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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF FRESNO

JOSE ERNESTO LUCAS, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

SW INGREDIENTS HOLDINGS, LLC, a
Delaware limited liability company; SPICE
WORLD INC., a Florida corporation; SPICE
WORLD, LLC, a Florida limited liability
company; and DOES 1 through 10, inclusive,

Defendants

Lead Case No. 21CECG01943
(Consolidated with cases 21CECG03840,
22CECG00586)

[Assigned to Hon. Jonathan Skiles, Dept. 403]

**CONSOLIDATED CLASS AND
REPRESENTATIVE ACTION**

**DECLARATION OF ALLEN FEGHALI
IN SUPPORT OF MOTION FOR AN
ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: May 11, 2023

Time: 3:30 p.m.

Dept. 403

Judge: Jonathan Skiles

JOSE MAGALLAN, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

SW INGREDIENTS HOLDINGS, LLC d/b/a
SPICE WORLD, INC., a Delaware Limited
Liability Company; and DOES 1 Through 10,
inclusive,

Defendants.

COHELAN KHOURY & SINGER

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Attorneys for Plaintiff Jose Magallan

1 **DECLARATION OF ALLEN FEGHALI**

2 I, Allen Feghali, declare as follows:

3 1. I am an attorney at law duly licensed to practice as such before all of the Courts of
4 the State of California and am one of the attorneys of record for Plaintiff Jose Ernesto Lucas
5 (“Plaintiff Lucas”) and the putative Class.

6 2. I have personal knowledge of the matters set forth herein and could competently
7 testify to the facts described herein.

8 **CASE BACKGROUND**

9 3. On July 2, 2021, Plaintiff Jose Ernesto Lucas (“Plaintiff”) filed a wage and hour
10 class action wherein he sought to represent a class of non-exempt, hourly-paid employees who
11 work or worked for Defendants SW Ingredients Holdings, LLC, Spice World, Inc., and Spice
12 World, LLC (collectively “Defendants”) in California in the period starting on July 2, 2017. The
13 action was entitled *Lucas v. Spice World Holdings, LLC, et al.*, Fresno County Superior Court
14 case no. 21CECG01943 (the “Action”). On September 23, 2021, Plaintiff filed a First Amended
15 Complaint adding a cause of action under PAGA (Cal. Lab. Code § 2699 *et seq.*).

16 4. After the filing of the Action, Plaintiff’s counsel was notified of the existence of
17 another related case brought by Plaintiff Jose Magellan against Defendants titled *Magallan v. SW*
18 *Ingredients Holdings, LLC d/b/a Spice World, Inc.*, Fresno Superior Court case no.
19 21CECG03840. On March 28, 2022, Plaintiff Lucas and Magellan (collectively, “Plaintiffs”)
20 filed, pursuant to a stipulation between all Parties, a consolidated class and representative action
21 complaint against Defendants.

22 5. On October 12, 2022, Plaintiffs participated in a global mediation with mediator
23 Tripper Ortman, Esq. wherein Plaintiffs reached a settlement. Plaintiffs and Defendant having
24 reached a resolution, this declaration is submitted in support of preliminary approval of the class
25 action and PAGA settlement

26 **MY EXPERIENCE AND QUALIFICATIONS**

27 6. I am a partner at Moon & Yang, APC. I received my B.A. in Global and International
28 Studies in 2011 from UC Santa Barbara, and my J.D. from University of La Verne College of

1 Law in 2014. I became an Active Member of the State Bar of California in December 2014 and
2 have been an Active Member in good standing continuously since then. I am a current member of
3 the California Employment Lawyers Association (CELA), and was selected by Super Lawyers as
4 a “Southern California Rising Star” in 2020-2023.

5 7. I began working at Moon & Yang, APC in May 2015, and my practice focuses on
6 advocating for the rights of employees at the trial-court and appellate level. Prior to
7 approximately June 2018, with the exception of a handful of cases, my practice focused on
8 individual FEHA and wrongful termination claims, as well as individual wage and hour claims.
9 In June 2018, I became heavily involved in the firm’s class action practice.

10 8. My current billing rate is \$600.00 per hour. During my tenure with Moon & Yang,
11 APC, I have played a critical role in obtaining outstanding results for employees who have been
12 wronged by their employers. My litigation experience includes, but is not limited to:

- 13 (a) I prepared the briefing in the matter of *Rivera et al. v. Clearpath Federal*
14 *Credit Union* (LASC No. 19STCV33504), which resulted in a certification
15 order on all causes of action following contested briefing in a wage-and-
16 hour class action, in March 2021.
- 17 (b) I prepared the briefing in a contested class certification motion in the
18 matter of *Dawson et al. v. GoHealth, LLC, et al.* (No. CGC-19-577790),
19 which was granted in part and denied in part in April 2022.
- 20 (c) I prepared the briefing in a contested class certification motion in the
21 matter of *Brown v. NTI-CA, Inc., et al.* (No. 21STCV04397), which is not
22 currently scheduled for hearing.
- 23 (d) I was part of a team that prepared the briefing in a contested class
24 certification motion in the matter of *Thong, et al. v. Outlook Resources,*
25 *Inc., et al.* (No. 19STCV44400), which was granted in part and denied in
26 part in October 2022.
- 27 (e) I prepared the briefing which resulted in a remand order in the matter of
28 *Andrade v. Rehrig Pacific Corp.* (C.D. Cal. April 22, 2020, No. CV 20-
1448 FMP (RAOx)) 2020 WL 1934954, where Defendant removed a

wage-and-hour class alleging that Plaintiff's claims were pre-empted by the Labor Management Relations Act.

- (f) I briefed, argued, and won the matter of *Lee et al. v. The Christian Herald, U.S.A., Inc.* (Cal. Ct. App. Dec. 12, 2017, No. B266853) 2017 WL 6333905, at *1. There, the Court of Appeal reversed a dismissal of an individual defendant following the trial court's granting of a demurrer without leave to amend relating to alter ego allegations.
- (g) I prepared the briefing which resulted in a remand order in the matter of *Sotelo v. Belfor USA Group, Inc.* (C.D. Cal. March 13, 2018, No. 2:17-cv-09056-RSWL-MRWx) 2018 WL 1352910. Defendants sought to remove the case based on the inclusion of a "sham defendant," but the court agreed with my briefing which argued that the individual defendant, who was alleged to have harassed the plaintiff under FEHA, was a proper defendant.
- (h) Prior to 2018, I was the lead counsel, or co-lead counsel, in individual employment matters that settled for \$850,000.00, \$375,000.00, and \$250,000.00. In addition to the foregoing, I have resolved or assisted in the resolution of over 100 cases which has resulted in millions of dollars of unpaid wages being returned to low-wage employees.

9. Since June 2018, my practice has shifted to almost exclusively representing employees in wage-and-hour class and representative actions. My fee has been approved by Courts throughout the state. I have participated as lead, or co-lead counsel, in the litigation and resolution of over 100 wage-and-hour class actions, including obtaining preliminary and final approval of settlements. A selection of settled cases wherein I served as lead or co-lead class counsel includes as follows:

- (a) *Barahona v. Methodist Hosp. of Cal.* (No. 20STCV09876) (\$5,000,000);
- (b) *Stanley Black & Decker Wage and Hour Cases* (No. JCCP5218) (\$3,500,000)
- (c) *Vazquez v. St. Mar 2.0 Incorporated* (37-2021-00042702-CU-OE-CTL) (\$2,250,000)

- (d) *Duncan v. Infineon Technologies Americas Corp.* (21STCV16872) (\$2,500,000)
- (e) *Aquino v. Coast King Packing, LLC* (21CV002448) (\$2,300,000)
- (f) *Martinez, et al. v. Curative LLC* (21STCV20778) (\$1,500,000)
- (g) *Calderon v. Installed Building Products* (37-2021-00035844-CU-OE-CTL) (\$1,500,000)
- (h) *Majdoub v. Argent Hotel Management* (No. CGC-20-582921) (\$1,800,000)
- (i) *Fuentes v. Covid Clinic, Inc.* (No. CIVSB2106806) (\$1,526,317.57)
- (j) *Rahman, et al. v. Gate Gourmet, Inc.* (3:20-cv-03047) (\$3,850,000)
- (k) *Pagoulatos v. Coast Hills Credit Union* (No. 20CV02801) (\$1,100,000)
- (l) *Hammers v. Redwood Oil Company, Inc.* (SCV-269625) (\$1,180,000)
- (m) *Cuadras v. R.C. Wendt Painting, Inc.* (No. BC705964) (\$1,400,000)
- (n) *Zaragoza v. The Roman Catholic Bishop of Fresno* (22CV-00282) (\$1,500,000)
- (o) *Garcia v. San Jose Water Company* (22CV396328) (\$1,200,000)
- (p) *Garcia v. Tri-Valley Plastering, Inc.* (22CECG00591) (\$1,100,000)
- (q) *Garcia v. Tapia Enter., Inc.* (\$2,137,651 for 507 class members)
- (r) *Cha v. Center Point, Inc.* (CIV2102081) (\$1,000,000)
- (s) *Sison v. Cha Hollywood Med. Ctr., L.P.* (No. BC644129) (2,137 class members)
- (t) *Lagos v. ThyssenKrupp Elevator Corp.* (No. BC682972) (\$750,000 for 79 class members)
- (u) *Montoya v. Golden I Credit Union* (No. 34-2018-00228252)

10. This experience is helpful in assessing the reasonableness of settlements such as the one at issue here, and from this experience I have concluded that this lawsuit could not have been settled on better terms than provided under the present settlement agreement.

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1 KANE MOON’S EXPERIENCE AND QUALIFICATIONS

2 11. Mr. Moon received a B.A. in History in 1998 from UCLA. Mr. Moon received
3 my J.D. from Loyola Marymount Law School in 2006. Mr. Moon became an Active Member of
4 the State Bar of California in June 2007 and has been an Active Member in good standing
5 continuously since then. Mr. Moon is a current member of the California Employment Lawyers
6 Association (CELA) and has been selected to Super Lawyers for 2020-2023.

7 12. Mr. Moon co-founded Moon & Yang, APC in March 2010. Mr. Moon’s practice
8 is focused exclusively on advocating for the rights of employees in wage-and-hour litigation,
9 almost entirely in class actions.

10 13. For the past decade, Mr. Moon has built his practice to have an emphasis on
11 employment and related civil litigation cases and have both prosecuted and defended
12 employment-related litigation cases. Mr. Moon has been heavily, successfully, and continuously
13 involved in active litigation and trial work, and have conducted bench and jury trials on behalf of
14 both employees and employers in wage and hour cases.

15 14. Mr. Moon is experienced in prosecuting and defending employment matters,
16 particularly class actions. His firm has focused a substantial percentage of its practice on wage,
17 hour, and working conditions violations. In addition to the present case, Mr. Moon is also class
18 counsel for other wage-and-hour class action lawsuits pending in various counties throughout
19 California, including in federal courts. The following is a list of some of our recent class action
20 settlements that have received preliminary and final approval: *Mark Brulee, et al. v. DAL Global*
21 *Services, LLC* (C.D. Cal. Dec. 20,2018) No. CV 17-6433 JVS(JCGx), 2018 WL 6616659 (class
22 size approx. 2,650; lead counsel) (In approving Mr. Moon’s \$650 hourly rate, the Court found:
23 “Class Counsel's declarations show that the attorneys are experienced and successful litigators.
24 Other courts have approved the attorneys' current rates for the Moon & Yang, APC attorneys.”
25 (*Id.* at *10.); *Sison v. Cha Hollywood Medical Center, L.P.*, LASC BC6441 29 (class size approx.
26 2,100; co-counsel); *Jones v. Fitness Alliance, LLC*, Riverside Superior Court PSC1404079 (class
27 size approx. 1,000; lead counsel); *Gomez v. H Mart Companies, Inc.*, LASC BC671525 (class
28 size approx. 2,500; co-counsel); *Montoya v. Golden 1 Credit Union*, Sacramento Superior Court

34-2018-00228252 (class size approx. 1,900; lead counsel); *Campa v. Bloomingdeals, Inc.*,
LASC BC700366 (class size approx. 1,500; lead counsel); *Black v. Mission Healthcare Services,*
Inc., LASC 19STCV04602 (class size approx. 1,000; lead counsel); *Onofre v. Caitac Garment*
Processing, Inc., LASC BC702283 (class size approx. 750; lead counsel); *Martinez v. Bail*
Hotline Bail Bonds, Inc., LASC BC700131 (class size approx. 173; lead counsel); *Jones v.*
Citiguard, Inc., LASC BC664890 (class size approx. 587; lead counsel); *Slaughter v. ACA*
Security Stems, LP, LASC BC699137 (class size approx. 300; lead counsel); *Taylor v. Sherman's*
Delicatessen & Bakery, LLC, LASC BC722765 (class size approx. 515; lead counsel); *Vertti v.*
Bagcraft Papercon III, LLC, LASC 19STCV12729 (class size approx. 260; lead counsel);
Rodriguez v. Rossmoyne, Inc., LASC BC699137 (class size approx. 220; lead counsel); *Vargas v.*
AMS Paving, Inc., LASC BC722767 (case size approx. 260; lead counsel); *Garcia v. Comfy*
U.S.A. Apparel, Inc., LASC BC709630 (class size approx. 210; lead counsel); *Lagos v.*
ThyssenKrupp Elevator Corporation, LASC BC682972 (\$750,000 for 79 class members; lead
counsel); *Aparicio v. Lineage Logistics, LLC*, LASC BC722764 (class size approx. 155; lead
counsel).

15. This experience is helpful in assessing the reasonableness of settlements such as
the one at issue here, and from this experience Mr. Moon has concluded that this lawsuit could
not have been settled on better terms than provided under the present settlement agreement.

BRETT GUNTHER'S EXPERIENCE AND QUALIFICATION

16. Brett Gunther is an associate attorney at Moon & Yang, APC. Mr. Gunther
represents employees in both state and federal court, specifically in employment litigation cases
involving discrimination, harassment, and wrongful termination, as well as wage-and-hour class
action and representative actions concerning claims related to overtime and minimum wages,
meal and rest break violations, improper wage statements, PAGA, and unfair business practices.

17. Mr. Gunther received his Bachelor of Arts in Psychology and Human
Development from the University of California, San Diego and his Juris Doctorate from
California Western School of Law, where he excelled academically and made the Dean's List for

multiple terms. Mr. Gunther also worked as a faculty research assistant for his Constitutional Law professor during his final year.

18. Mr. Gunther has worked exclusively on behalf of employees since becoming a member of the Bar in 2015, including on class and representative actions, and has been directly involved in obtaining outstanding results for employees who have been wronged by their employers, including, but is not limited to:

- (a) Working as part of the four-attorney team to obtain class certification and a trial verdict of \$2,000,000 on behalf of a class of thousands of retail workers in the case *Felczer v. Apple Inc.*, San Diego Superior Court Case No. 37-2011-00102593, (special verdict form filed on Dec. 9, 2016.)
- (b) Following a defense verdict, Mr. Gunther prepared the briefing for a new trial motion which resulted in the court ordering a new trial in *Contreras v. Family Health Centers of San Diego*, San Diego Superior Court Case No. 37-2014-00026469-CU-WT-CTL, upheld on appeal in *Contreras-Velazquez v. Family Health Centers of San Diego, Inc.* (Cal. Ct. App., Aug. 9, 2017, No. D071083) 2017 WL 3403146.
- (c) Preparing the opposition and defeating a motion for summary judgment in the United States District Court, Central District involving complex issues concerning employee misclassification and disability discrimination in *Mack v. Universal Truckload, LLC* (C.D. Cal., Dec. 18, 2020, No. 5:19-CV-02363-RGK-SP) 2020 WL 8175602.
- (d) Obtaining preliminary approval of a class and PAGA settlement for approximately 658 class members in the matter *Lopez v. Pacific Dutch Group, LLC, et al.*, (2022) Santa Barbara Superior Court Case Number 21CV01197.
- (a) Obtaining final approval of a PAGA settlement for approximately 759 employees in the matter *Cruz v. Crescent Hotels & Resorts, LLC.* (2022) Sacramento County Case No 34-2021-00299126-CU-OE-GDS.

- (b) Obtaining final approval of a PAGA settlement for approximately 82 employees in the matter *Barreno v. Republique, LLC*. (2021) Los Angeles County Case No 21STCV09903.
- (c) Obtaining final approval of a PAGA settlement for approximately 86 employees in the matter *Rosas v. DialMed, Inc.* (2021) Los Angeles County Case No 20STCV44300.
- (e) Obtaining preliminary and final approval of a class action and PAGA settlement on behalf of 658 class members in *Lopez v. Pacific Dutch Group, LLC, et al.*, (2022) Santa Barbara Superior Court Case Number 21CV01197.
- (f) Obtaining preliminary and final approval of a class action and PAGA settlement on behalf of 1,184 class members in *Cherazo v. Essendant Co., et al.* (2022) Los Angeles Superior Court Case Number 21STCV25368.
- (g) Obtaining preliminary and final approval of a class and PAGA settlement for approximately 367 class members *Garcia v. R&B Wholesale Distributors, Inc., et al.* (2022) San Bernardino Superior Court Case Number CIVSB2108856.
- (h) Obtaining final approval of a PAGA settlement for approximately 785 aggrieved employees in the matter *Perez v. Nutricion Fundamental, Inc.* (2022) Los Angeles County Case No 21STCV15036.

19. Mr. Gunther has been a member in good standing with the California State Bar since 2015 and is also admitted to practice in the United States District Court for the Central, Eastern, and Southern Districts of California. Mr. Gunther's billing rate is \$475.00 per hour.

JULIE SOHYUN OH'S EXPERIENCE AND QUALIFICATION

20. Julie Sohyun Oh is an associate attorney at Moon & Yang, APC. Ms. Oh began working in October 2021, and her practice focused on individual FEHA and wrongful termination claims, as well as wage-and-hour class and representative actions. Since September 2022, Ms. Oh shifted her focus of practice to entirely class actions, involving claims related to

overtime and minimum wages, meal and rest break violations, improper wage statements, the California Private Attorneys General Act, and unfair business practices.

21. Ms. Oh received her Bachelor of Arts in Political Science from the University of British Columbia and her Juris Doctorate from California Western School of Law.

22. Ms. Oh is a member in good standing with the California State Bar and in the United States District Court for the Central and Northern Districts. Ms. Oh's billing rate is \$325 per hour.

23. Moon & Yang, APC is qualified to handle this litigation because we are experienced in litigating Labor Code violations in both individual and class actions. The attorneys have been appointed as lead or co-lead counsel in numerous wage and hour class actions in state and federal courts by way of motion for settlement approval. Including myself, Moon & Yang, APC is comprised of seventeen attorneys, all of whom are actively and continuously practicing employment litigation, representing almost entirely employee plaintiffs, in both individual and class actions, in this Superior Court, and other Superior Courts throughout the state, in the Court of Appeal, and in various federal courts.

24. I do not believe that I have any conflicts of interest with the Class or with the Class Representative. I am not related to any Class Representative. I respectfully submit that I and Moon & Yang, APC are well suited to act as Class Counsel in this action, and we have and will continue to vigorously represent the interests of the Class.

25. As of the drafting of this declaration, my office has incurred \$11,530.40 in costs. A true and correct copy of our cost ledger is attached hereto as Exhibit A.

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

Executed on April 10, 2023, at Los Angeles, California.



Allen Feghali

EXHIBIT A

Activities Export

04/10/2023
11:05 AM

Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
07/07/2021	\$	Complaint fee ● Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$1,492.31	-	\$1,492.31
07/07/2021	\$	Admin fee ● Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$750.00	-	\$750.00
07/14/2021	\$	LWDA ● Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$75.00	-	\$75.00
07/16/2021	\$	Ace ● Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$410.25	-	\$410.25
07/31/2021	\$	Ace ● Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$41.75	-	\$41.75
09/20/2021	\$	One Legal ● Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$14.82	-	\$14.82
09/20/2021	\$	One Legal ● Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$42.56	-	\$42.56
11/08/2021	\$	One Legal ● Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$14.82	-	\$14.82
11/08/2021	\$	Courtcall ● Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$94.00	-	\$94.00
						\$0.00		\$11,530.40
						0.00h		0.00h

Activities Export

04/10/2023
11:05 AM

Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
03/18/2022	\$	One Legal Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$15.19	-	\$15.19
03/18/2022	\$	One Legal Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$43.24	-	\$43.24
03/18/2022	\$	One Legal Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$37.32	-	\$37.32
04/04/2022	\$	One Legal Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$49.14	-	\$49.14
08/12/2022	\$	Mediation fee (p) Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$6,500.00	-	\$6,500.00
10/25/2022	\$	Berger Consulting Unbilled	01318-Lucas Lucas v. SW Ingredients Holdings LLC (CJ)	Seung Yang	1.00	\$1,950.00	-	\$1,950.00
							\$0.00	\$11,530.40
							0.00h	0.00h