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Attorneys for Plaintiffs Maho Lazo and
Stephanie Bitetti

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MAHO LAZO, individually, and on behalf of all
others similarly situated,

Plaintiff,

v.

PROTERRA OPERATING COMPANY, INC., a
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No.: 21STCV30663

CLASS ACTION

[Assigned for all purposes to: Hon. Yvette M.
Palazuelos, Dept. 9]

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

PRELIMINARY APPROVAL HEARING

Date: October 5, 2023

Time: 10:00 a.m.

Dept: 9

I, Justin F. Marquez, declare as follows:

1. I am admitted, in good standing, to practice as an attorney in the State of California, the Ninth Circuit Court of Appeals, and the United States District Courts for the Central, Southern, Eastern, and Northern Districts of California. I am a Senior Partner at Wilshire Law Firm, PLC, counsel of record for Plaintiff Maho Lazo (“Plaintiff Lazo”) and Stephanie Bitetti (“Plaintiff Bitetti”). I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness. This Declaration is submitted in support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement.

2. This is a wage and hour class and Private Attorneys General Act of 2004 (“PAGA”) (Cal. Lab. Code §§ 2699, *et seq.*) representative action. Plaintiffs and Class Members worked in California as hourly-paid or non-exempt employees for Defendants Proterra Operating Company, Inc. and Proterra, Inc. (“Defendants”) during the Class Period. Defendants operate facilities in California to design and manufacture electrical vehicles and battery systems.

3. Plaintiffs allege Defendants' payroll, timekeeping, and wage and hour practices resulted in Labor Code violations. Plaintiffs allege Defendants failed to pay for all hours worked, provide employees with legally compliant meal and rest periods, indemnify employees for all necessary business expenses, and provide timely wages. Based on these allegations, Plaintiffs assert claims against Defendants for failure to pay minimum and straight time wages, failure to pay overtime wages, failure to provide meal periods, failure to authorize and permit rest periods, failure to indemnify for necessary business expenses, failure to timely pay all final wages at termination, failure to provide accurate itemized wage statements, unfair business practices.

4. On August 19, 2021, Plaintiff Lazo filed a putative wage and hour class action complaint against Defendants for: (a) failure to pay minimum and straight time wages (Labor Code sections 204, 1194, 1194.2, and 1197); (b) failure to pay overtime wages (Labor Code sections 1194 and 1198); (c) failure to provide meal periods (Labor Code sections 226.7 and 512); (d) failure to authorize and permit rest periods (Labor Code sections 226.7 and 512); (e) failure to

1 timely pay final wages at termination (Labor Code sections 201-203); (f) failure to provide accurate
2 itemized wage statements (Labor Code section 226); and (g) unfair business practices (Business
3 and Professions Code section 17200, *et seq.*).¹

4 5. On August 11, 2021, Plaintiff Bitetti filed a representative PAGA action seeking
5 civil penalties for similar Labor Code violations as alleged in the action by Plaintiff Lazo.^{2 3}

6 6. On or around September 14, 2022, Plaintiff Bitetti's single PAGA claim was
7 compelled to arbitration.

8 7. On March 22, 2023, Plaintiff Lazo filed a First Amended Complaint, which added
9 to this action (1) Plaintiff Bitetti, Amar Khatib, Anthony Diaz, Michelle Thorne, and Kathy Thai
10 as named plaintiffs; (2) Proterra, Inc. as a named defendant; (3) a PAGA cause of action; (4) a
11 cause of action for failure to indemnify employees for expenditures; and (5) Douglas Han, Esq.
12 and Shunt Tatavos-Gharajeh, Esq. of Justice Law Corporation as co-counsel.^{4 5}

13 DISCOVERY AND INVESTIGATION

14 8. Following the filing of the initial Complaint, the Parties exchanged documents and
15 information before mediating this action. Defendants produced a sample of timekeeping and pay
16 records for putative class members. Defendants also provided documents of its wage and hour
17 policies and practices during the class period and information regarding the total number of current
18 and former employees in its informal discovery responses.

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20 _____
21 ¹ Attached hereto as **Exhibit 1** is a true and correct copy of the email confirmation
22 evidencing the submission of Plaintiff Lazo notice letter to the LWDA.

23 ² Attached hereto as **Exhibit 2** is a true and correct copy of the email confirmation
24 evidencing the submission of Plaintiff Bitetti's notice letter to the LWDA.

25 ³ Attached hereto as **Exhibit 3** is a true and correct copy of the email confirmation
26 evidencing the submission of Plaintiff Bitetti's complaint to the LWDA.

27 ⁴ Attached hereto as **Exhibit 4** is a true and correct copy of the email confirmation
28 evidencing the submission of Plaintiff Lazo's First Amended Complaint to the LWDA.

⁵ Attached hereto as **Exhibit 5** is a true and correct copy of the email confirmation
evidencing the submission of Plaintiff Bitetti's complaint to the LWDA.

1 9. After reviewing documents regarding Defendants’ wage and hour policies and
2 practices, analyzing Defendants’ timekeeping and payroll records, and interviewing putative class
3 members, Class Counsel was able to evaluate the probability of class certification, success on the
4 merits, and Defendants’ maximum monetary exposure for all claims. Class Counsel investigated
5 the applicable law regarding the claims and defenses asserted in the Litigation. Class Counsel
6 reviewed these records and utilized an expert to prepare a damages analysis prior to mediation.

7 SETTLEMENT NEGOTIATIONS

8 10. On October 20, 2022, Plaintiff Lazo, Plaintiff Bitetti, and other individuals
9 represented by Justice Law Corporation participated in a global mediation with experienced class
10 action mediator Mark Rudy, Esq. The mediation was conducted via Zoom. The settlement
11 negotiations were at arm’s length and, although conducted in a professional manner, were
12 adversarial. The Parties went into the mediation willing to explore the potential for a settlement
13 of the dispute, but each side was also prepared to litigate their position through trial and appeal if
14 a settlement had not been reached.

15 11. After extensive negotiations and discussions regarding the strengths and
16 weaknesses of Plaintiffs’ claims and Defendants’ defenses, the Parties reached a resolution, the
17 material terms of which are encompassed within the Settlement Agreement. The fully executed
18 Settlement Agreement is attached to the Declaration of Douglas Han.

19 THE PROPOSED SETTLEMENT IS FAIR AND REASONABLE

20 12. Class Counsel has conducted a thorough investigation into the facts of this case.
21 Based on the foregoing discovery and their own independent investigation and evaluation, Class
22 Counsel is of the opinion that the Settlement is fair, reasonable, and adequate and is in the best
23 interests of the Class Members in light of all known facts and circumstances, the risk of significant
24 delay, the defenses that could be asserted by Defendants both to certification and on the merits,
25 trial risk, and appellate risk.

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1 13. Based on an analysis of the facts and legal contentions in this case, documents, and
2 information from Defendants, I evaluated Defendants' maximum exposure with assistance from
3 counsel from Justice Law Corporation. I considered the risk of not having the claims certified and
4 the risk of not prevailing at trial, even if the claims are certified. After using the data Defendants
5 provided, including information regarding class member demographics (e.g., the number of class
6 members, workweeks, and average total compensation of the class), with the assistance of a
7 statistics expert and counsel from Justice Law Corporation, we created a damages model to
8 evaluate the realistic range of potential recovery for the class. The damages analysis is outlined in
9 the Declaration of Douglas Han. The damages analysis does consider the risks, as outlined below,
10 associated with further litigating this action. Therefore, I believe a class settlement of \$856,500 is
11 fair and reasonable.

12 EXPOSURE AND RISK ANALYSIS

13 14. While Plaintiffs are confident in the merits of their claims, a legitimate controversy
14 exists as to each cause of action. Plaintiffs also recognize that proving the amount of wages due
15 to each Class Member would be an expensive, time-consuming, and uncertain proposition.

16 15. This Settlement avoids the risks and the accompanying expense of further litigation.
17 Although the Parties had engaged in a significant amount of investigation, informal discovery and
18 class-wide data analysis, the Parties had not yet completed formal written discovery. Plaintiffs
19 intended to depose corporate officers and managers of Defendants. Moreover, preparation for class
20 certification and a trial remained for the Parties as well as the prospect of appeals in the wake of a
21 disputed class certification ruling for Plaintiffs and/or adverse summary judgment ruling. Had the
22 Court certified any claims, Defendants could move to decertify the claims. As a result, the Parties
23 would incur considerably more attorneys' fees and costs through trial.

24 16. As outlined in the Declaration of Douglas Han, there are numerous risks associated
25 with pursuing this case in litigation. My office has met and conferred on numerous occasions with
26 counsel for Plaintiffs Amar Khatib, Anthony Diaz, Michelle Thorne, and Kathy Thai, and I agree
27 with their assessment of the risk as discussed in the Declaration of Douglas Han. As such, by
28 further litigating this action to trial, Plaintiffs run the high risk of suffering defeat due to the

1 existence of the arbitration agreements and reasonable defenses that can be (and have been)
2 asserted by Defendants.

3 ENHANCEMENT AWARD FOR PLAINTIFF IS REASONABLE

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

9 18. Throughout this litigation, Plaintiff Lazo and Plaintiff Bitetti have cooperated
10 immensely with my office and have taken many actions to protect the interests of the Class.
11 Plaintiffs both provided valuable information regarding the "off-the-clock," meal period, and rest
12 period claims. Plaintiffs also informed my office of developments and information relevant to this
13 action, participated in decisions concerning this action, made himself available to answer questions
14 during the mediation, and provided my office with the names and contact information of potential
15 witnesses in this action. Before we filed this case, Plaintiffs provided my office with documents
16 regarding the claims alleged in this action. The information and documentation provided by
17 Plaintiffs was instrumental in establishing the alleged wage and hour violations alleged in this
18 action, and the recovery provided for in the Settlement Agreement would have been impossible to
19 obtain without Plaintiffs' participation.

20 19. At the same time, Plaintiffs faced many risks in adding themselves as 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 his likelihood
23 for future employment. Furthermore, as part of this Settlement, Plaintiffs are executing a general
24 release of all claims against Defendants.

25 20. In turn, Class Members will now have the opportunity to participate in a settlement,
26 reimbursing them for alleged wage violations they may have never known about on their own or
27 been willing to pursue on their own. If these Class Members would have each tried to pursue their
28 legal remedies on their own, that would have resulted in each having to expend a significant amount

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 21. 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 service award for Plaintiffs for their service as the Class Representatives and for their general
7 release of all individual claims is a relatively small amount of money when the time and effort put
8 into the litigation are considered and in comparison to enhancements granted in other class actions.
9 The requested incentive awards are therefore reasonable to compensate Plaintiffs for their active
10 participation in this lawsuit. Indeed, in *Karl Adams, III, et al. v. MarketStar Corporation, et al.*,
11 No. 2:14-cv-02509-TLN-DB, a wage and hour class action alleging that class members were
12 misclassified as exempt outside salespersons, I was co-lead Class Counsel and helped negotiate a
13 \$2.5 million class action settlement for 339 class members, and the court approved a \$25,000.00
14 class representative incentive award for each named plaintiff.

15 THE REQUEST FOR ATTORNEYS' FEES AND COSTS IS REASONABLE

16 22. The Settlement provides for attorneys' fees payable to Class Counsel in an amount
17 up to one-third (1/3) of the Gross Settlement Amount, for a Class Counsel Fees Payment of
18 \$285,500, plus actual costs and expenses not to exceed \$30,000. The proposed award of attorneys'
19 fees to Class Counsel in this case can be justified under either method – lodestar or percentage
20 recovery. Class Counsel, however, intend to base the proposed award of fees, costs, and expenses
21 on the percentage method as many of the entries in the time records will have to be redacted to
22 preserve attorney-client and attorney work product privileges.

23 23. I am informed and believe that the fee and costs provision is reasonable. The fee
24 percentage requested is less than that charged by my office for most employment cases. My office
25 invested significant time and resources into the case, with payment deferred to the end of the case,
26 and then, of course, contingent on the outcome.

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1 24. It is further estimated that my office will need to expend at least another 30 to 50
2 hours to monitor the process leading up to the final approval and payments made to the class. My
3 office also bears the risk of taking whatever actions are necessary if Defendants fail to pay.

4 25. 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 several class action cases that
7 have resulted in thousands of attorney hours being expended and ultimately having certification
8 denied or the defendant company going bankrupt. The contingent risk in these types of cases is
9 very real and they do occur regularly. Furthermore, we were precluded from focusing on, or taking
10 on, other cases which could have resulted in a larger, and less risky, monetary gain.

11 26. Because most individuals cannot afford to pay for representation in litigation on an
12 hourly basis, Wilshire Law Firm, PLC represents virtually all 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 to
19 be able to continue representing other individuals in civil rights employment disputes.

20 27. Class Counsel have no actual or potential conflicts of interest with the Class or
21 Administrator.

22 28. Class Counsel have no connection to or a relationship with the proposed *cy pres*
23 recipient Legal Aid At Work that could reasonably create the appearance of impropriety.

24 29. Class Counsel are not aware of any other pending matter or action asserting claims
25 that will be extinguished or adversely affected by the Settlement.

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1 EXPERIENCE AND QUALIFICATIONS

2 30. Wilshire Law Firm, PLC was selected by Best Lawyers and U.S. News & World
3 Report as one of the nation's Best Law Firms in 2022 and is comprised of over 55 attorneys and
4 over 300 employees. Wilshire Law Firm, PLC is actively and continuously practicing in
5 employment litigation, representing employees in both individual and class actions in both state
6 and federal courts throughout California.

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

12 32. I graduated from the University of California, Los Angeles's College Honors
13 Program in 2004 with Bachelor of Arts degrees in History and Japanese, magna cum laude and Phi
14 Beta Kappa. As an undergraduate, I also received a scholarship to study abroad for one year at
15 Tokyo University in Tokyo, Japan. I received my Juris Doctor from Notre Dame Law School in
16 2008.

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

20 34. I have received numerous awards for my legal work. From 2017 to 2020, Super
21 Lawyers selected me as a "Southern California Rising Star," and in 2022, I was selected as a
22 "Southern California Super Lawyer." I was selected as one of the "Best Lawyers in America" in
23 2023. In 2016 and 2017, the National Trial Lawyers selected me as a "Top 40 Under 40" attorney.
24 I am also rated 10.0 ("Superb") by Avvo.com.

25 35. I am on the California Employment Lawyers Association ("CELA")'s Wage and
26 Hour Committee and Mentor Committee, and I was selected to speak at CELA's 2019 Advanced
27 Wage & Hour Seminar on the topic of manageability of class actions. Since 2013, I have actively
28 mentored young attorneys through CELA's mentorship program.

1 36. I am also a past member of the Consumer Attorneys of California (“CAOC”). In
2 2020, I was selected for a position on CAOC’s Board of Directors. I am also a past member of
3 CAOC’s Diversity Committee, and I helped assist the CAOC in defeating bills that harm
4 employees. Indeed, I recently helped assist Jacqueline Serna, Esq., Legislative Counsel for CAOC,
5 in defeating AB 443, which proposed legislation that sought to limit the enforceability of California
6 Labor Code § 226.

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

- 12 a. I served as lead or co-lead in negotiating class action settlements worth over \$10
13 million in gross recovery to class members for each year since 2020, including over
14 \$30 million in 2022.
- 15 b. I was part of the team of attorneys that prevailed in *Moore v. Centrelake Medical*
16 *Group, Inc.* (2022) 83 Cal.App.5th 515, the first California appellate decision in a
17 data breach class action holding that consumer plaintiffs adequately alleged injury
18 in fact under the benefit of the bargain theory and monitoring-costs theory.
- 19 c. In 2022, Top Verdict recognized Wilshire Law Firm and myself for having one case
20 in the Top 20 Labor & Employment Settlements (including number 19 for the \$1.6
21 million settlement in *Moreno v. Pretium Packaging, L.L.C.*) and four additional
22 cases in the Top 50 Labor & Employment Settlements (numbers 27, 30, 33, and 37).
- 23 d. To my knowledge, I am the only attorney to appear on each of the following Top
24 Verdict lists for 2018 in California: Top 20 Civil Rights Violation Verdicts, Top 20
25 Labor & Employment Settlements, and Top 50 Class Action Settlements.
- 26 e. As lead counsel, on April 29, 2021, I prevailed against CVS Pharmacy, Inc. by
27 winning class certification on behalf of hundreds of thousands of consumers for
28 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 reimbursement claims. *ABM Industries Overtime Cases* is the first published California appellate authority to hold that an employer’s “auto-deduct policy for meal breaks in light of the recordkeeping requirements for California employers is also an issue amenable to classwide resolution.” (*Id.* at p. 310.)⁶ Notably, the Court of Appeal also held that expert analysis of timekeeping records can also support the predominance requirement for class certification. (*Id.* at p. 310-11.) In 2021, the case settled for \$140 million, making it one of the largest ever wage and hour class action settlements for hourly-paid employees in California.
- h. I briefed, argued, and won *Yocupicio v. PAE Group, LLC* (9th Cir. 2015) 795 F.3d 1057. The Ninth Circuit ruled in my client’s favor and held that non-class claims under the PAGA cannot be used to calculate the amount in controversy under the

⁶ As a California district court observed before the *ABM Industries Overtime* decision, “[t]he case law 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.)

1 Class Action Fairness Act (“CAFA”). This case is cited in several leading treatises
2 such as Wright & Miller’s Federal Practice & Procedure, and Newberg on Class
3 Actions. In October 2016, the U.S. Supreme Court denied review of a case that
4 primarily concerned *Yocupicio*. That effort was led by Theodore J. Boutrous, who
5 brought the cert petition, with amicus support from a brief authored by Andrew J.
6 Pincus.⁷ Considering that leading Supreme Court practitioners from the class action
7 defense bar were very motivated in undermining *Yocupicio* case, but failed, this
8 demonstrates the national importance of the *Yocupicio* decision.

- 9 i. On December 13, 2018, the United States District Court granted final approval of
10 the \$2,500,000 class action settlement in *Mark Brulee, et al. v. DAL Global Services,*
11 *LLC* (C.D. Cal. Dec. 13, 2018) No. CV 17-6433 JVS(JCGx), 2018 WL 6616659 in
12 which I served as lead counsel. In doing so, the Court found: “Class Counsel’s
13 declarations show that the attorneys are experienced and successful litigators.” (*Id.*
14 at p. *10.)
- 15 j. *Gasio v. Target Corp.* (C.D. Cal. Sep. 12, 2014) 2014 U.S. Dist. LEXIS 129852, a
16 reported decision permitting class-wide discovery even though the employer has a
17 lawful policy because “[t]he fact that a company has a policy of not violating the
18 law does not mean that the employees follow it, which is the issue here.” The court
19 also ordered defendant to pay for the cost of *Belaire-West* notice.
- 20 k. In 2013, I represented a whistleblower that reported that his former employer was
21 defrauding the State of California with the help of bribes to public employees. The
22 case, a false claims (qui tam) action, resulted in the arrest and criminal prosecution
23 of State of California employees by the California Attorney General’s Office.
- 24 l. In 2013, I was part of a team of attorneys that obtained conditional certification for
25 over 2,000,000 class members in a federal labor law case for misclassification of
26 independent contractors that did crowdsourced work on the Internet, *Otey v.*

27
28 ⁷ <http://www.chamberlitigation.com/cases/abm-industries-inc-v-castro>.

1 *CrowdFlower, Inc.*, N.D. Cal. Case No. 12-cv-05524-JST (MEJ), resulting in the
2 following pro-plaintiff reported decisions:

3 i. 2013 U.S. Dist. LEXIS 151846 (N.D. Cal. Oct. 22, 2013) (holding that an
4 unaccepted Rule 68 offer doesn't moot plaintiff's claims, and granting
5 plaintiff's motion to strike defendant's affirmative defenses based on
6 *Twombly/Iqbal*).

7 ii. 2013 U.S. Dist. LEXIS 122007 (N.D. Cal. Aug. 27, 2013) (order granting
8 conditional collective certification).

9 iii. 2013 U.S. Dist. LEXIS 95687 (N.D. Cal. July 8, 2013) (affirming the
10 magistrate judge's discovery ruling which held that "evidence of other
11 sources of income is irrelevant to the question of whether a plaintiff is an
12 employee within the meaning of the FLSA").

13 iv. 2013 U.S. Dist. LEXIS 91771 (N.D. Cal. June 20, 2013) (granting broad
14 discovery because "an FLSA plaintiff is entitled to discovery from locations
15 where he never worked if he can provide some evidence to indicate
16 company-wide violations").

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

22 38. My current contingent billing rate of \$850.00 per hour is consistent with my practice
23 area, lead appellate experience in the Ninth Circuit Court of Appeals, numerous awards received,
24 legal market and accepted hourly rates:

25 a. In the December 8, 2008 article "Billable Hours Aren't the Only Game in Town
26 Anymore," NATIONAL LAW JOURNAL, the following hourly billing rates were
27 reported by Sheppard, Mullin, Richter & Hampton, a leading firm in the defense of
28 wage and hour class actions that I opposed when litigating wage and hour class

1 actions: Partners: \$475-\$795; Associates: 1st Year - \$275, 2nd Year - \$310, 3rd
2 Year - \$335, 4th Year - \$365, 5th Year - \$390, 6th Year - \$415, 7th Year - \$435,
3 8th Year - \$455. I am a 14th year attorney and Senior Partner, with most of my
4 experience in class action litigation as a primary practice area. Having successfully
5 briefed and argued a published appeal in the Ninth Circuit Court of Appeals
6 involving CAFA and PAGA, having experience certifying large class actions
7 (including *ABM Industries Overtime Cases*, which was decided on appeal), and
8 having received numerous awards for my legal work, my hourly rate should be
9 adjusted upward.

10 b. On May 6, 2022 the Hon. Jay A. Garcia-Gregory of the United States District Court
11 in Puerto Rico approved my \$850 hourly rate when he granted final approval of the
12 class action settlement in *Serrano v. Inmediata Corp.*, No. 3:19-cv-01811-JAG, Dkt.
13 57 (U.S. Dist. Ct. P.R. May 6, 2022).

14 c. On September 9, 2021, the Hon. Peter Wilson of the Orange County Superior Court
15 approved my \$800 hourly rate when he granted final approval of the class action
16 settlement in *Ricardo Campos Hernandez v. Adams Iron Co., Inc.*, Case No. 30-
17 2019-01066522-CU-OE-CXC.

18 d. On August 6, 2021, the Hon. Stanley Blumenfeld, Jr. of the United States District
19 Court granted final approval of the \$1,600,000 class action settlement in *Carlos*
20 *Moreno v. Pretium Packaging, Inc.* (C.D. Cal. Aug. 6, 2021) No. 8:19-cv-02500-
21 SB-DFM, 2021 WL 3673845 in which I served as lead counsel. In doing so, the
22 Court approved my then \$750 hourly rate after finding it was “reasonable, given the
23 qualifications of the attorneys who worked on this matter.” (*Id.* at p. *3.)

24 e. On January 19, 2021, the Hon. Elihu M. Berle of the Los Angeles County Superior
25 Court approved my \$750 hourly rate when he granted final approval of the class
26 action settlement in *Faye Zhang v. Richemont North America, Inc.*, Case No.
27 19STCV32396.

28 39. Benjamin H. Haber is a sixth-year Associate Attorney at Wilshire Law Firm. He

1 graduated from the University of California, Los Angeles, with a Bachelor of Arts in Political
2 Science, and received his Juris Doctor from the University of California, Hastings College of the
3 Law in 2016. During law school, he was a member of the executive board for the *Hastings Law*
4 *Journal* and student mediator at the San Francisco Superior Court, Small Claims Division. Since
5 graduating from law school, he has focused his legal work primarily on wage-and-hour litigation
6 and has helped obtain dozens of settlements on behalf of tens of thousands of workers in California.

7 40. Arrash T. Fattahi is a third-year Associate Attorney at Wilshire Law Firm, PLC. He
8 was admitted to practice law in the State of California and the Central and Southern Districts of
9 California in January 2021. Arrash graduated from the University of California, Los Angeles, with
10 a Bachelor of Arts in Political Science, summa cum laude. He received his Juris Doctor from The
11 George Washington University Law School. During law school, he was a member of the student
12 editorial board for the *Federal Circuit Bar Journal*. Since January 2021, his practice has mainly
13 been focused on wage and hour class action litigation.

14
15 I declare that under the penalty of perjury under the laws of the State of California and the
16 United States the foregoing is true and correct. Executed on May 26, 2023, at Los Angeles,
17 California.

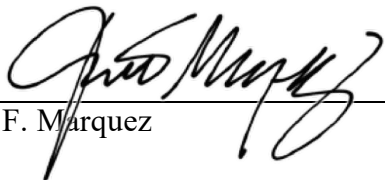
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Justin F. Marquez

Exhibit 1

From: noreply@salesforce.com on behalf of [LWDA DO NOT REPLY](#)
To: [Joseph Dillon](#)
Subject: Thank you for submission of your PAGA Case.
Date: Thursday, August 12, 2021 4:31:06 PM

8/12/2021

LWDA Case No. LWDA-CM-841224-21
Law Firm : Wilshire Law Firm, PLC
Plaintiff Name : Maho Lazo
Employer: Proterra Operating Company, Inc.
Filing Fee : \$75.00
IFP Claimed : No

Item submitted: Initial PAGA Notice

Thank you for your submission to the Labor and Workforce Development Agency. Please make a note of the LWDA Case No. above as you may need this number for future reference when filing any subsequent documents for this Case.

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm

Exhibit 2

Min Jee Kim

From: noreply@salesforce.com on behalf of LWDA DO NOT REPLY <lwdadonotreply@dir.ca.gov>
Sent: Tuesday, May 11, 2021 4:43 PM
To: Min Jee Kim
Subject: Thank you for submission of your PAGA Case.

5/11/2021

LWDA Case No. LWDA-CM-831928-21
Law Firm : Wilshire Law Firm, PLC
Plaintiff Name : Stephanie Bitetti
Employer: Proterra Inc.
Filing Fee : \$75.00
IFP Claimed : No

Item submitted: Initial PAGA Notice

Thank you for your submission to the Labor and Workforce Development Agency. Please make a note of the LWDA Case No. above as you may need this number for future reference when filing any subsequent documents for this Case.

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DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm

Exhibit 3

Min Jee Kim

From: FormAssembly <no-reply@formassembly.com> on behalf of DIR PAGA Unit
<lwdadonotreply@dir.ca.gov>
Sent: Friday, December 31, 2021 9:58 AM
To: Min Jee Kim
Subject: Thank you for your Court Complaint Submission.

12/31/2021 09:57:58 AM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Court Complaint

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm



State of California
Labor and Workforce Development Agency /
Department of Industrial Relations

Private Attorneys General Act (PAGA) – Filing

Court Complaint

PAGA Number (LWDA-CM-): * 831928-21

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".

[Search for PAGA Case number](#)

Your Information (Person Who is Filing)

Your First Name *

Justin

Your Last Name *

Marquez

Your Email Address *

minjee@wilshirelawfirm.cc

Your Street Name, Number and Suite/Apt *

3055 Wilshire Blvd., 12th I

Your Mobile Phone Numer

Your City *

Los Angeles

Your Work Phone Number

2133819988

Your State *

California

Your Zip/Postal Code *

90010

Court Case Details

Court Type

California Superior Courts

Case Name *

Bitetti v. Proterra Operatin

Case Number *

21STCV29732

Date Complaint Filed

8/11/2021

Name of Court *

Los Angeles County Superior Court

Court Complaint and Other Documents

☒ I understand that this form is to be used only for submitting civil complaints that include a PAGA cause of action.

Court Complaint (must be a .pdf) * 2021 08-11 P...FORMED).pdf**Other Attachment (if any)** No file chosen[Add Another Attachment](#)

Should you have questions regarding this online form, please contact PAGAIInfo@dir.ca.gov

IMPORTANT NOTICE OF REDACTION RESPONSIBILITY: All filers must redact: Social Security or taxpayer identification numbers; personal addresses, personal telephone numbers, personal email addresses, dates of birth; names of minor children; & financial account numbers. This requirement applies to all documents, including attachments.

☒ I understand that, if I file, I must comply with the redaction rules consistent with this notice.

Exhibit 4

Min Jee Kim

From: DIR PAGA Unit <lwdadonotreply@dir.ca.gov>
Sent: Wednesday, March 29, 2023 10:07 AM
To: Min Jee Kim
Subject: Thank you for your Court Complaint Submission.

03/29/2023 10:06:44 AM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Court Complaint

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm



State of California
Labor and Workforce Development Agency /
Department of Industrial Relations

Private Attorneys General Act (PAGA) – Filing

Court Complaint

PAGA Number (LWDA-CM-): * 841224-21

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".

[Search for PAGA Case number](#)

Your Information (Person Who is Filing)

Your First Name *

Justin

Your Last Name *

Marquez

Your Email Address *

minjee@wilshirelawfirm.cc

Your Street Name, Number and Suite/Apt *

3055 Wilshire Blvd., 12th I

Your Mobile Phone Numer

Your City *

Los Angeles

Your Work Phone Number

2133819988

Your State *

California

Your Zip/Postal Code *

90010

Court Case Details

Court Type

California Superior Courts

Case Name *

Lazo, et al. v. Proterra Ope

Case Number *

21STCV30663

Date Complaint Filed

03/22/2023

Name of Court *

Los Angeles County Superior Court

Court Complaint and Other Documents

☒ I understand that this form is to be used only for submitting civil complaints that include a PAGA cause of action.

Court Complaint (must be a .pdf) * 2023 03-22 P...FORMED).pdf**Other Attachment (if any)** No file chosen[Add Another Attachment](#)

Should you have questions regarding this online form, please contact PAGAInfo@dir.ca.gov

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☒ I understand that, if I file, I must comply with the redaction rules consistent with this notice.

Exhibit 5

Min Jee Kim

From: DIR PAGA Unit <lwdadonotreply@dir.ca.gov>
Sent: Wednesday, March 29, 2023 10:04 AM
To: Min Jee Kim
Subject: Thank you for your Court Complaint Submission.

03/29/2023 10:03:36 AM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Court Complaint

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm



State of California
Labor and Workforce Development Agency /
Department of Industrial Relations

Private Attorneys General Act (PAGA) – Filing

Court Complaint

PAGA Number (LWDA-CM-): * 831928-21

Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".

[Search for PAGA Case number](#)

Your Information (Person Who is Filing)

Your First Name *

Justin

Your Last Name *

Marquez

Your Email Address *

minjee@wilshirelawfirm.cc

Your Street Name, Number and Suite/Apt *

3055 Wilshire Blvd., 12th I

Your Mobile Phone Numer

Your City *

Los Angeles

Your Work Phone Number

2133819988

Your State *

California

Your Zip/Postal Code *

90010

Court Case Details

Court Type

California Superior Courts

Case Name *

Lazo, et al. v. Proterra Ope

Case Number *

21STCV30663

Date Complaint Filed

03/22/2023

Name of Court *

Los Angeles County Superior Court

Court Complaint and Other Documents

☒ I understand that this form is to be used only for submitting civil complaints that include a PAGA cause of action.

Court Complaint (must be a .pdf) * 2023 03-22 P...FORMED).pdf**Other Attachment (if any)** No file chosen[Add Another Attachment](#)

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