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Attorneys for Plaintiff Gabriela Chavez, on behalf of herself
and other similarly-situated employees

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

GABRIELA CHAVEZ, on behalf of herself
and other similarly-situated employees

Plaintiff,

v.

SCHEID VINEYARDS INC., a Delaware
Corporation; and DOES 1 Through 10,
inclusive,

Defendants.

Case No. 21CV002126

CLASS ACTION (COMPLEX)

**DECLARATION OF ISAM C. KHOURY IN
SUPPORT OF MOTION FOR ORDER
GRANTING FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT AND
ATTORNEYS' FEES AND COSTS**

Date: April 28, 2023

Time: 8:30 a.m.

Dept: 14

Judge: Hon. Carrie M. Panetta

Complaint filed: July 2, 2021

Trial date: Not set

1 I, Isam C. Khoury, declare as follows:

2 1. I am a Partner with the law firm of Cohelan Khoury & Singer, co-counsel of
3 record for Plaintiff and the Settlement Class. I submit this Declaration in Support of Plaintiff's
4 Motion for Order Granting Final Approval of Class Action Settlement. The following facts are
5 within my personal knowledge and if called to testify I could and would competently testify to
6 them.

7 2. I am a 1973 Hastings School of Law graduate and was admitted to the California
8 State Bar in 1974 and am admitted to practice in all state courts in California and in the all
9 federal courts in California, as well as the First Circuit Court of the State of Hawaii and the
10 United States Court of Appeals for Sixth Circuit.

11 3. In 1981, Timothy D. Cohelan and I formed Cohelan & Khoury, a Partnership of
12 Professional Law Corporations, in 1981 and within a few years began to focus on class actions.
13 Cohelan & Khoury became Cohelan Khoury & Singer in 2009. Our firm represents plaintiffs in
14 class and representative action litigation, including wage and hour, labor and employment,
15 antitrust, consumer protection, construction defect and other public interest class and
16 representative actions.

17 4. I, along with Partner Diana M. Khoury have been selected by our peers based on
18 ethics, experience and reputation as Super Lawyers in Civil Litigation by the Southern
19 California Super Lawyers Magazine for the years 2012 through the present. Michael D. Singer,
20 Managing Partner, was named to the Daily Journal 2012, 2013, and 2018 list of Top California
21 Labor and Employment Attorneys and selected to the Southern California Super Lawyers in
22 2010, 2012-2019. Mr. Singer was admitted as a fellow to the College of Labor and Employment
23 Attorneys in 2020. I am AV – Preeminent rated by Martindale-Hubbell, as are many attorneys
24 in our firm.

25 5. Cohelan Khoury & Singer has been certified by the State Bar of California to
26 provide the Mandatory Continuing Legal Education activity entitled "Litigating California Class
27 Actions" and has conducted MCLE certified seminars on this topic. Senior Partner, Timothy D.
28 Cohelan, is the author of Cohelan on California Class Actions (1997-2022, updated annually),

1 part of Thomson Reuters Expert Series updated annually. Michael D. Singer is a contributing
2 author on the CEB publication California Wage and Hour Law: Compliance and Litigation
3 (2010-2022 updated annually), in which he wrote the opening chapter overview on California
4 Wage and Hour laws, including the public policy underpinnings for those laws, and the Private
5 Attorneys General Act (PAGA) Claim chapter. He is also a contributing author to the CEB
6 Practitioner (2020), including guidelines for oral argument and forms for PAGA litigation. Mr.
7 Singer has served as a columnist for the California State Bar, Litigation Section on wage and
8 hour litigation and has contributed articles on wage and hour and class action issues through the
9 years to numerous California publications. Prior to COVID, he typically lectured several times
10 per year for continuing education courses on wage and hour and class action issues at events in
11 San Diego, Orange County, Los Angeles, and San Francisco. For over twelve years, Mr. Singer
12 has served as wage and hour amicus co-chair and liaison for the California Employment
13 Lawyers Association, drafting, reviewing, and coordinating amicus filings on wage and hour
14 issues in the California Supreme Court and Courts of Appeal. He has been engaged in the
15 practice of labor and employment law since 2000, handling well over 300 wage and hour class
16 and PAGA actions and several individual labor cases. He has litigated several types of
17 employment actions, including complex ERISA employee welfare benefit plan cases, as well as
18 wage and hour class actions before Federal and State Courts in California. In 2014, Mr. Singer,
19 along with Partner J. Jason Hill, tried a wage and hour class action involving claims for illegally
20 deducted wages and unreimbursed expenses. *Dilts v Penske Logistics LLC, Inc.* Mr. Singer
21 successfully appealed the trial court ruling in *Dilts* finding state laws preempted by the FAAAA
22 for truck drivers.

23 6. Mr. Singer has participated in over 50 appellate cases and argued writs and
24 appeals before several California District Courts of Appeal, arguing for plaintiffs on rehearing
25 in *Brinker International Inc. v. Superior Court* before the Fourth District Court of Appeal, as
26 well as federal appeals in the Second, Third, and Ninth Circuit Courts of Appeals. In addition,
27 Mr. Singer has drafted numerous appellate briefs as the appellant, respondent, or amicus curiae
28 in employment class and individual actions. As co-Class Counsel in *Brinker Restaurant Corp. v.*

1 *Superior Court* [formerly reported at (2008)165 Cal.App.4th 25], Mr. Singer argued before the
2 Fourth District Court of Appeal in May 2008 on transfer from the California Supreme Court,
3 and co-authored the successful Petition for Review. My firm has successfully tried class cases,
4 obtained appellate reversals of class certification denials (*Hicks v. Kaufman and Broad*, (2001)
5 89 Cal.App.4th 908), and certified multiple wage and hour classes.

6 7. As a part of our overall firm philosophy lawyers perform community service and
7 pro bono work. Firm volunteer work includes service through the Legal Aid at Work, San
8 Diego Volunteer Lawyer Program, the San Diego County Bar Foundation and Consumer
9 Attorneys of San Diego. During law school, I interned for the ACLU and Equal Rights
10 Assistance assisting on impact litigation class action lawsuits. I am a past recipient of the Wiley
11 W. Manuel Award for Pro Bono Service. Mr. Singer has served on the Legal Aid at Work
12 Board of Directors since 2011. Mr. Cohelan served as the Chair of the San Diego Volunteer
13 Lawyers Program from 2015-2018, and currently sits on the Board as past Chair. He completed
14 24 years of volunteer judicial service as a Judge Pro Tem of the San Diego Superior Court.
15 Since admission to the California Bar, Partner Diana M. Khoury has been a member of the San
16 Diego County Bar Association, Consumer Attorneys of San Diego, Consumer Attorneys of
17 California, and American Association for Justice serving and chairing various committees
18 through the years for these organizations. For six years from 2010 through 2015, Ms. Khoury
19 served on the Board of Directors for Consumer Attorneys of San Diego. Since 2013, Ms.
20 Khoury actively serves on the Board of Directors for the San Diego County Bar Foundation, the
21 501(c)(3) charitable arm of the San Diego County Bar Association providing access to justice to
22 the underserved and impoverished in the San Diego County region. Our firm's recent pro bono
23 victories include a settlement which prohibits the City of San Diego from targeting homeless
24 people for illegal lodging tickets under Penal Code Section 467(j). (*Spencer v. City of San*
25 *Diego*, USDC Case No 04CV-2314 BEN (WMC).) The *Spencer* settlement had the effect of
26 increasing the number of available shelter beds in San Diego.

27 8. Cohelan Khoury & Singer has been certified Class Counsel in the following
28 contested proceedings: *Aguilar v. Atlantic Richfield, et al.*, San Diego County Superior Court

1 Case No. 00700810; *Andino v. Kaiser Foundation Hospitals*, Alameda County Superior Court
2 Case No. RG11580548; *Arellano, et al. v. Container Connection of Southern California, Inc.*,
3 Los Angeles County Superior Court Case No. BC500675; *BANK OF AMERICA WAGE AND*
4 *HOOR EMPLOYMENT PRACTICES LITIGATION*, United States District Court, District of
5 Kansas MDL Case No. 2138 (FLSA Condition Certification); *Czuchaj v. Conair Corporation*,
6 United States District Court, Southern District of California Case No. 13CV1901; *Dilts, et al. v.*
7 *Penske Logistics, L.L.C., et al.*, United States District Court, Southern District of California
8 Case No. 08CV0318; *Englert, et al. v. AT&T Wireless Services, Inc., et al.*, Circuit Court of the
9 Second Circuit, State of Hawaii Case No. 02-1-0074; *Evans v. Washington Mutual Bank*,
10 Orange County Superior Court Case No. 02CC15415; *Filion v. Ethan Allen Retail Inc.*, United
11 States District Court, Southern District of California Case No. 05CV2340; *Gerard v. Les*
12 *Schwab Tire Centers of California, Inc.*, Sacramento County Superior Court Case No. 2007-
13 30000003; *Grana, et al. v. PICO Enterprises, Inc. dba Phyle Inventory Control Specialist and*
14 *PICS L.A.S.C.* Case No. BC472891; *Gutierrez v. Save Mart Supermarkets San Mateo Superior*
15 *Case No. CIV530955; Wilcox v Albertsons*, San Diego County Superior Court Case No.
16 GIC833922; *Gonzalez, et al. v. Freedom Communications, Inc. d/b/a The Orange County*
17 *Register*, Orange County Superior Court Case No. 03CC08756; *Graham, et al. v. Overland*
18 *Solutions, Inc.*, United States District Court, Southern District of California Case No.
19 10CV0672 (FLSA Conditional Certification); *Hicks v. Kaufman and Broad Home Corp.*, Los
20 Angeles County Superior Court Case No. B198414; *Hohnbaum, et al. v. Brinker Restaurant*
21 *Corporation, et al.*, San Diego County Superior Court Case No. GIC834348; *KEMP, et al. v.*
22 *CSEA, et al.*, Circuit Court of the First Circuit, State of Hawaii Case No. 98-3815-08; *LIBERTY*
23 *MUTUAL OVERTIME CASES*, Los Angeles County Superior Court Case No. JCCP 4234;
24 *Mitchell, et al. v. Acosta, Inc., dba Acosta Sales and Marketing Company*, United States District
25 Court, Central District of California Case No.11CV07196 (FLSA Conditional Certification);
26 *Santana v. Rady Children's Hospital-San Diego*, San Diego County Superior Court Case No.
27 37-2014-00022411; *Schaffer v. Rady Children's Hospital-San Diego*, San Diego County
28 Superior Court Case No. 337-2015-00022978; *Schneider, et al. v. Catholic Healthcare West*,

San Francisco County Superior Court Case No. CGC-10-506243; *Salucci v. Amada Senior Care, Inc.*, Orange County Superior Court Case No. 37-2015-00778081; *Smith v. California Pizza Kitchen*, San Diego County Superior Court Case No. 37-2008-00083992; STEROID HORMONE PRODUCT CASES, Los Angeles County Superior Court Case No. JCCP 4363; *Stevenson Aibangbee v. Victoria Apartments, et al.*, Los Angeles County Superior Court Case No. BC299498; *Swift v. Liebert Corp.*, Orange County Superior Court Case No. 00CC04588; *Sylvia, et al. v. Wells Fargo Home Mortgage, Inc.*, Orange County Superior Court Case No. 03CC05747; *Vaquero v. Ashley Furniture Industries, Inc., et al.*, United States District Court, Central District of California Case No. 12CV8590; *Vaquero v. Stoneledge Furniture LLC*, Los Angeles County Superior Court Case No. BC522676; *Vazquez v. Kraft Heinz Foods Company*, United States District Court, Southern District of California Case No. 16-CV-02749; *Watson v. Raytheon Company*, United States District Court, Southern District of California Case No. 10CV0634; and *Weigle v. FedEx Ground Package System, Inc.*, United States District Court, Southern District of California Case No. 06CV1330, among others, as well as being appointed Class Counsel in connection with well over 200 class action settlements.

9. Cohelan Khoury & Singer has actively commenced, prosecuted and concluded numerous state and federal class and representative actions. Since 2016, Cohelan Khoury & Singer has played a central role in the resolution of over 200 such cases, including the following, which have received court approval: (a) *Arellano, et al. v. Container Connection of Southern California, Inc.*, Los Angeles County Superior Court, Case No. BC500675, Hon. Anne I. Jones; (b) *Castro v. Home Depot U.S.A., Inc.*, Los Angeles County Superior Court, Case No. BC577885, Hon. Elihu M. Berle; (c) *Czuchaj v. Conair Corporation*, United States District Court, Southern District of California, Case No. 13-CV-1901 BEN, Hon. Roger T. Benitez; (d) *Gardiner v. TSYS*, United States District Court, Central District of California, Case No. 18-cv-00415, Hon. David O. Carter; (e) *Grana v. PICO Enterprises, Inc.*, Los Angeles County Superior Court, Case No. BC472891, Hon. Stephanie M. Bowick; (f) *Gutierrez v. Save Mart Supermarkets*, San Mateo County Superior Court, Case No. CIV530955, Hon. Marie S. Weiner; (g) *Hernandez v. Workforce Enterprises WFE, Inc.*, Los Angeles County Superior

1 Court Case No. BC590913, Hon. Elihu M. Berle; (h) *Hicks v. Poway Academy of Hair Design,*
2 *Inc.*, San Diego County Superior Court, Case No. 2014-00026517, Hon. Ronald L. Styn; (i)
3 *Hubbard v. Caliber Home Loans, Inc.*, Orange County Superior Court, Case No. 2018-
4 01017838; (j) *Klein v. Loomis Armored US, LLC*, San Bernardino County Superior Court, Case
5 No. CIVDS1704547, Hon. David Cohn; (k) *Laureano v. The Art of Shaving*, Los Angeles
6 County Superior Court, Case No. BC550093, Hon. Amy D. Hogue; (l) *Lopez, et al. v.*
7 *Management & Training Corporation, et al.*, United States District Court, Southern District of
8 California, Case No. 17-CV-010624 JM, Hon. Jeffrey T. Miller; (m) *Magdaleno v. Shelly*
9 *Automotive, LLC*, Orange County Superior Court Case No. 2013-0043958, Hon. Kim. G.
10 Dunning; (n) *McGrath, et al. v. Wyndham Resort Development Corporation, et al.*, United
11 States District Court, Southern District of California, Case. No. 15-CV-1631 JM, Hon. Jeffrey
12 T. Miller; (o) *Mena v. Wolfgang Puck Catering*, Los Angeles County Superior Court Case No.
13 BC582743, Hon. John Shepard Wiley, Jr.; (p) *Morales v. The Los Angeles Country Club*, Los
14 Angeles County Superior Court, Case No. BC566493, Hon. William F. Highberger; (q) *Nijmeh*
15 *v. Bon Appetit Management Company, Inc.*, Santa Clara County Superior Court, Case No.
16 16CV294127, Hon. Thomas E. Kuhnle; (r) *Plascencia v. Aramark Services, Inc.*, Santa Clara
17 County Superior Court, Case No. 2015-1-CV-288310, Hon. Brian C. Walsh; (s) *Plimpton v.*
18 *Gordon Trucking, Inc.*, San Bernardino County Superior Court, Case No. CIV-DS-1511918,
19 Hon. Donald Alvarez; (t) *Raya v. Amazon*, USDC, Northern District of California, Case No. 15-
20 CV-02005 MMC, Hon. Maxine M. Chesney; (u) *Rivas v. ESA Management*, USDC, Central
21 District of California, Case No. 14-CV-5767, Hon. Dale S. Fischer; (v) *Rodriguez v Healthcare*
22 *Partner Medical Group, Inc.*, Los Angeles County Superior Court, Case No. BC541313, Hon.
23 Kenneth Freeman; (w) *Ryan v. Dignity Health*, Sacramento County Superior Court Case No.
24 2013-00147371, Honorable Alan G. Perkins; (x) *Santana v. Rady Children's Hospital-San*
25 *Diego*, San Diego County Superior Court Case No. 37-2014-00022411, Hon. Joel R. Wohlfeil;
26 (y) *Schaffer v. Rady Children's Hospital-San Diego*, San Diego County Superior Court Case
27 No. 337-2015-00022978; Hon. Joel R. Wohlfeil; (z) *Schneider v. Catholic Healthcare West*,
28 San Francisco County Superior Court, Case No. CGC-10-506243, Hon. Angela Bradstreet; (aa)

1 *Schwartz v Bank of the West*, San Francisco County Superior Court, Case No. CGC-14-538955,
2 Hon. Harold E. Kahn; (bb) *Syed v. M.I. Swaco*, USDC, Eastern District of California, Case No.
3 12-CV-01718 DAD, Hon. Dale A. Drozd; (cc) *Vaquero, et al. v. Stoneledge Furniture, LLC*,
4 Los Angeles County Superior Court Case No. BC522676, Hon. Elihu M. Berle; (dd) *Vazquez v.*
5 *Kraft Heinz Foods Company*, USDC, Southern District of California Case No. 16-CV-02749,
6 Hon. William Q. Hayes; (ee) *Walsh v. Cedars-Sinai Medical Center*, Los Angeles County
7 Superior Court Case No. BC487290, Hon. William F. Highberger; among others.

8 10. Plaintiff Gabriela Chavez seeks final approval of a \$1,250,000 non-reversionary
9 wage and hour class action and Private Attorneys General Act (PAGA) Settlement (Settlement)
10 with Scheid Vineyards, Inc. (Defendant or Scheid). The Settlement will provide an estimated
11 \$709,824.74, (Net Settlement Amount of \$678,574.74 plus Aggrieved Employee portion of
12 PAGA Payment of \$31,250 equals \$709,824.74), to a putative Class of 443 current and former
13 non-exempt, hourly-paid employees of Defendant in California at any time from July 2, 2017
14 through December 31, 2022.

15 11. Plaintiff has achieved an excellent result in this litigation. The average payout to
16 each putative class member is substantial, at over \$1,500, and highest payment estimated at over
17 \$3,900. With no reversion to Defendant, 100 percent of this money will be paid out, and no
18 putative Class Member has, to date, opted out or objected. The proposed Settlement Agreement
19 resulted from Class Counsel's significant efforts and provides substantial benefits to the
20 putative Class.

21 12. Final approval should thus be granted as the Settlement is fair, reasonable,
22 adequate and in the best interests of the putative Class.

23 13. On July 2, 2021, Plaintiff filed a Complaint in the Superior Court of California,
24 County of Monterey, alleging class claims against Defendant on behalf of Plaintiff and the
25 putative Class for violations of Labor Code sections 201-204, 218.5, 226, 226.2, 226.7, 510-
26 512, 860, 1174, 1194, 1194.2, 1197, 1197.1, 1198, all applicable IWC Wage Orders, and
27 California Business and Professions Code §§ 17200, *et seq.*

28 14. On July 2, 2021, Plaintiff filed a Complaint in the Superior Court of California,

1 County of Monterey, alleging class claims against Defendant on behalf of Plaintiff and the
2 putative Class for violations of Labor Code sections 201-204, 218.5, 226, 226.2, 226.7, 510-
3 512, 860, 1174, 1194, 1194.2, 1197, 1197.1, 1198, all applicable IWC Wage Orders, and
4 California Business and Professions Code §§ 17200, *et seq.*

5 15. On October 25, 2021, Plaintiff served requests for production, requests for
6 admission, and interrogatories to Scheid, along with a notice of deposition of Scheid's persons
7 most qualified.

8 16. In November 2021, the parties agreed to mediate and to informally exchange
9 data and documents.

10 17. The Parties mediated with respected mediator Gig Kyriacou, Esq. on July 14,
11 2022. After a full day of arms'-length negotiations, Mr. Kyriacou tendered a mediator's
12 proposal, accepted by the Parties on July 21, 2022. An MOU was fully executed on August 29,
13 2022 and the Agreement, presented for preliminary approval, was fully executed on October 10,
14 2022.

15 18. The Settlement provides that Scheid will pay a non-reversionary, maximum
16 Gross Settlement Amount ("GSA") of \$1,250,000 which includes: (a) attorneys' fees not to
17 exceed \$416,666.67 (1/3 of GSA) to compensate Class Counsel for work performed and
18 remaining to secure final Court approval; (b) actual litigation costs of \$12,758.59; (c) Class
19 Representative Service Award of \$7,500 to Plaintiff Gabriela Chavez, for work as Class
20 Representative, risks undertaken, and benefits conferred on the Class; (d) PAGA Payment of
21 \$125,000 [\$93,750 to LWDA (75%)/\$31,250 to Aggrieved Employees (25%)]; and (e)
22 Settlement Administration costs of \$9,500. Scheid will pay employer's payroll taxes in addition
23 to the GSA.

24 19. After approved deductions, the estimated \$678,574.74 Net Settlement Amount
25 ("NSA") will be distributed to Participating Class Members. Individual Class Payments will be
26 calculated based on the number of Class Period workweeks that each Participating Class
27 Member worked.

28 20. Settlement payments are characterized as 33.33% unpaid wages (W-2), 33.33%

1 unpaid interest (Form 1099), and 33.33% as alleged statutory and civil penalties (Form 1099).

2 21. The Settlement distribution is fair and reasonable, does not give preferential
3 treatment to any Class Member, can be made from data readily available from Scheid, and the
4 Administrator can apply the formula fairly and transparently.

5 22. On December 21, 2022, the Court granted preliminary approval. The Order
6 conditionally certified the Settlement Class, appointed Class Counsel and the Class
7 Representative, approved CPT as Settlement Administrator, and preliminarily approved the
8 Settlement Agreement. The Court set the Final Approval Hearing for April 28, 2023.

9 23. The Class, after receiving notice, and having an opportunity to respond,
10 overwhelmingly approved the Settlement. The Class response to the Settlement was extremely
11 favorable. No objections or requests for exclusion were received.

12 24. Nothing has changed since Preliminary Approval to negate the presumption of
13 fairness and Class Counsel remains convinced the Settlement is in the Class' best interest.

14 25. The settlement of PAGA penalties for \$125,000.00—ten percent of the GSA—of
15 which \$93,750.00 (75%) will be paid to the LWDA and \$31,250.00 (25%) to aggrieved
16 employees, is reasonable and appropriate. The Parties negotiated a good faith amount for PAGA
17 penalties, which was not the result of self-interest at the expense of Class Members.

18 26. Class Counsel provided the LWDA with the Motion for Preliminary Approval
19 and the Agreement. Attached as Exhibit 1 is a true and correct copy of the LWDA Confirmation
20 of Receipt, November 8, 2022.

21 27. The LWDA was served with this Final Approval Motion when filed. Attached as
22 Exhibit 2 is a true and correct copy of the LWDA confirmation of Receipt.

23 28. Class Counsel requests attorneys' fees of \$416,666.67, one-third of the GSA, and
24 litigation costs of \$12,758.59. Counsel expended 202.1 hours, a \$137.789 lodestar. Exhibit 3 is
25 a true and correct copy of the Consolidated Summary of Class Counsel's Time & Costs; Exhibit
26 4 is a true and correct copy of Cohelan Khoury & Singer's Itemization of Costs.

27 29. The most important factor to consider in granting a fee award is the success
28 obtained. *In re Heritage Bond Litig. v. U.S. Trust Co. of Tex., N.A.*, No. 02-ML-1475 (RCx),

2005 U.S. Dist. LEXIS 13627, *27 (C.D. Cal. June 10, 2005) (citing *Hensley v. Eckerhart*, 461 U.S. 424 (1983)). An excellent result was achieved, enforcing the law and providing benefits to the Class. The Class was provided notice of all settlement terms, including that Counsel would request an award of attorneys' fees up to one-third of the GSA, \$416,666.67.

30. Class Counsel undertook representation at their own expense, with compensation wholly contingent upon providing a Class benefit. Class Members will benefit from the proposed Settlement and receive monetary payments. Based on the defined and clearly traceable Class benefit, the Court may award a percentage of the common fund as attorneys' fees.

31. Counsel's request for one-third of the common fund is in the mid-range of awards which range from 20% to 50%, and is fair compensation for undertaking complex, risky, litigation on a contingent basis, and for the result achieved for the Class.

32. Class Counsel's fee request is consistent with awards in similar California cases, and market rates, and is reasonable. Cohelan Khoury & Singer has routinely been awarded attorneys' fees of one-third of a common fund in wage and hour class actions, including: *Schaffer v. Rady Children's Hospital – San Diego, et al.*, San Diego County Superior Court, Case No. 2015-00022978 [Hon. Joel R. Wohlfeil – approving attorneys' fees of \$4,166,666, one-third of \$12,500,000 settlement in a certified wage and hour class action]; *McGrath v. Wyndham Resort Dev. Corp.*, [S.D.Cal. Jan. 30, 2018, No. 15cv1631 JM (KSC)] 2018 U.S.Dist.LEXIS 16095*24 [Hon. Jeffrey T. Miller – approving attorneys' fees of \$2,416,666.67, one-third of \$7,250,000 settlement in a precertification wage and hour class action]; *Rodriguez v. Healthcare Partner Medical Group, Inc.*, Los Angeles County Superior Court, Case No. BC541313 [Hon. Kenneth Freeman – approving attorneys' fees of \$2,000,000, one-third of \$6,000,000 settlement in a pre-certification wage and hour class action]; *Gutierrez v. Save Mart Supermarkets*, San Mateo County Superior Court, Case No CIV530955 [Hon. Marie S. Weiner – approving attorneys' fees of \$1,666,666.67, one-third of \$5,000,000 in a certified wage and hour class action]; *Vaquero v. Stoneledge Furniture LLC*, Los Angeles County Superior Court, Case No. BC522676 [Hon. Elihu M. Berle – attorneys' fees of \$1,300,000, one-third of \$3,900,000 in certified wage and hour class action]; and *Popal v. Wells*

1 Fargo Bank, National Associate, San Diego County Superior Court, Case No. 37-2020-
2 00038101 [Hon. Gregory W. Pollack – approving attorneys’ fees of \$1,000,000, one-third of
3 \$3,000,000 settlement in pre-certification wage and hour class and representative action].

4 33. Class Counsel’s skill and experience support their hourly rates and are in line
5 with rates typically approved in California wage and hour class actions.

6 34. Cohelan Khoury & Singer’s practice is limited to litigating class and
7 representative actions on behalf of employees and consumers, and our firm has been appointed
8 Class Counsel or co-Class Counsel in over 300 such cases.

9 35. Class Counsel’s skill and experience support their hourly rates: Cohelan Khoury
10 & Singer: Founding Partners, Timothy D. Cohelan - \$950, Isam C. Khoury - \$925; Managing
11 Partner, Michael D. Singer - \$900; Associates J. Jason Hill (former) - \$700, Rosemary C.
12 Khoury - \$500; Law Offices of Sahag Majarian II: Principal, Sahag Majarian II - \$850. These
13 rates are in line with those typically approved in California wage-and hour class action
14 litigation. Indeed, the Laffey Matrix would actually provide for a rate increase. Attached as
15 Exhibit 5 is a true and correct copy of the Laffey Matrix (accessed March 29, 2023, available at
16 [matrix \(laffeymatrix.com\)](http://matrix.laffeymatrix.com)).

17 36. To the extent a lodestar was used to check the fee, a multiplier of approximately
18 3.0 (\$416,666.67/\$137,789) is supported by the novelty and difficulty of the questions involved,
19 the skill displayed by Class Counsel in addressing them, the judgment and skill used to resolve
20 them while the law remains uncertain, and the contingent nature of any recovery.

21 37. Within the past several years, Cohelan Khoury & Singer has been awarded
22 greater multipliers: *McGrath v. Wyndham Resort Dev. Corp.*, S.D.Cal. Jan. 30, 2018, No.
23 15cv1631 JM (KSC), 2018 U.S.Dist.LEXIS 16095*24 [Hon. Jeffrey T. Miller – approving
24 attorneys’ fees of \$2,416,666.67 and **4.8 multiplier**, one-third of \$7,250,000 settlement in a pre-
25 certification wage and hour class action]; *Jones v. Abercrombie & Fitch Trading Co.*, C.D.Cal.
26 Nov. 19, 2018, No. CV 15-0105 JGB (Ex), 2018 U.S.Dist.LEXIS 198001 *24-25 [Hon. Jesus
27 G. Bernal – approving attorneys’ fees of \$2,400,000 and **3.7 multiplier**, one-third of \$9,600,000
28 settlement in a pre-certification wage and hour class action]; *Schaffer v. Rady Children’s*

1 *Hospital – San Diego, et al.*, San Diego County Superior Court, Case No. 2015-00022978 [Hon.
2 Joel R. Wohlfeil – approving attorneys’ fees of \$4,166,666 and **3.98 multiplier**, one-third of
3 \$12,500,000 settlement in a certified wage and hour class action)]; *Rodriguez v. Healthcare*
4 *Partner Medical Group, Inc.*, Los Angeles County Superior Court, Case No. BC541313 [Hon.
5 Kenneth Freeman – approving attorneys’ fees of \$2,000,000 and **5.05 multiplier**, one-third of
6 \$6,000,000 settlement in a pre-certification wage and hour class action]; and, *De Benning v.*
7 *Costco Wholesale Corporation*, Sacramento County Superior Court, Case No. 2021-00309030
8 [Hon. Jill H. Talley – approving attorneys’ fees of \$3,000,000 and **7.99 multiplier**, one-third of
9 \$9,000,000 settlement in a pre-certification wage and hour class action].

10 38. The Settlement allows Class Counsel to recover up to \$15,000 in costs and the
11 Settlement Administrator to recovery up to \$10,000 in costs. Counsel and the Settlement
12 Administrator respectively seek \$12,758.59 and \$9,500 in reasonable and necessary costs.

13 I declare under the penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct and that this declaration is executed on April 4, 2023, in San
15 Diego, California

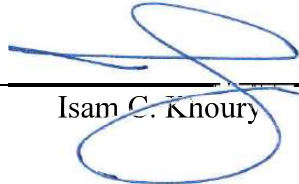
16
17 
18 _____
19 Isam C. Khoury
20
21
22
23
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27
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EXHIBIT 1

From: [DIR PAGA Unit](#)
To: [Matthew Atlas](#)
Subject: [External] Thank you for your Proposed Settlement Submission
Date: Tuesday, November 8, 2022 2:01:31 PM

11/08/2022 02:00:52 PM

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

Item submitted: Proposed Settlement

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: https://urldefense.proofpoint.com/v2/url?u=http-3A__labor.ca.gov_Private-5FAttorneys-5FGeneral-5FAct.htm&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=CkmVEddukKLexsqU9o1LOYeca1vZAEC-MO6PZ1f0-Jc&m=ibEYnHd8oHkN9y9jdQ-nH5hrQ8GGp-UYNeFAgL7jBJ8&s=IZNtAxEq-COUiuXszIwzDVbGTt7GjwZyXBetfP3elkA&e=



Private Attorneys General Act (PAGA) – Filing

Proposed Settlement of PAGA case

PAGA Number (LWDA-CM-) : *

*Please enter only the eight digit number after "LWDA-CM-" in the following format, "XXXXXX-XX".
[Search for PAGA Case number](#)*

The timing of the deposit of settlement checks is governed by the provisions of the State Administrative Manual. This ministerial, administrative act of depositing a settlement check mandated by state procedures should not be construed as nor does it constitute an unconditional, voluntary and/or absolute acceptance of settlement proceeds or approval of the terms of any settlement agreement or judgment related to that check.

Your Information (Person Who is Filing)

Your First Name *

Matthew

Your Last Name *

Atlas

Your Email Address *

matlas@ckslaw.com

Your Street Name, Number and Suite/Apt *

Cohelan Khoury & Singer,

Your Mobile Phone Number

Your City *

San Diego

Your Work Phone Number

Your State *

California

Your Zip/Postal Code *

92101

Court and Hearing Information

Court *

Monterey County Superior

Court Case Number *

21CV002126

Hearing Date (if any)

12/16/2022

Hearing Time

8:30 a.m.

Hearing Location

Number of aggrieved employees *

434

Gross settlement amount *

1,250,000

Gross penalty amount *

125,000

Penalties to LWDA *

93,750

Date of proposed settlement *

12/16/2022

Proposed Settlement and Other Documents

Proposed Settlement *

Choose File 1. NOM.pdf

Other Attachment (if any)

Choose File 2. P's & A's.pdf

Other Attachment (if any)

[Remove](#)

Choose File 3. Khoury Dec.pdf

Other Attachment (if any)

[Remove](#)

Choose File 4. Majarian Dec.pdf

Other Attachment (if any)

[Remove](#)

Choose File 5. Chavez Dec.pdf

Other Attachment (if any)

[Remove](#)

Choose File 6. Green Dec.pdf

Other Attachment (if any)

[Remove](#)

Choose File 7. Proposed Order.pdf

[Add Another Attachment](#)

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

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[Submit](#)

EXHIBIT 2

EXHIBIT 3

SUMMARY OF TIME AND COSTS

Chavez v. Scheid Vineyards Inc.

Monterey Superior Court Case No. 21CV002126

Total Attorneys' Hours: 202.1
Total Lodestar Fees: \$137,789.00
Total Costs: \$ 12,758.59

As of March 30, 2023

FIRM/ ATTORNEYS	YEAR ADMITTED	HOURS	HOURLY RATE	TOTAL
COHELAN KHOURY & SINGER				
Timothy D. Cohelan, Founding Partner	1974	1.2	\$950	\$ 1,140.00
Isam C. Khoury, Founding Partner	1974	37.8	\$925	\$ 34,965.00
Michael D. Singer, Managing Partner	1984	29.5	\$900	\$ 26,550.00
J. Jason Hill, Former Associate	1995	3.7	\$700	\$ 2,590.00
Rosemary C. Khoury, Associate	2020	74.9	\$500	\$ 37,450.00
Amber Worden, Certified Paralegal	N/A	3.6	\$200	\$ 720.00
Matthew Atlas, Paralegal	N/A	13.7	\$170	\$ 2,329.00
TOTAL:		164.4		\$ 105,744.00

FIRM / ATTORNEYS	YEAR ADMITTED	HOURS	HOURLY RATE	TOTAL
LAW OFFICES OF SAHAG MAJARIAN II				
Sahag Majarian	1990	37.7	\$850	\$ 32,045.00
TOTAL:		37.7		\$ 32,045.00

Total Aggregate Hours: 202.1	Total Lodestar: \$137,789.00
-------------------------------------	-------------------------------------

LITIGATION EXPENSES	
Cohelan Khoury & Singer	\$ 12,758.59
Law Offices Of Sahag Majarian II	\$ 0 (waived)
TOTAL COSTS	\$ 12,758.59

EXHIBIT 4

Litigation Costs

Chavez v. Scheid Vineyards Inc.

Monterey Superior Court Case No. 21CV002126

<u>Date</u>	<u>Payee</u>	<u>Details</u>	<u>Amount</u>
7/1/2021	LWDA	PAGA Fee Notice	\$75.00
7/2/2021	Green Filing	Summons; Complaint; Cover Sheet	\$1,481.14
8/27/2021	Express Network	SOP: Scheid Vineyards, Inc.	\$175.00
9/2/2021	Green Filing	Proof of Service of Summons	\$6.68
9/8/2021	Green Filing	First Amended Complaint	\$6.68
1/10/2022	Green Filing	Stip; Order; Dec.; Prop. Order	\$27.23
1/12/2022	Green Filing	Notice of Entry of Order Cont. CMC	\$6.68
5/25/2022	Gig Kyriacou	Mediation Fee - 7/14/22	\$9,000.00
8/2/2022	Consultant	Statistician	\$1,875.00
9/19/2022	Green Filing	Notice of Entry of Order Cont. CMC	\$7.71
10/20/2022	Green Filing	Notice of Remote Appearance	\$7.71
11/8/2022	Green Filing	Dec. of Julie Green; Order; Motion	\$69.36
12/14/2022	Green Filing	Notice of Remote Appearance	\$7.71
3/4/2023	Green Filing	Notice of Appearance RCK	\$12.69
	Total:		\$12,758.59

EXHIBIT 5

LAFFEY MATRIX

History

Case Law

See the Matrix

Contact us

Home

			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/22- 5/31/23	1.085091	\$225	\$413	\$508	\$733	\$829	\$997
6/01/21- 5/31/22	1.006053	\$208	\$381	\$468	\$676	\$764	\$919
6/01/20- 5/31/21	1.015894	\$206	\$378	\$465	\$672	\$759	\$914
6/01/19- 5/31/20	1.0049	\$203	\$372	\$458	\$661	\$747	\$899
6/01/18- 5/31/19	1.0350	\$202	\$371	\$455	\$658	\$742	\$894
6/01/17- 5/31/18	1.0463	\$196	\$359	\$440	\$636	\$717	\$864
6/01/16- 5/31/17	1.0369	\$187	\$343	\$421	\$608	\$685	\$826
6/01/15- 5/31/16	1.0089	\$180	\$331	\$406	\$586	\$661	\$796
6/01/14- 5/31/15	1.0235	\$179	\$328	\$402	\$581	\$655	\$789
6/01/13- 5/31/14	1.0244	\$175	\$320	\$393	\$567	\$640	\$771
6/01/12- 5/31/13	1.0258	\$170	\$312	\$383	\$554	\$625	\$753
6/01/11- 5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10- 5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09- 5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99-5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98-5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97-5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96-5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389
6/1/95-5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94-5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., *DL v. District of Columbia*, 267 F.Supp.3d 55, 69 (D.D.C. 2017)

* $\frac{1}{2}$ Years Out of Law School $\frac{1}{2}$ is calculated from June 1 of each year, when most law students graduate. $\frac{1}{2}$ 1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). $\frac{1}{2}$ 4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier $\frac{1}{2}$ 1-3" from June 1, 1996 until May 31, 1999, would move into tier $\frac{1}{2}$ 4-7" on June 1, 1999, and tier $\frac{1}{2}$ 8-10" on June 1, 2003.

** The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.