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9 Attorneys for Plaintiffs,
MARIA MARAVILLA and JUAN TORRES REYES
10 on behalf of themselves and all similarly situated employees

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12 **SUPERIOR COURT OF CALIFORNIA**
13 **COUNTY OF MONTEREY**

14 MARIA MARAVILLA and JUAN TORRES
15 REYES on behalf of themselves and all similarly
16 situated employees,

17 v.

18 GREENGATE FRESH, LLLP; and DOES 1
19 through 50, inclusive,

20 Defendants.
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Case No. 21CV001258

**DECLARATION OF B. JAMES
FITZPATRICK IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: January 12, 2024

Time: 8:30 a.m.

Dept: 14

Complaint Filed: April 15, 2021

FAC Filed: May 20, 2022

Trial Date: Not Set

1 I, B. James Fitzpatrick, hereby declare and state as follows:

2 1. I am an attorney duly admitted to practice in the State of California and am a partner in
3 the law firm of Fitzpatrick & Swanston, counsel of record for Plaintiffs Maria Maravilla and Juan Torres
4 Reyes (“Plaintiffs”). I have personal knowledge of the facts set forth below and if called to testify I
5 could and would do so competently.

6 2. Based on their own independent investigation and evaluation, the Parties and their
7 respective counsel are of the opinion that settlement for the consideration and on the terms set forth in
8 the Joint Stipulation of Class Action Settlement (“Settlement Agreement”) is fair, reasonable, and
9 adequate and is in the best interests of the Class and Defendant in light of all known facts and
10 circumstances and the expenses and risks inherent in litigation.

11 3. I have spent significant time researching and pursuing the claims that have been alleged
12 in this action. From the inception of the case, Class Counsel have zealously represented the interests of
13 the Class. Class Counsel have engaged in significant meet and confer discussions with opposing counsel
14 to obtain informal data and documents and to discuss the merits of the claims on behalf of the Class.
15 This settlement was obtained for the benefit of the Class, as opposed to the individual Class
16 Representative. Based on my review of all the documents and information, and based on my experience
17 in class action litigation, I believe this settlement to be fair, adequate, and reasonable.

18 4. I am one of the primary attorneys on this matter. My qualifications are as follows: I
19 received my bachelor’s degree from the University of California, Santa Barbara and my Juris Doctor
20 degree from the University of Santa Clara School of Law. I have practiced law since 1987. The
21 primary emphasis of my practice is employment litigation. I have represented both employers and
22 employees. Approximately 15 years ago my office commenced handling plaintiff class action wage and
23 hour cases. Since then, my office has handled hundreds of wage and hour cases to conclusion and has
24 been class counsel and/or co-counsel in over 100 class actions. Currently, we have multiple ongoing
25 wage and hour class actions in Alameda County Superior Court, Monterey County Superior Court,
26 Nevada County Superior Court, Santa Clara Superior Court, San Benito Superior Court, Santa Cruz
27 Superior Court, Ventura County Superior Court, and the United States District Court, Northern District
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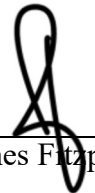
1 of California, where we will seek class certification by way of a settlement or a class certification
2 motion.

3 5. Currently, we have multiple ongoing wage and hour class actions in Alameda County
4 Superior Court, Monterey County Superior Court, Nevada County Superior Court, Santa Clara Superior
5 Court, San Benito Superior Court, Santa Cruz Superior Court, Ventura County Superior Court, and the
6 United States District Court, Northern District of California, where we will seek class certification by
7 way of a settlement or a class certification motion.

8 6. I do not have a relationship with the proposed *cy pres* beneficiary, Watsonville Law
9 Center, nor am I aware of any relationship between Class Counsel and the Watsonville Law Center.

10 7. My co-counsel and I will adequately represent the Class Members in this action. Class
11 Counsel have and will zealously represent Plaintiffs and the Class and pursue this lawsuit to its
12 conclusion. I have no conflicts with the Class and will adequately represent the Class.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing is
14 true and correct and if called as a witness I could and would competently testify to each of the matters
15 stated herein, and I state that these matters are based upon my own personal knowledge acquired
16 through first-hand observation, except where stated otherwise. This declaration was executed by me on
17 November 9, 2023, in Salinas, California.

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B. James Fitzpatrick