$750 hourly rate after finding it was "reasonable, given the
15 qualifications of the attorneys who worked on this matter." (*Id.* at p. *3.)
- 16 h. On January 19, 2021, the Hon. Elihu M. Berle of the Los Angeles County Superior
17 Court approved my previous \$750 hourly rate when he granted final approval of
18 the class action settlement in *Faye Zhang v. Richemont North America, Inc.*, No.
19 19STCV32396.

20 I declare under penalty of perjury under the laws of the State of California and the United
21 States that the foregoing is true and correct.

22 Executed on March 1, 2023, at Los Angeles, California.

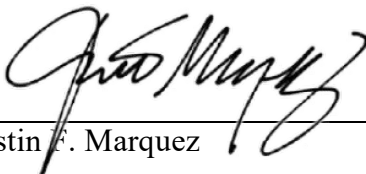
23
24 
25 Justin F. Marquez

EXHIBIT 1

Wilshire Law Firm, PLC
Transaction Detail by Account
All Transactions

2/27/2023
Accrual Basis

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Memo</u>	<u>Amount</u>	<u>Balance</u>
COS					
Expert Fees					
	6/29/2022	12232563	Expert Fees	69.35	69.35
Total EXPERT FEES				69.35	69.35
Legal Expenses					
	4/13/2021		PAGA Fee	75.00	75.00
	5/10/2021	844307606	Legal Research	17.87	17.87
	6/16/2021		Doc Retrieval	11.00	11.00
	7/7/2021	844637016	Legal Research	2.32	2.32
	7/27/2021		Doc Retrieval	1.00	1.00
	8/3/2021		LA Court Connect	15.00	15.00
	9/2/2021	230801	Case Anywhere	118.80	118.80
	9/28/2021		Doc Retrieval	3.00	3.00
	9/28/2021		Doc Retrieval	11.40	11.40
	11/4/2021	845290822	Legal Research	36.11	36.11
	11/12/2021	236582	Case Anywhere	66.00	66.00
	2/7/2022	244770	Case Anywhere	126.00	126.00
	5/11/2022	253157	Case Anywhere	132.00	132.00
	6/24/2022	7072D9F3-0004	Legal Research	123.58	123.58
	8/8/2022	261615	Case Anywhere	120.00	120.00
	8/29/2022		Legal Research	83.33	83.33
	9/29/2022		Legal Research	83.33	83.33
	10/29/2022		Legal Research	83.33	83.33
	11/10/2022	270297	Case Anywhere	120.00	120.00
	2/10/2023	278854	Case Anywhere	120.00	120.00
Total LEGAL EXPENSES				1,349.07	1,349.07
Process Service Fees					
	4/13/2021	35919	Attorney Services	1,708.50	1,708.50
	4/15/2021	36023	Attorney Services	142.80	142.80
	4/20/2021	36060	Attorney Services	85.00	85.00
	5/5/2021	36594	Attorney Services	125.00	125.00
	6/28/2021	37927	Attorney Services	290.00	290.00
	7/28/2021	38819	Attorney Services	194.00	194.00
	8/10/2021	39141	Attorney Services	45.00	45.00
	9/28/2021		Attorney Services	16.68	16.68
	1/6/2022	43669	Attorney Services	85.00	85.00
	3/4/2022		Attorney Services	37.27	37.27
	3/10/2022	45627	Attorney Services	85.00	85.00
	10/10/2022	51501	Attorney Services	155.00	155.00
Total PROCESS SERVICE FEES				2,969.25	2,969.25
Other Costs					
	4/9/2021		Case Administration Fee for In-House Services	500.00	500.00
	9/14/2021	29287	Mediation Fee	5,000.00	5,000.00
	2/10/2022		Lunch meeting during mediation	114.60	114.60
Total OTHER COSTS				5,614.60	5,614.60
TOTAL				10,002.27	10,002.27