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Attorneys for Plaintiffs, the Class and Aggrieved Employees

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

MELISSA HEBDON, on behalf of herself
and all similarly aggrieved employees,

Plaintiff,

v.

MISSION HEALTHCARE SERVICES,
LLC; HEALTHY LIVING NETWORK
RESOURCES, LLC; HEALTHY LIVING
AT HOME - MONTEREY, LLC; and DOES
1 through 50, inclusive,

Defendants.

Case No.: 22CV000226

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

Date: July 1, 2025
Time: 10:00 a.m.
Dept.: 14

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

2 1. I am an attorney duly admitted to practice in the State of California and am the
3 owner of the law firm of Fitzpatrick & Swanston, counsel of record for Plaintiffs Melissa
4 Hebdon and Annette Lewis (collectively "Plaintiffs"). I have personal knowledge of the facts
5 set forth below and if called to testify I could and would do so competently.

6 2. Class Counsel support the settlement as fair, reasonable, and adequate, and in the
7 best interest of the Settlement Class Members as a whole.

8 3. Class Counsel's application for an award of attorneys' fees in the amount of
9 \$408,333.33 and reimbursement of litigation costs in the amount of \$48,410.79¹ is reasonable
10 and fair. These amounts are well within what is reasonable and customary in both wage and
11 hour settlements and class action settlements in general and is based on the skill displayed by
12 Class Counsel, the effort and resources invested in this case by Class Counsel, the factual and
13 legal complexities of this case, the importance of the interests which are the subject of this
14 litigation, the risks undertaken by Class Counsel, and the degree of success achieved by Class
15 Counsel.

16 4. The Settlement Agreement was the product of negotiations between highly able
17 and experienced attorneys on both sides who possessed the relevant data and extensive
18 information which they had carefully analyzed. Over many years in highly contested litigation
19 the Parties engaged in extensive investigation and discovery, involving formal and informal
20 discovery, and in arm's length negotiations at mediation with an experienced neutral that
21 resulted in the settlement.

22 5. There were no objections by Settlement Class Members to the amount of
23 attorneys' fees or litigation costs. Furthermore, zero opt-outs were submitted. In light of this
24 overwhelmingly positive response from Settlement Class Members, an inference can be made
25 that the Settlement Class supports the Court's Preliminary Approval Order finding that the
26 Settlement Agreement is fair and reasonable.

27 _____

28 ¹ This amount includes costs incurred by my firm and DLG, as well as the filing fee for the
instant motion.

1 6. The Settlement Agreement authorized Plaintiffs to request a Class
2 Representative Service Award for serving as the Class Representatives. Plaintiffs provided
3 significant assistance with the lawsuit, including providing information and documents,
4 discussing the lawsuit on multiple occasions, remaining available during mediation, reviewing
5 various documents, including the complaint, PAGA letter, declarations, and the Settlement
6 Agreement.

7 7. Plaintiffs have no interests adverse to the Settlement Class, nor have any such
8 issues been raised or presented. Plaintiffs have taken all necessary steps to represent the
9 interests of the Settlement Class.

10 8. I am familiar with all aspects of this case and all tasks undertaken by the various
11 members of this firm in litigating this case. I have spent significant time pursuing the claims
12 that have been alleged in this action since the commencement of the case. I have been assisted
13 by attorney Laura L. Franklin and several paralegals in my office. As a result of my firm's
14 diligence in pursuing the factual and legal issues presented by this case, we were able to
15 realistically assess the Class Members' claims, evaluate their damages, and Defendant's
16 exposure. All work performed by our office is done on a contingency basis. Our firm has
17 received no compensation for the time invested or expenses incurred in litigating this case.
18 We have prosecuted this litigation up to this point, taking the risk that we ultimately would not
19 receive any compensation for our work. My office will have invested 303.5 hours (262
20 attorney hours + 41.5 paralegal hours) in this case, which includes anticipated future time.
21 Attached hereto as **Exhibit A** is a detailed summary of tasks and hours spent by this firm in
22 litigating this case.

23 9. The hourly rate for attorneys in this firm is \$800.00, and the hourly rate for
24 paralegals is \$185.00. Since at least 2020, I have been approved at hourly rates of \$750.00
25 and \$800.00 per hour by various Courts, in several matters, including, in the matters entitled:
26 *Jose Antonio Ortiz Arrellano v. Rocha Brothers Farms, LLC*, Santa Cruz County Superior
27 Court, Case No. 21CV01286; *Sione Fuapau v. LHOIST North America of Arizona, Inc.*,
28 United States District Court, Northern District of California, Case No. 20-CV-04404-VKD;

1 *Sandra Lopez v. Motel 6 Operating, L.P.*, Ventura County Superior Court Case No. 56-2020-
2 00542312-CU-OE-VTA; *Christina Mendoza v. Planned Parenthood Mar Monte, Inc.*, Santa
3 Clara Superior Court, Case No. 18CV329544; *Javier Mendoza v. National Vision, Inc.*, United
4 States District Court, Northern District of California, Case No. 19-CV-01485-SVK; *Valarie*
5 *Murray v. Granite Wellness Centers*, Nevada County Superior Court, Case No. CU20-084680;
6 *Nicolas Serafica v. HGST, Inc.*, Santa Clara County Superior Court Case No. 21CV386574;
7 and *Curtis White v. Cortech West Staffing, LLC*, San Joaquin County Superior Cort, Case No.
8 STK-CV-UOE-2023-0000029.

9 10. In this motion, I request an attorney hourly rate of \$595.00. Accordingly, the
10 total lodestar for attorney hours will be approximately \$155,890.00 [\$595.00 x 262 attorney
11 hours].

12 11. Having represented both employees and employers during my practice, I am
13 familiar with the contingent fee market throughout Northern California, where I primarily
14 practice law, and in other areas of the state in which my firm regularly litigates. Considering
15 our experience and my knowledge of the market, I believe that the hourly rates charged by my
16 firm, and previously approved by this Court, are fair and reasonable and less than those
17 charged by my colleagues in other areas of California and the national market for prosecuting
18 class actions.

19 12. I received my bachelor's degree from the University of California, Santa Barbara
20 and my Juris Doctor degree from the University of Santa Clara School of Law. I have
21 practiced law since 1987. The primary emphasis of my practice is employment litigation. I
22 have represented both employers and employees. Over 15 years ago, my office commenced
23 handling plaintiff class action wage and hour cases. Since then, my office has handled
24 hundreds of wage and hour cases to conclusion and has been class counsel and/or co-counsel
25 in over 100 class actions. My firm currently has wage and hour cases in Alameda County
26 Superior Court, Monterey County Superior Court, Nevada County Superior Court, Santa Clara
27 Superior Court, San Benito Superior Court, San Bernardino County Superior Court, San
28

1 Joaquin County Superior Court Santa Cruz Superior Court, Ventura County Superior Court,
2 and the United States District Courts for the Eastern and Northern District of California.

3 13. Class Counsel risked not only a great deal of time, but also significant expense
4 to ensure the successful litigation of this action on behalf of all employees. In addition to the
5 supporting documentation and legal authority presented in Plaintiff's moving papers, Class
6 Counsel submits that the attorneys' fees proposed are not just fair and reasonable; they are
7 necessary in order to incentivize attorneys to take on the risk of time and expense associated
8 with Class actions. Indeed, many times counsel expend enormous amounts of work and out of
9 pocket costs in the interest of aggrieved employees and/or the State of California, only to end
10 up without any recovery whatsoever. For example, Class Counsel expended significant time
11 and expenses in a wage/hour class and PAGA action, only to have the District Court grant
12 summary judgment in its entirety against plaintiff. See *Guynn-Neupane*, 2021 WL 4481661
13 (N.D. Cal. Sep. 30, 2021). There are actual risks that Plaintiffs request this Court take into
14 account when considering the requested attorneys' fees, including any multiplier to be
15 accounted into Plaintiff's lodestar.

16 14. To date, my firm has incurred \$18,058.32 in litigation costs. The costs are all
17 litigation-related costs. All costs were reasonable and necessary to the effective prosecution of
18 this matter. Counsel advanced costs without guarantee that any of the advanced costs would be
19 recovered. *Berkeley Cement, Inc. v. Regents of the University of California*, (2019) 30 Cal.
20 App. 5th 1133, explains that mediation-related expenses are recoverable under the
21 circumstances of this case. Attached hereto as **Exhibit B** is a copy of the litigation costs my
22 firm has incurred in connection with the prosecution of this lawsuit.

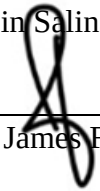
23 15. I do not have a conflict of interest with Plaintiffs or the Class Members. My co-
24 counsel and I have and will zealously represent Plaintiffs and the Class and pursue this lawsuit
25 to its conclusion.

26 16. Neither counsel nor their respective firms have any relationship with the
27 proposed *cy pres* recipient that would create an actual or potential conflict of interest. Defense
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1 counsel and I further agree that California State Bar's Justice Gap Fund satisfies the legislative
2 intent set out in Code of Civil Procedure § 384(a).

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct and if called as a witness I could and would competently testify to
5 each of the matters stated herein, and I state that these matters are based upon my own
6 personal knowledge acquired through first-hand observation, except where stated otherwise.

7 This declaration was executed by me on June 6, 2025, in Salinas, California.

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B. James Fitzpatrick
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EXHIBIT A

TASKS AND HOURS

The tasks referenced below involved work by attorneys and paralegals. The amount of time each spent is detailed below.

I. INVESTIGATION

Task

- Meetings/telephonic conferences with clients regarding their employment and alleged violations;
- Review of documents provided by clients;
- Review personnel files;
- Numerous intra-office meetings/conferences regarding planning, results and details of investigations;
- Research for other lawsuits against defendants;
- Research for other LWDA notices;
- Legal research regarding IWC Wage Orders;
- Legal research regarding claims that would be alleged in the complaint;
- Numerous intra-office meetings/conferences regarding *Eric Synder v. Healthy Living at Home-San Diego, LLC*, San Diego County Superior Court, Case No. 37-2018-00036633-CU-OE-CTL
- Numerous intra-office meetings/conferences regarding *Robin Dougan v. Healthy Living at Home-San Diego, LLC*, San Diego County Superior Court, Case No. 37-2020-00018447-CU-OE-CTL

Attorney Hours: 32

Paralegal Hours: 5

II. PLEADINGS / CASE MANAGEMENT

Task

- Prepare and file Civil Case Cover Sheet, Summons, and Complaint;
- Receive and review Notice of CMC and Assignment Notice;
- Receive, review, and file Proofs of Service of Summons;
- Receive and review Answer;
- Prepare, file, and serve CMC;
- Receive and review Defs Notice of RA;
- Prepare for and attend 5/31/22 CMC;
- Receive and review 5/31/22 Minute Order;
- Prepare, file, and serve Stipulation for Leave to File First Amended Complaint;
- Receive and review Order Granting Stipulation for Leave to File First Amended Complaint;
- Prepare, file, and serve Notice of Entry of Order;
- File and serve First Amended Complaint;
- Receive and review Joint CMC;
- Receive and review Defs Notice of RA;
- Prepare for and attend 11/22/22 CMC;
- Receive and review 11/22/22 Minute Order;
- Receive and review Defs Answer to First Amended Complaint
- Prepare for and attend 3/14/23 CMC;
- Receive and review 3/14/23 Minute Order;
- Receive and review Joint CMC Stmt;
- Prepare for and attend 7/18/23 CMC;
- Receive and review 7/18/23 Minute Order
- Receive and review Joint CMC Stmt;
- Receive and review Court's 10/13/23 Ntc of Resetting Hrg;
- Receive and review Joint Stipulation to Continue Case Management Conference; and Order
- Receive and review Order and Joint Stipulation for Leave to File Second Amended Complaint
- Receive and review Notice of Entry of Order RE: 11/07/2023 Joint Stip and Order for Leave to File Second Amended Complaint
- Receive and review Second Amended Complaint
- Receive and review Joint Case Management Statement

- Receive and review 11/14/23 Minute Order
- Receive and review Answer to Second Amended Complaint
- Receive and review Joint Stipulation to Continue CMC; and Order
- Receive and review Stipulation to Continue Case Management; and Order
- Receive and review Notice of Entry of Judgment/Order
- Receive and review Joint CMC Stmt
- Receive and review Court's 4/29/24 Notice of Resetting Hearing
- Receive and review Joint Statement: Case Management Conference
- Receive and review Joint Stipulation & Order To Continue CMC From 7/02/2024 To 10/01/2024
- Receive and review Joint CMC Stmt
- Receive and review Court's 9/16/24 Notice Continuing/Re-Setting CMC [From 10/01/2024 To 11/19/2024]
- Receive and review Court's 9/16/24 Notice of Resetting Hearing
- Receive and review Defs Notice of RA

Attorney Hours: 20

Paralegal Hours: 2.5

III. DISCOVERY/DOCUMENTS

Task

- Numerous intra-office meetings/conferences;
- Receive and review Stipulated Protective Order;
- Prepare and serve special interrogatories & RPD, sets one to Mission;
- Prepare and serve special interrogatories & RPD, sets one to Monterey;
- Prepare and serve special interrogatories & RPD, sets one to HLNR;
- Receive and review Mission's responses to special interrogatories & RPD, sets one
- Receive and review Monterey's responses to special interrogatories & RPD, sets one
- Receive and review HLNR's responses to special interrogatories & RPD, sets one
- Receive and review Mission's amended responses to special interrogatories & RPD, sets one
- Receive and review Monterey's amended responses to special interrogatories & RPD, sets one
- Receive and review HLNR's amended responses to special interrogatories & RPD, sets one
- Receive and review Mission's second amended responses to special interrogatories, set one
- Receive and review Monterey's second amended responses to special interrogatories, set one
- Receive and review Mission's third amended responses to special interrogatories, set one
- Receive and review Monterey's third amended responses to special interrogatories, set one
- Receive and review Mission's second amended responses to RPD, set one
- Receive and review Mission's fourth amended responses to special interrogatories, set one
- Receive and review Monterey's second responses to RPD, set one
- Receive and review Monterey's fourth amended responses to special interrogatories, set one
- Receive and review Mission's third amended responses to RPD, set one
- Receive and review Mission's fifth amended responses to special interrogatories, set one
- Receive and review Monterey's third responses to RPD, set one
- Receive and review Mission's fourth amended responses to RPD, set one
- Receive and review Mission's fifth amended responses to RPD, set one
- Receive and review special interrogatories & RPD, sets two to Mission;
- Receive and review special interrogatories & RPD, sets two to HLNR;
- Receive and review Mission's responses to special interrogatories & RPD, sets two
- Receive and review HLNR's responses to special interrogatories & RPD, sets two
- Receive and review Mission's further supplemental responses to RPD, set two
- Receive and review HLNR's further supplemental responses RPD, set two
- Receive and review Monterey's special interrogatories & RPD, sets one to Pltf Hebdon;
- Receive and review Monterey's special interrogatories & RPD, sets one to Pltf Lewis;

- Prepare multiple drafts of Pltf Hebdon's responses to special interrogatories & RPD, sets one;
- Prepare multiple drafts of Pltf Lewis' responses to special interrogatories & RPD, sets one;
- Prepare and serve Pltf Hebdon's responses to special interrogatories & RPD, sets one;
- Prepare and serve Pltf Hebdon's document production, HEBDON000001-107;
- Prepare and serve Pltf Lewis' responses to special interrogatories & RPD, sets one;
- Prepare and serve Pltf Lewis' document production, LEWIS000001-202
- Prepare and serve Pltf Hebdon's further responses to special interrogatories & RPD, sets one;
- Prepare and serve Pltf Lewis' further responses to special interrogatories & RPD, sets one;
- Receive and review Mission's document production, Mission_000001-026096

Attorney Hours: 85

Paralegal Hours: 20

IV. MOTIONS

Task

Motion for Leave to File First Amended Complaint

- Prepare, file and serve motion, declaration, and proposed order;

Defs' Ex Parte Application For An Order Extending Time For Defs to File a Responsive Pleading

- Receive and review application and declaration
- Receive and review 11/15/22 Minute Order

Motion for Leave to File Second Amended Complaint

- Prepare, file and serve motion, declaration, and proposed order;

Defs' Ex Parte Application for Extension of Time to File MSA

- Receive and review application and declaration
- Legal research;
- Receive and revise opposition
- Receive and review application to continue hearing;
- Receive and review 11/14/23 Minute Order.
-

Attorney Hours: 18

Paralegal Hours: 2.8

V. OCTOBER 10, 2022 MEDIATION

Task

- Numerous intra-office meetings/conferences;
- Follow-up meetings/conferences with clients regarding claims;
- Receive and review mediation data;
- Analysis of damage models calculating damages, interest and penalties;
- Legal research;
- Receive, review and revise mediation brief;
- Further review of documents and selection of additional exhibits for brief;
- Prepare for and attend mediation;

Attorney Hours: 37.5

Paralegal Hours: 5.5

VI. JANUARY 30, 2023 MEDIATION

Task

- Intra-office meetings/conferences
- Follow-up meetings/conferences with clients regarding claims;
- Receive and review mediation data;
- Review damages summary.

- Further analysis and revision of damage models calculating class damages, interest and penalties;
- Further review of documents and selection of additional exhibits for brief;
- Legal research;
- Receive, review and revise mediation brief;
- Prepare for and attend mediation;

Attorney Hours: 32
Paralegal Hours: 3.2

VII. FEBRUARY 12, 2024 MEDIATION

Task

- Numerous intra-office meetings/conferences;
- Numerous meetings/conferences w/ EconOne relating to its analysis of payroll data;
- Follow-up meetings/conferences with clients regarding claims;
- Receive and review EconOne's summary of damages;
- Further review of documents and selection of additional exhibits for brief;
- Receive, review and revise mediation brief;
- Prepare for and attend mediation;
- Receive, review, and revise Memorandum of Understanding;
- Follow-up meetings w/ client re MOU;

Attorney Hours: 27.5
Paralegal Hours: 1.5

VIII. MATTERS RELATING TO MOTION FOR PRELIMINARY APPROVAL

Task

- Numerous intra-office meetings/conferences regarding the stipulation for settlement, notice materials and motion for preliminary approval;
- Review and revise settlement stipulation;
- Meet with Plaintiff to review the settlement stipulation;
- Receive and revise drafts of the notice materials;
- Receive and revise drafts of the motion for preliminary approval;
- Receive and review non-opposition; and
- Receive and review Tentative Ruling;
- Receive and review Notice of Hearing Re Motion for Final Approval

Attorney Hours: 6.5
Paralegal Hours: 0.5

IX. MATTERS RELATING TO MOTION FOR FINAL APPROVAL

Task

- Meetings/telephonic conferences with client regarding declaration in support of service award;
- Receive and review Court's 10/11/24 Notice of Resetting Hearing;
- Receive and review Court's 4/22/25 Notice of Resetting Hearing;
- Receive and revise drafts of motion for final approval;
- Anticipated multiple communications regarding the status of the final approval hearing and distribution of payment.

Attorney Hours: 3.5
Paralegal Hours: 0.5

Total Attorney Hours: 262
Total Paralegal Hours: 41.5
Total Hours: 303.5

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EXHIBIT B

**Fitzpatrick and Swanston
Cost/Expense Detail**

Date	Code	Check #	Type	Units	Amount	Description	Date Billed	Amount Billed
H0044 Hebdon, Melissa								
9/29/21	105		Cost		75.00	DLSE PAGA Filing Fee		
1/25/22	102		Cost		1,632.18	Odyssey Efile - Complaint; Complex Fees		
3/22/22	102		Cost		3.60	Odyssey Efile		
3/30/22	102		Cost		3.60	Odyssey Efile		
5/16/22	102		Cost		3.60	Odyssey Efile		
7/21/22	16	60351	Exp.		14.39	General Logistics Systems US, Inc. Delivery Service on 07/05/22		
7/27/22	102		Cost		65.25	Odyssey Efile - Motion		
8/25/22	102		Cost		24.15	Odyssey Efile - Stipulation		
8/25/22	102		Cost		3.60	Odyssey Efile		
8/30/22	102		Cost		3.60	Odyssey Efile		
1/19/23	15	1182	Exp.		12,500.00	Serratore Law PC Mediation Fee		
8/31/23	102		Cost		65.25	Motion & eFiling Fees		
11/13/23	102		Cost		3.60	Odyssey Efile		
3/15/24	14	60674	Exp.		3,656.00	EconONE Research Professional Fees		
9/16/24	102		Cost		4.50	Odyssey Efile		
		Matter Total			18,058.32			.00
		Client Total			18,058.32			.00
Report Total:								
		Total			18,058.32			.00