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7 Attorneys for Plaintiff
Joshua Thompson individually
8 and on behalf of all similarly situated employees

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SHASTA**

11 JOSHUA THOMPSON, individually and on
behalf of all similarly situated employees

12 Plaintiff(s),

13 v.

14 FROZEN GOURMET, INC., a California
15 Corporation; and DOES 1 to 100, inclusive,

16 Defendants.

CASE NO. SCRDCVC21-0198322

**SUPPLEMENTAL DECLARATION OF
MANNY STARR IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Assigned to Hon. Tamara L. Wood

Date.: January 30, 2023
Time: 8:30 AM
Dept: Dept. 8
Action Filed: October 6, 2021

20
21 I, Manny Starr, declare the following:

22 1. I am one of the attorneys representing plaintiff Joshua Thompson in the above
23 captioned action. I am one of the managing partners of Frontier Law Center. Employment law is
24 my primary area of practice. I have personal knowledge of the facts in this declaration and if called
25 on to testify about the facts I could and would competently do so.

26 2. My firm has diligently litigated this case since it was filed on October 6, 2021.

27 3. The settlement was reached after a full day of mediation with experienced
28

1 employment law mediator Michael J. Loeb on January 20, 2022.

2 4. Through informed, arm's length negotiations, and with the assistance of a neutral
3 mediator, the parties were able to settle this Class Action for \$180,000.

4 5. The Escalator Clause in the Settlement Agreement was triggered, and the Settlement
5 Fund increased from \$180,000 to \$215,060.61.

6 6. In advance of the mediation, Defendant informally produced data relating to the
7 number of Class Members, each Class Member's respective dates of employment, average hourly
8 rates, bi-weekly schedules, wage statements, and relevant company policies.

9 7. The data allowed Plaintiff's counsel to perform a comprehensive damage analysis in
10 preparation for mediation.

11 8. The Court granted preliminary approval of this settlement on June 23, 2022. The
12 Notice Packet has been sent to the Class Members, and the Objection and Opt-out deadlines have
13 passed. To date, the Settlement Administrator has received zero objections and zero requests to opt
14 out.

15 9. I believe this settlement is fair and reasonable given the facts of the case, the
16 affirmative defenses, the risks that Plaintiff faced in litigating this case, and based on my
17 assessment as an experienced employment law attorney.

18 10. In terms of my experience in this field, I have been named as Class Counsel in
19 several Class Actions, and have been lead counsel in numerous representative PAGA settlements
20 that have been granted approval, including the following:

21 a. *Joshua Albright, et al. v. Loma Linda Shared Services*, Case No. CIVDS1818361:

22 Class action and PAGA case involving failure to pay wages, meal and rest break
23 violations, and failure to indemnify work related expenses; \$600,000.00
24 settlement; final approval granted;

25 b. *Tri Nguyen v First Alarm Security & Patrol, Inc.*, Case No. 18CV332369: class
26 action and PAGA case on behalf of security guards involving various wage and
27 hour issues; \$7,250,000 settlement; final approval granted;

28 c. *Ronnie McNeal v. Platinum Security, Inc.*, Case No. 19STCV05709: PAGA action

- 1 on behalf of security guards involving meal and rest break violations and failure to
2 pay wages in a timely manner; \$300,000 settlement; PAGA settlement approved;
- 3 d. *Adolph Cruz, et al v. Holder Construction Group, LLC*, Case No. 19CV341862:
4 PAGA action on behalf of construction workers involving off the clock work and
5 meal and rest break violations; \$500,000 settlement; PAGA settlement approved;
- 6 e. *Mervyn Cole v. Saucey, Inc.* Case No. BC707895: class action and PAGA case
7 involving misclassification of employees and other wage and hour issues;
8 \$590,000 settlement; final approval granted;
- 9 f. *Kevin Hernandez v. Contemporary Services Corporation*, Case No. BC684206:
10 PAGA action on behalf of security guards involving various wage and hour issues;
11 \$795,000 settlement; PAGA settlement approved;
- 12 g. *Keosia Green v. American Guard Services, Inc.* Case No. BC688437: PAGA
13 action on behalf of security guards involving wage and hour issues; \$315,000
14 settlement; PAGA settlement approved;
- 15 h. *James Rushing v. Security Intelligence Specialist Corporation*, Case No. 18-civ-
16 1808, class action and PAGA case on behalf of security guards for breaks and
17 wage statement violations; \$480,000 settlement; final approval granted;
- 18 i. *Veronica Espinoza v. Sharp HealthCare*, Case No. 37-2018-00034031-CU-OE-
19 CTL, class action and PAGA case on behalf of hospital employees relating to meal
20 and rest break violations, among other things; \$2,125,000 settlement; final
21 approval granted; and
- 22 j. *Anthony Gaines, et al. v. Triple Canopy, Inc.*, 1 Case No. 9CV345169, class action
23 and PAGA case on behalf of approximately 550 security guards relating to meal
24 and rest break violations and other wage and hour issues; \$2,300,000 settlement;
25 final approval granted.

26 11. Plaintiff's counsel has spent a significant amount of time on this case, including
27 communicating with the client, evaluating and analyzing the legal theories, drafting and filing
28 PAGA letters, drafting the pleadings, conducting a comprehensive damages analysis, preparing for

1 and attending mediation, and drafting Plaintiff's Motion for Preliminary Approval of this
2 Settlement.

3 12. While I believe my client's claims are meritorious, I understand that there is no such
4 thing as a "sure thing;" it is quite possible that any one or more of the theories put forth in this case
5 are denied class certification. Moreover, Defendant's arguments in opposition to our claims cannot
6 be dismissed on non-issues in this case.

7 13. Given the risks, I believe that a settlement amounting to over 1/3 of total exposure is
8 a fair, reasonable, and adequate result

9 14. To date, our firm has incurred \$10,741.49 in litigation costs. A true and correct
10 copy of my firm's costs is attached to this declaration as **Exhibit 1**.

11 15. To date, our firm has spent 113.5 hours working on this case. At the various hourly
12 rates of the individuals at our firm who have worked on this case, our total lodestar to date equals
13 \$52,647.50. A true and correct copy of my firm's lodestar is attached to this declaration as **Exhibit**
14 **1**. The below chart breaks down the lodestar on this case by attorney:

Attorney	Hours	Rate	Lodestar
Manny Starr	59.3	\$550	\$32,615.00
Joseph Gross	29.9	\$375	\$11,212.50
Daniel Ginzburg	23	\$375	\$8,625.00

18 16. The settlement provides for attorney fees of \$75,271.21, which is 35% of the total
19 settlement. The parties have agreed that \$75,271.21 is a reasonable amount of attorney's fees given
20 the *original* lodestar crosscheck results in only a small multiplier.

21 17. The incentive award of \$5,000, is fair and reasonable compensation for Plaintiff's
22 efforts in bringing the action, serving as private attorney general under PAGA, assisting me with
23 litigating the case, signing a 1542 waiver, and regularly conferring with me on the status of his case
24 and the strategies for prosecuting his claims.

25 18. \$18,000.00 of the Gross Settlement Amount will be allocated to PAGA.

26 19. This means 75% of \$18,000.00 (\$13,500.00) will be paid to LWDA and 25% of
27 \$18,000.00 (\$4,500.00) will be distributed among the Class Members on a pro rata basis.

28 20. This leaves a Net Settlement Amount of \$106,552.91 to be distributed to the Class

1 Members on a pro rata basis.

2 21. Class Members' Individual Settlement Payments are calculated based on the number
3 of Workweeks they worked during the Class Period. Relying on the personnel records maintained
4 by Defendant, the Settlement Administrator will calculate the number of Workweeks.

5 22. The Individual Settlement Payments will be allocated as Thirty-Three and One-
6 Third percent (33 1/3%) for wages and Sixty-Six and Two-Thirds percent (66 2/3%) for penalties
7 and interest. Defendant's share of payroll taxes on the Thirty-Three and One-Third percent (33
8 1/3%) amount allocated to wages will be paid separately and will not come out of the Gross
9 Settlement Amount, since these taxes are ordinarily paid by employers.

10 23. The average recovery for each Class Member is approximately \$4,082.12.

11 24. Plaintiff's estimated recovery is \$608.96.

12 25. I expect to spend an additional twenty (20) hours working on this case to review and
13 revise the instant Motion for Final Approval, monitor the settlement administration process, and
14 deal with any potential issues which may arise during that process.

15 26. My firm took this case on a contingency-fee basis.

16 I declare under penalty of perjury under the law of the State of California that the foregoing
17 is true and correct.

18 Date: January 16, 2023

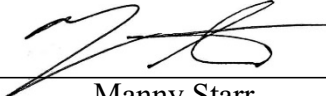

Manny Starr

EXHIBIT 1

Time, Fees and Expenses

for Joshua Thompson - Employment Claim - Frozen Gourmet, Inc.

Time and Fee entries

Date	Activity	Description	Staff	Duration	Rate	Billable?	Write Off?	Status	Total
10/13/2022		Matter admin	Manny Starr	0.10	\$550.00	True	No	-	\$55.00
11/16/2022		Email attachment reviewed - Thompson v Frozen Gourmet Mx Final Approval v1 JG 11.16.2022	Manny Starr	1.10	\$550.00	True	No	-	\$605.00
11/16/2022		3 emails sent/reviewed regarding Joshua Thompson v. Frozen Gourmet, Inc. - Draft Mx Final Approval	Manny Starr	0.40	\$550.00	True	No	-	\$220.00
2/10/2022		Final review of long form SAR, drafting notice to class members	Manny Starr	2.00	\$550.00	True	No	-	\$1,100.00
2/2/2022		Review and revise stip for settlement	Manny Starr	1.00	\$550.00	True	No	-	\$550.00
1/20/2022		Obtain settlement admin quote	Manny Starr	0.50	\$550.00	True	No	-	\$275.00
1/20/2022		Attend mediation	Manny Starr	7.00	\$550.00	True	No	-	\$3,850.00
1/19/2022		Prep for mediation	Manny Starr	1.00	\$550.00	True	No	-	\$550.00
1/19/2022		Analyze new records, recalculate damages	Manny Starr	3.70	\$550.00	True	No	-	\$2,035.00
1/14/2022		Finalize mediation brief	Manny Starr	5.00	\$550.00	True	No	-	\$2,750.00
1/14/2022		Review additional discovery	Manny Starr	2.50	\$550.00	True	No	-	\$1,375.00
1/11/2022		Prelim review of informal discovery production	Manny Starr	2.00	\$550.00	True	No	-	\$1,100.00
1/13/2022		Drafting mediation brief	Manny Starr	8.00	\$550.00	True	No	-	\$4,400.00
1/11/2022		Prep for and attend pre-mediation call	Manny Starr	1.70	\$550.00	True	No	-	\$935.00
1/12/2022		Doc review in advance of mediation	Manny Starr	4.00	\$550.00	True	No	-	\$2,200.00
12/8/2021		Coordinate liability expert for mediation	Manny Starr	0.80	\$550.00	True	No	-	\$440.00
6/10/2022		Review prelim approval order, discuss contents internally	Manny Starr	1.30	\$550.00	True	No	-	\$715.00
5/20/2022		Read tentative ruling re mx for prelim approval, internal call re: ruling	Manny Starr	0.80	\$550.00	True	No	-	\$440.00

11/16/2022		Mx Prelim Approval Thomspson v Frozen Gourmet - v3 JG 5.31.22 reviewed	Manny Starr	0.10	\$550.00	True	No	-	\$55.00
11/16/2022		Thompson v Frozen - Long form SAR FINAL 2.10.22 reviewed	Manny Starr	0.10	\$550.00	True	No	-	\$55.00
11/16/2022		Mx Prelim Approval Thomspson v Frozen Gourmet - Final 4.4.22 reviewed	Manny Starr	0.10	\$550.00	True	No	-	\$55.00
11/16/2022		Thompson v Frozen - Mx Final Approval v2 MS 11.16.22 created, then reviewed	Manny Starr	0.10	\$550.00	True	No	-	\$55.00
10/15/2022		3 emails sent/reviewed regarding Thompson v Frozen Gourmet - Final Hearing	Manny Starr	0.20	\$550.00	True	No	-	\$110.00
10/17/2022		1 email sent/reviewed regarding Thompson v Frozen Gourmet - Final Hearing	Manny Starr	0.20	\$550.00	True	No	-	\$110.00
3/30/2022		Final edits and review of prelim approval mx papers	Manny Starr	3.50	\$550.00	True	No	-	\$1,925.00
9/23/2021		Review and edit complaint	Manny Starr	1.40	\$550.00	True	No	-	\$770.00
11/15/2022		Thompson v Frozen - Long form SAR FINAL 2.10.22 reviewed	Manny Starr	0.10	\$550.00	True	No	-	\$55.00
10/25/2022		Matter admin	Manny Starr	0.10	\$550.00	True	No	-	\$55.00
9/16/2021		Review employee file	Manny Starr	1.20	\$550.00	True	No	-	\$660.00
9/7/2021		Initial case evaluation, strategy, and review	Manny Starr	3.50	\$550.00	True	No	-	\$1,925.00
5/31/2022		Review supplemental prelim approval mx	Manny Starr	1.00	\$550.00	True	No	-	\$550.00
3/4/2022		Internal emails re prelim approval motion, to do list	Manny Starr	1.00	\$550.00	True	No	-	\$550.00
2/23/2022		Work on preliminary approval motion	Manny Starr	3.00	\$550.00	True	No	-	\$1,650.00
11/16/2022		Frozen - SAR fully executed reviewed	Manny Starr	0.20	\$550.00	True	No	-	\$110.00
11/15/2022		Memo created - Case review meeting	Manny Starr	0.10	\$550.00	True	No	-	\$55.00
3/31/2022		Work on client declaration	Manny Starr	0.50	\$550.00	True	No	-	\$275.00
3/23/2022		Draft Decl ISO Mx Prelim Approval	Joseph Gross	1.00	\$375.00	True	No	-	\$375.00
2/22/2022		Wrote [DRAFT] Mx for Prelim Approval	Joseph Gross	4.50	\$375.00	True	No	-	\$1,687.50
10/17/2022		2 emails sent/reviewed regarding Thompson v Frozen Gourmet - Final Hearing	Joseph Gross	0.10	\$375.00	True	No	-	\$37.50
10/22/2022		1 email sent/reviewed regarding Thompson v Frozen Gourmet - Final Hearing	Joseph Gross	0.10	\$375.00	True	No	-	\$37.50

11/16/2022		Frozen - SAR fully executed reviewed	Joseph Gross	0.10	\$375.00	True	No	-	\$37.50
11/16/2022		Frozen Gourmet PLT Mediation Brief reviewed	Joseph Gross	0.20	\$375.00	True	No	-	\$75.00
11/16/2022		Thompson v Frozen Gourmet Mx Final Approval v1 JG 11.16.2022 created	Joseph Gross	2.90	\$375.00	True	No	-	\$1,087.50
11/16/2022		17976303 reviewed	Joseph Gross	0.10	\$375.00	True	No	-	\$37.50
11/16/2022		1 email sent/reviewed regarding Joshua Thompson v. Frozen Gourmet, Inc. - Draft Mx Final Approval	Joseph Gross	0.10	\$375.00	True	No	-	\$37.50
5/27/2022		Supplemental Motion for Prelim Approval	Joseph Gross	2.70	\$375.00	True	No	-	\$1,012.50
11/26/2021		communications with OC	Daniel Ginzburg	2.00	\$375.00	True	No	-	\$750.00
1/18/2022		Prep team for mediation	Daniel Ginzburg	6.00	\$375.00	True	No	-	\$2,250.00
11/26/2021		amending complaint	Daniel Ginzburg	1.00	\$375.00	True	No	-	\$375.00
1/26/2022		finalizing mediation brief	Daniel Ginzburg	2.00	\$375.00	True	No	-	\$750.00
9/22/2021		Draft PAGA letter	Joseph Gross	1.20	\$375.00	True	No	-	\$450.00
9/23/2021		Draft CLass Action Complaint with PAGA Placeholder	Joseph Gross	2.10	\$375.00	True	No	-	\$787.50
11/24/2021		Drafted FAC	Joseph Gross	1.50	\$375.00	True	No	-	\$562.50
3/23/2022		Draft Declaration of Client ISO Mx Prelim Approval	Joseph Gross	1.00	\$375.00	True	No	-	\$375.00
1/20/2022		Mediation	Joseph Gross	7.00	\$375.00	True	No	-	\$2,625.00
1/20/2022		Reviewing Plaintiff's Mediation Brief - Mediation Preparation	Joseph Gross	0.80	\$375.00	True	No	-	\$300.00
1/27/2022		Drafting SAR consistent with MOU	Joseph Gross	4.50	\$375.00	True	No	-	\$1,687.50
1/14/2022		going through the entire document production	Daniel Ginzburg	12.00	\$375.00	True	No	-	\$4,500.00
10/27/2022		Phone Call From: Joshua Thompson	Mary Mars	0.10	\$150.00	True	No	-	\$15.00
10/25/2022		Matter admin	Taylor May	0.50	\$150.00	True	No	-	\$75.00
10/25/2022		2 emails sent/reviewed regarding Thompson v Frozen Gourmet - Final Hearing	Taylor May	0.10	\$150.00	True	No	-	\$15.00
10/24/2022		3 emails sent/reviewed regarding Thompson v Frozen Gourmet - Final Hearing	Taylor May	0.50	\$150.00	True	No	-	\$75.00

10/14/2022		Matter admin	Taylor May	0.10	\$150.00	True	No	-	\$15.00
Total - Write offs				0.00	\$0.00				
Total - Unbillable				0.00	\$0.00				
Total - Billable				0.00	\$52,647.50				
Total				113.50	\$52,647.50				

Expense entries

Date	Activity	Description	Staff	Quantity	Price	Billable?	Write Off?	Status	Total
11/17/2022		Mailing Thompson -RR-CA-9.8.21	Manny Starr	1	\$7.33	True	No	-	\$7.33
11/17/2022		Filing Fees / Court Costs PAGA letter filed LWDA Case No. LWDA-CM-845865-21	Manny Starr	1	\$75.00	True	No	-	\$75.00
11/17/2022		Mailing Mailed PAGA Letter	Manny Starr	1	\$7.73	True	No	-	\$7.73
11/17/2022		Process Server Invoice #6223605 re service of def.	Manny Starr	1	\$97.50	True	No	-	\$97.50
11/17/2022		Filing Fees / Court Costs One Legal Order number:17296743	Manny Starr	1	\$151.85	True	No	-	\$151.85
11/17/2022		Filing Fees / Court Costs Complaint filing fee	Manny Starr	1	\$1649.77	True	No	-	\$1,649.77
11/17/2022		Mediation / Arbitration JAMS Invo. 5995148 paid online	Manny Starr	1	\$7617.03	True	No	-	\$7,617.03
11/17/2022		Filing Fees / Court Costs Confirmation #26477136	Manny Starr	1	\$240.00	True	No	-	\$240.00
11/17/2022		Filing Fees / Court Costs Court call ID: 1507164	Manny Starr	1	\$94.00	True	No	-	\$94.00
11/17/2022		Filing Fees / Court Costs Courtcall ID: 11527214	Manny Starr	1	\$94.00	True	No	-	\$94.00
11/17/2022		Filing Fees / Court Costs One Legal Confirmation #: 26734482	Manny Starr	1	\$150.00	True	No	-	\$150.00
11/17/2022		Filing Fees / Court Costs One Legal CC Sale: 04118112	Manny Starr	1	\$154.43	True	No	-	\$154.43
11/17/2022		Filing Fees / Court Costs Courtcall ID: 11531418	Manny Starr	1	\$94.00	True	No	-	\$94.00
11/17/2022		Filing Fees / Court Costs One Legal CC Sale: 04178944	Manny Starr	1	\$308.85	True	No	-	\$308.85
Total - Write offs									\$0.00

Total - Unbillable	\$0.00
Total - Billable	\$10,741.49
Total	\$10,741.49