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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA**

KIMBERLY KIPP and TIYANNA
GRAVES, as individuals and on behalf of all
others similarly situated,

Plaintiff,

v.

KINDERCARE EDUCATION LLC, a
Limited Liability Company; and DOES 1
through 50, Inclusive,

Defendants.

Case No. 56-2021-00556612-CU-OE-
VTA

*[Case assigned for all purposes to the Hon.
Benjamin F. Coats, Dept. 43]*

**DECLARATION OF FLETCHER W.
SCHMIDT IN SUPPORT OF
PLAINTIFFS' MOTION TO APPROVE
PAGA SETTLEMENT**

Hearing Date: July 12, 2022
Hearing Time: 8:30 a.m.

Judge: Benjamin F. Coats
Dept.: 43

Trial Date: Not Set

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- *Rivera Regalado v. Jaguar Farm Labor Contracting*, Case No. CV 130569, California Superior Court, County of San Luis Obispo, Honorable Martin J. Tangeman presiding (approving an hourly rate of \$350 for work performed in 2014 and 2015);
- *Sanchez v. Res-Care, Inc.*, Case No. BC526175, California Superior Court, County of Los Angeles, Honorable John S. Wiley presiding (approving an hourly rate of \$350 for work performed in 2013, 2014 and 2015);
- *Rodas v. Gateways Hospital and Mental Health Center*, Case No. BC503179, California Superior Court, County of Los Angeles, Honorable Judge Amy D. Hogue presiding (approving an hourly rate of \$350 for work performed in 2014 and 2015);
- *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 (approving an hourly rate of \$350 for work performed in 2014 and 2015);
- *Shaw v. Conant Auto Retail, San Diego*, Case No. 37-2014-00044052-CU-OE-CTL, California Superior Court, County of San Diego, Honorable Judge Joan M. Lewis presiding (approving an hourly rate of \$375 for work performed in 2014, 2015, and 2016);
- *Tirado v. Ricon Corp.*, Case No BC537042, California Superior Court, County of Los Angeles, Honorable Judge John Shepard Wiley, Jr. presiding (approving an hourly rate of \$375 for work performed in 2014, 2015, and 2016);
- *Tesla Motors Wage and Hour Litigation*, JCCP 4792, California Superior Court, County of Santa Clara, Honorable Peter H. Kirwan presiding (approving an hourly rate of \$375 for work performed in 2013, 2014, 2015, and 2016);
- *Lopez v. RM HQ LLC, et al.*, Case No. BC525592, California Superior Court, County of Los Angeles, Honorable Elihu M. Berle presiding (approving an hourly rate of \$375 for work performed in 2013, 2014, 2015, and 2016);
- *Horta v. Searles Valley Minerals, Inc.*, Case No. CIVDS 1507615, California Superior Court, County of San Bernardino, Honorable Donald Alvarez presiding

(approving an hourly rate of \$375 for work performed in 2015 and 2016);

- *Mansilla v. Haeco Americas Line Services, LLC, et al*, Case No. BC615310, Superior Court of California, County of Los Angeles, Honorable Judge Elihu M. Berle presiding (approved at an hourly rate of \$425 for work performed in 2016 and 2017);
- *Khosravi v. Enterprise Rent-A-Car Company of Los Angeles, LLC, et al.*, Case No. 30-2016-00829923-CU-OE-CXC, Superior Court of California, County of Orange, Honorable Judge Thierry Patrick Colaw presiding (approved at an hourly rate of \$425 for work performed in 2016 and 2017);
- *Nieves v. Ta Chen International, Inc.*, Case No. BC609005, Superior Court of California, County of Los Angeles, Honorable Judge Kenneth R. Freeman presiding (approved at an hourly rate of \$425 for work performed in 2016 and 2017);
- *Berkel v. Pride Bakeries, LLC*, Case No. 30-2017-00923148-CU-OE-CXC, Superior Court of California, County of Orange, Honorable Judge William Claster presiding;
- *Ruvalcaba Quiroz v. Circle M Contractors, Inc.*, Case No. 30-2016-00885065-CU-OE-CXC, Superior Court of California, County of Orange, Honorable William D. Claster presiding;
- *Armenta, et al., v. California Friends Homes d/b/a Quaker Gardens*, Case No. 30-2016-00883282-CU-OE-CXC, Superior Court of California, County of Orange, Honorable Randall J. Sherman presiding (approving an hourly rate of \$425 for work performed in 2016, 2017 and 2018);
- *Sandra Zinnerman v. Tumbleweed Educational Enterprises, Inc.*, Case No. BC673708, Superior Court of California, County of Los Angeles, Honorable Maren E. Nelson presiding (approving an hourly rate of \$425 for work performed in 2016, 2017, and 2018);
- *Tina Arellano v. Williams Sonoma Stores, Inc.*, Case No. BC693760, Los Angeles County Superior Court, Honorable Daniel J. Buckley, presiding (approving an hourly rate of \$475 for work performed in 2018 and 2019);

- *William Cuellar v. UMA Enterprises, Inc.*, Case No. BC657146, Los Angeles County Superior Court, Honorable Maren E. Nelson, presiding (approving an hourly rate of \$475 for work performed in 2017, 2018 and 2019);
- *Maria C. Garcia, et al. v. Simplified Labor Staffing Solutions, Inc.*, Case No. BC696898, Los Angeles County Superior Court, Honorable Elihu M. Berle, presiding (approving an hourly rate of \$475 for work performed in 2018 and 2019);
- *Arturo Delgado v. Spears Manufacturing Co.*, Case No. BC709665, Los Angeles County Superior Court, Honorable Maren E. Nelson, presiding (approving an hourly rate of \$595 for work performed in 2018, 2019 and 2020);
- *Soto v. L I Metal Systems*, Case No. 37-2017-00009607-CU-OE-CTL, San Diego County Superior Court, Honorable Timothy Taylor, presiding (approving an hourly rate of \$595 for work performed in 2017-2020);
- *Michael Fishback v. Paragon Framing, Inc.*, Case No. CIVDS1906610, San Bernardino County Superior Court, Honorable David Cohn, presiding (approving an hourly rate of \$595 for work performed in 2019 and 2020);
- *Francisco Garcia v. Searing Industries, Inc.*, Case No. CIVDS1932477, San Bernardino County Superior Court, Honorable David Cohn, presiding (approving an hourly rate of \$595 for work performed in 2019 and 2020);
- *Ahmad Teeba v. Brill, Inc.*, Case No. CIVDS1923242, San Bernardino County Superior Court, Honorable David Cohn, presiding (approving an hourly rate of \$595 for work performed in 2019-2021);
- *Miguel Macias v. T&R Painting and Drywall*, Case No. BC714160, Los Angeles County Superior Court, Honorable Amy D. Hogue, presiding (approving an hourly rate of \$595 for work performed in 2018-2022);
- *Anthony Martinez v. Primary Color Systems Corporation*, Case No. 30-2018-01012960-CU-OE-CXC, Orange County Superior Court, Honorable Peter Wilson, presiding (approving an hourly rate of \$595 for work performed in 2018-2021);

- 1 • *Alejandra Parra v. Sixty Collective, LLC*, Case No. 19STCV01016, Los Angeles
2 County Superior Court, Honorable Carolyn B. Kuhl, presiding (approving an hourly
3 rate of \$625 for work performed in 2019-2022);
- 4 • *Veronica Gonzalez v. Precision Hospitality & Development, LLC*, Case No. 30-
5 2020-01127597-CU-OE-CXC, Orange County Superior Court, Honorable Randall
6 J. Sherman, presiding (approving an hourly rate of \$625 for work performed in 2020-
7 2021);
- 8 • *Steve Qawas v. Socal Framing, Inc.*, Case No RIC1902588, Riverside County
9 Superior Court, Honorable Sunshin S. Sykes, presiding (approving an hourly rate of
10 \$650 for work performed in 2019-2022);
- 11 • *Jessica Burrola v. Trademark Cosmetics, Inc.*, Case No. RIC2002311, Riverside
12 County Superior Court, Honorable Sunshine S. Sykes, presiding (approving an
13 hourly rate of \$650 for work performed in 2020-2022); and
- 14 • *Elmy Calderon v. Personnel Staffing Group, LLC*, Case No. VCU278910, Tulare
15 County Superior Court, Honorable David C. Mathias, presiding (approving an hourly
16 rate of \$650 for work performed in 2019-2022).

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

- 19 • *Medeiros v. Vortex Financial Management Inc.*, Case No. 30-2013-00644741-CU-
20 OE-CXC, California Superior Court, County of Orange, Honorable Judge Gail A.
21 Andler presiding (certifying a class of employees who were misclassified as
22 independent contractors);
- 23 • *Javine v. San Luis Ambulance Service, Inc.*, Case No. CV13-07480 BRO (SSx),
24 United States District Court, Central District of California, Honorable Judge Beverly
25 Reid O'Connell presiding (conditionally certifying an unpaid FLSA overtime wage
26 class);
- 27 • *Prado v. Warehouse Demo Services, Inc.*, Case No. CV14-3170 JFW (Ex), United
28 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 Cluster 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); and
- *Keich v. US Healthworks, Inc., et al.*, Case No 37-2017-00015343-CU-OE-CTL, San Diego Superior Court, Honorable Eddie C. Sturgeon presiding (certifying six classes of employees for meal and rest period violations, on-call pay violations, wage

statement violations, and derivative waiting time penalties).

6. Each year from 2018 - 2022 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.

7. As counsel for Plaintiff, I have been intimately involved in all aspects of this litigation from its inception, and believe that the proposed Settlement is a fair and reasonable result for the aggrieved employees and the State of California.

8. Collectively, Haines Law Group, APC and Blumenthal Nordrehaug Bhowmik De Blouw LLP are requesting attorneys' fees of one-third of the Gross PAGA Settlement Amount, equal to \$115,000.00. Based on my experience in similar wage and hour class and representative actions in California state courts, fee awards in matters such as this one generally equal about one-third of the gross recovery. In addition, and as explained below and in the accompanying Motion, the requested fee is fair compensation for undertaking complex, risky, expensive, and time-consuming litigation on a purely contingent basis.

9. The requested fee award is also supported by counsel's lodestar. In total, my firm has a lodestar of \$99,120. A general summary showing the number of hours of work performed by each attorney and the paralegals from my firm is set forth below:

Name	Rate	Hours	Pre-Multiplier Lodestar
Paul K. Haines (16th Year Attorney)	\$675	25.0	\$16,875.00
Fletcher W. Schmidt (10th Year Attorney)	\$650	62.3	\$40,495.00
Matthew K. Moen (7th Year Attorney)	\$475	85.5	\$40,612.50
Firm Paralegals	\$175	6.5	\$1,137.50
Total Lodestar			\$99,120

10. Paul K. Haines, who is also counsel of record for Plaintiff in this matter, is a 2006 graduate of Pepperdine University School of Law, where he graduated cum laude. Mr. Haines was admitted to the California State Bar in January 2007. Since that time, Mr. Haines has practiced exclusively in the area of wage and hour class action litigation. Mr. Haines transitioned

1 into litigating wage and hour class actions from the Plaintiff's side in July 2012, first as a Partner
2 with the law firm of Boren, Osher & Luftman, LLP, and since February 2016, as a Shareholder
3 of Haines Law Group, APC. Mr. Haines was recognized by Thomson Reuters as a Southern
4 California "Rising Star" in 2015, 2016, and 2017, an honor awarded to no more than 2.5% of
5 attorneys under the age of forty in Southern California each year and has been selected as a
6 Southern California "Super Lawyer" each year from 2018-2022, an honor awarded to no more
7 than 5% of all attorneys in Southern California each year. Currently, over ninety percent (90%)
8 of his practice is dedicated exclusively to the prosecution of wage and hour class actions, and
9 he is currently responsible for prosecuting over thirty (30) wage and hour class actions filed in
10 both State and Federal courts throughout California. Mr. Haines has been appointed as class
11 counsel in over seventy-five (75) wage and hour class action settlements in state and federal
12 courts within California. Mr. Haines' billable rate of \$675 per hour has been approved by
13 multiple courts in California.

14 11. I believe the proposed hourly rates are reasonable in light of my firm's skills,
15 wage and hour litigation experience (including significant experience litigating PAGA actions),
16 as well as fee awards to other attorneys of similar experience in California, and are in line with
17 rates at which I and/or other attorneys in my firm have been approved in other matters.

18 12. Since undertaking representation of Plaintiff, my firm has dedicated substantial
19 resources to this litigation without receiving any compensation to date. My office is requesting
20 reimbursement of \$22,066.90 in total costs. A summary of the costs incurred by my office in
21 connection with this case is attached hereto as **Exhibit 1**.

22 I declare under penalty of perjury under the laws of the state of California that the
23 foregoing is true and correct. Executed on December 7, 2021, at El Segundo, California.

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26 Fletcher W. Schmidt
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EXHIBIT 1

May 18, 2022

Kimberly Kipp

Additional Charges :

		<u>Qty/Price</u>	<u>Amount</u>
4/30/2021	PKH Postage for April, 2021.	1 11.72	11.72
	PKH Copying cost for April, 2021.	29 0.25	7.25
5/12/2021	PKH LWDA Filing Fee	1 75.00	75.00
5/31/2021	PKH Westlaw cost for May, 2021.	1 3.87	3.87
	PKH Postage for May, 2021.	1 6.06	6.06
	PKH Copying cost for May, 2021.	7 0.25	1.75
7/28/2021	PKH Document Purchase Fees	1 4.95	4.95
	PKH Document Purchase Fees	1 39.51	39.51
	PKH Filing fee for Initial and Complex Filing	1 1,436.75	1,436.75
7/30/2021	PKH Document Purchase Fee	1 0.05	0.05
	PKH Document Purchase Fee	1 1.75	1.75

5/18/2022

			<u>Qty/Price</u>	<u>Amount</u>
7/30/2021	PKH	Document Purchase Fee	1 4.95	4.95
8/9/2021	PKH	First legal fee for service of Summons and Complaint	1 165.43	165.43
8/10/2021	PKH	Document Purchase fee	1 0.05	0.05
	PKH	Document Purchase fee	1 1.75	1.75
	PKH	Document Purchase fee	1 4.95	4.95
8/17/2021	PKH	Document Purchase Fee	1 6.75	6.75
8/31/2021	PKH	Postage for August, 2021.	1 0.71	0.71
	PKH	Copying cost for August, 2021.	6 0.25	1.50
9/13/2021	PKH	Document Purchase Fee	1 6.75	6.75
9/30/2021	PKH	Postage for September, 2021.	1 0.73	0.73
	PKH	CourtCall fee for hearing on 9/20/21.	1 94.00	94.00
	PKH	Ortman mediation fee - Invoice #2578 Feb. 28, 2022 mediation	1 10,000.00	10,000.00
	PKH	Copying cost for September, 2021.	7 0.25	1.75
10/31/2021	KI	FedEx cost for October 2021	1 17.02	17.02
2/28/2022	ALL	Westlaw cost for February, 2022.	1 5.51	5.51
	PKH	Secretariat Economists expert fee - Invoice #30580	1 10,128.00	10,128.00
3/28/2022	KI	Service Fee from Ventura County eDelivery	1 0.60	0.60

5/18/2022

			<u>Qty/Price</u>	<u>Amount</u>
3/28/2022	KI	Service Fee from Ventura Court	1 4.95	4.95
	KI	Filing Fee from Ventura County Court for: Joint Notice of Settlement and Stip to Continue CMC	1 21.75	21.75
3/31/2022	ALL	Postage for March, 2022.	1 0.53	0.53
	ALL	Copying cost for March, 2022.	5 0.25	1.25
4/7/2022	KI	Filing Fee from Ventura Court eFile for: Notice of Court Orders	1 1.75	1.75
	KI	Filing Fee from Ventura County Court eFile	1 0.05	0.05
	KI	Postage for April 7, 2022	1 0.53	0.53
	KI	Filing Fee from Ventura Court eFile	1 4.95	4.95
4/30/2022	ALL	Postage for April, 2022.	1 0.53	0.53
	ALL	Copying cost for April, 2022.	6 0.25	1.50
Total additional charges				<u>\$22,066.90</u>
Balance due				<u><u>\$22,066.90</u></u>