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individually, and on behalf of others
similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ALMA RODRIGUEZ, individually, and on behalf of others similarly situated, Plaintiff, vs. MERCHANTS BUILDING MAINTENANCE, LLC, a California limited liability company; and DOES 1 through 50, inclusive, Defendants.	Case No. 21STCV46004 [Assigned for all purposes to the Hon. Elihu M. Berle, Dept. 6] **DECLARATION OF MATTHEW J. MATERN IN SUPPORT OF PLAINTIFF'S MOTION FOR APPROVAL OF PAGA SETTLEMENT** [Filed concurrently with Plaintiff's Notice of Motion and Motion for Approval of PAGA Settlement; Declaration of Alma Rodriguez; and [Proposed] Final Order and Judgment] Date: October 17, 2025 Time: 9:00 a.m. Dept.: 6 Complaint Filed: December 17, 2021 Trial Date: None Set

DECLARATION OF MATTHEW J. MATERN

I, MATTHEW J. MATERN, hereby declare as follows:

1. I am an attorney at law, licensed to practice in the State of California. I am the principal of Matern Law Group, PC ("MLG" or "Plaintiff's Counsel"), and counsel of record for plaintiff Alma Rodriguez ("Plaintiff") in the above-entitled action. I make this declaration on the basis of personal firsthand knowledge unless another source of information or belief clearly appears from the context, and as to all such matters, I believe them to be true. If called as a witness, I could and would readily and competently testify to all matters stated within.

2. I make this Declaration in support of Plaintiff's Motion for Approval of PAGA Settlement.

Parties

3. MBM is a full-service commercial cleaning company.

4. Plaintiff worked for MBM as a janitor at the Brea Center in Brea, California from approximately July 9, 2018 to October 15, 2018, and again from December 14, 2018 to May 20, 2021.

5. Based on information provided by Defendants, I am informed and believe there are approximately 5,800 Aggrieved Employees.

Procedural History

6. On September 3, 2021, Plaintiff submitted a notice to Defendant and the Labor and Workforce Development Agency ("LWDA") pursuant to Labor Code section 2699.3. A true and correct copy of the LWDA notice is attached hereto as **Exhibit A**.

7. On December 17, 2021, Plaintiff filed a putative wage and hour class and representative action against MBM in Los Angeles County Superior Court, alleging causes of action for: (1) failure to provide required meal periods; (2) failure to provide required rest periods; (3) failure to pay overtime wages; (4) failure to pay minimum wages; (5) failure to pay all wages due to discharged and quitting employees; (6) failure to maintain required records; (7) failure to furnish accurate itemized wage statements; (8) failure to indemnify employees for

necessary expenditures incurred in discharge of duties; (9) unfair and unlawful business practices; and (10) penalties under PAGA.

8. On March 15, 2022, Defendant filed a Petition to Compel Arbitration. On May 17, 2022, the Court granted Defendant's Petition to Compel Arbitration and stayed Plaintiff's entire PAGA cause of action pending the outcome of arbitration. The Court ordered the enforceability of the class action waiver to be decided by the Arbitrator pursuant to language in the Collective Bargaining Agreement ("CBA") and the arbitration agreement.

9. On October 31, 2022, Plaintiff initiated individual and class arbitration proceedings with the American Arbitration Association. Pamela L. Hemminger ("Arbitrator Hemminger") was appointed as the arbitrator.

10. On May 20, 2023, Arbitrator Hemminger enforced the class action waiver present in the Parties' arbitration agreement and CBA. Plaintiff proceeded with arbitration as to her individual Labor Code claims only.

Discovery and Investigation

11. Prior to reaching the Settlement, Plaintiff and her counsel conducted an investigation into the claims alleged, performed legal research, and engaged in significant discovery.

12. On August 8, 2023, Defendant served written discovery requests on Plaintiff including form interrogatories—general, form interrogatories—employment, special interrogatories, and requests for production of documents. Plaintiff served responses to Defendant's discovery requests on October 24, 2023 and supplemental responses on January 4, 2024.

13. On August 14, 2023, Plaintiff served written discovery requests on Defendant, including form interrogatories—general, form interrogatories—employment, special interrogatories, and requests for production of documents. Defendant served responses to Plaintiff's discovery requests on November 13, 2023 and supplemental responses on January 18, 2024.

14. Defendant took the depositions of Investigator Kimberly Rumsey on January 16,

2025 and Union Representative Tania Moran on February 20, 2025. Defendant took Plaintiff's deposition on February 24, 2025 and April 30, 2025.

15. Plaintiff took the depositions of Defendant's Persons Most Qualified on May 14, 2025, May 16, 2025, and May 23, 2025. Plaintiff took the depositions of Defendant's employees Teodora Luciano and Marlen Valencia on June 13, 2025 and June 16, 2025, respectively.

16. Defendant produced various policy documents and a representative sampling of the time and payroll data for the Aggrieved Employees. Plaintiff's expert analyzed the time and payroll data, which assisted Plaintiff's counsel in preparing a damages model prior to the mediation.

17. Based on this discovery and investigation, Plaintiff was able to act intelligently and effectively in negotiating the proposed Settlement.

Settlement Negotiations

18. On August 15, 2024, the Parties attended a private mediation session with mediator Jeffrey Fuchsman, Esq. ("Mr. Fuchsman"). The Parties did not reach a resolution of the action at the time of the mediation; however, the Parties continued to engage in settlement negotiations with the assistance of Mr. Fuchsman following the mediation. On June 13, 2025, Mr. Fuchsman made a mediator's proposal outlining the material terms of a proposed representative action settlement. On June 17, 2025, the Parties accepted the mediator's proposal.

19. The Stipulation of Representative Action Settlement ("Stipulation") was fully executed on August 26, 2025. A true and correct copy of the Stipulation is attached hereto as **Exhibit B**.

20. On September 24, 2025, Plaintiff submitted a copy of the Stipulation to the Labor and Workforce Development Agency ("LWDA"). A true and correct copy of the email confirming submission of the Stipulation to the LWDA is attached hereto as **Exhibit C**.

Amount in Controversy and Risks Associated with Proceeding with the Action

21. Plaintiff calculates the maximum potential penalties to be approximately $50,165,540.00. This amount constitutes the maximum potential penalties in the event that (1)

Plaintiff is able to establish liability at trial, and (2) the Court does not exercise its discretion to reduce the amount of PAGA penalties. This maximum potential penalties estimate is based on analysis of the time and payroll data produced by Defendant, as well as information obtained from Plaintiff.

22. Under Labor Code § 2699, Defendant is subject to a civil penalty in the amount of $100.00 for each aggrieved employee per pay period for the initial violation, and $200.00 for each subsequent violation for each aggrieved employee for each pay period. Plaintiff estimates Defendant's maximum potential exposure for PAGA penalties by assessing a $100.00 penalty for all pay periods with a violation. A detailed explanation of Plaintiff's valuation is set forth below:

a. <u>Meal Period Violations</u>

Based on the time and payroll data, Plaintiff's expert determined that 41.8% of pay periods had a unique meal period violation. Defendant did not pay any meal period premiums during the PAGA Period. Thus, Plaintiff calculated potential penalties as follows:

94,177 (number of pay periods with a meal period violation) x $100.00 = $9,417,700.00

b. <u>Rest Period Violations</u>

Defendant does not maintain records of rest breaks. As Defendant often failed to provide rest breaks to employees, Plaintiff assumes a 50% violation rate. Accordingly, Plaintiff calculated potential penalties as follows:

225,303 (total number of pay periods) x $100.00 x 50% (violation rate) = $11,265,150.00

c. <u>Minimum and Overtime Wage Violations</u>

Defendant is liable for failing to pay employees minimum and overtime wages as a result of its practice of requiring employees to work off-the-clock. Plaintiff calculated penalties for failure to pay minimum and overtime wages as follows:

225,303 (total number of pay periods) x $100.00 x 30% (violation rate) = $6,759,090.00

d. <u>Violation of Labor Code § 226(a)</u>

Based on the foregoing allegations, Plaintiff alleges that Defendant failed to provide accurate itemized wage statements pursuant to Labor Code § 226(a). Plaintiff calculated potential penalties as follows:

225,303 (total number of pay periods) x $100.00 x 100% (violation rate)= $22,530,300.00

e. Violation of Labor Code §§ 201 and 202

Based on the foregoing allegations, Plaintiff alleges that Defendants failed to timely pay all wages earned to discharged and quitting employees pursuant to Labor Code §§ 201 and 202. Plaintiff calculated damages as follows:

1,933 (approximate number of former employees) x $100.00 x 1 pay period= $193,300.00

Total Maximum Potential Penalties: $50,165,540.00

23. The Parties went into mediation willing to explore the potential for a settlement of the dispute, but each side was also prepared to litigate its position through trial and appeal if a settlement had not been reached.

24. In reaching the compromise, MLG looked at various factors, including significant risks in proceeding with litigation. Plaintiff recognizes that continued litigation would very likely reduce and substantially delay any recovery to the State of California and the Aggrieved Employees. Even if Plaintiff were to obtain a favorable judgment at trial, Defendant would likely appeal the judgment, which would further delay any recovery. In contrast, because of the proposed Settlement, the State and the Aggrieved Employees will receive a substantial benefit and avoid the risk of an unfavorable judgment.

25. While Plaintiff and MLG are confident in the merits of the case, a legitimate controversy exists as to each cause of action. Specifically, Plaintiff contends that, due to the nature of the Aggrieved Employees' work and Defendant's practices, employees were consistently denied the right to take timely and uninterrupted meal and rest periods. On the other hand, Defendant contends that it maintained lawful meal and rest break policies and that Aggrieved Employees were provided meal and rest periods. As a result, Defendant contends that, throughout the PAGA Period, it complied with applicable California law.

26. Plaintiff also took into account the fact that continued litigation would be expensive, involving a trial and possible appeals, and would substantially delay and reduce any recovery to the state and the Aggrieved Employees. Plaintiff also took into account the risk that she would lose at the arbitration hearing and no longer have standing to represent the other aggrieved employees on a representative basis.

27. In addition, to prevail on Plaintiff's waiting time and wage statement claims, the finder of fact would have to determine that Defendant's conduct was willful and knowing and intentional. This is very difficult to prove even if Plaintiff were to prevail on the merits on the underlying claims. *See, e.g., Amaral v. Cintas Corp. No.2* (2008) 163 Cal.App.4th 1157, 1203-4 (holding that the employer did not willfully fail to pay wages under Cal. Lab. Code § 203 even though the class prevailed on the merits on the underlying claim for failing to pay living wages); *Naranjo v. Spectrum Security Servs., Inc*. (2023) 88 Cal.App.5th 937, 951 (holding that trial court erred by awarding penalties under Labor Code section 226 where defendant presented unsuccessful defenses at trial in good faith); *Willner v. Manpower Inc.* (N.D. Cal. 2014) 35 F.Supp.3d 1116, 1131. Finally, the Court has discretion to reduce the amount of PAGA penalties, even if Plaintiff is successful on these claims.

28. Thus, when the risks of litigation, the burdens of proof necessary to establish liability, and the probability of appeal of a favorable judgment are considered, it is clear that the settlement amount of $1,900,000.00 is reasonable and in the best interest of the state and the public. Plaintiff objectively and knowledgeably balanced the strengths and weaknesses of her claims against the risk of continued litigation, and was able to determine a realistic range of settlement recovery for PAGA penalties.

29. The Settlement provides a substantial benefit to the Aggrieved Employees, who will share 25% of the $1,175,236.42 PAGA Fund, which is $293,809.11. Each Aggrieved Employee, on average, will receive approximately $50.66 as part of the Settlement. The Settlement also provides a substantial benefit to the State of California, as the LWDA will receive approximately $881,427.31 as a PAGA payment. Finally, the Settlement Fund of $1,900,000.00 is significant enough to deter Defendant from future violations.

Attorney's Fees and Costs

30. The Settlement provides for attorney's fees and costs to MLG in an amount of up to one-third of the Settlement Fund, for a maximum fees award of $633,333.33, plus reasonable and actual litigation expenses not to exceed $70,000.00, which includes costs for, among other things, copying and faxing, postage, mileage, court filing and service, expert data analysis, and the mediation.

31. To date, MLG's lodestar is $357,645.00, representing approximately 500.8 attorney hours at their customary hourly rates, including future hours MLG will incur. The total hours worked by each attorney and their hourly rates are as follows:

Attorney	**Years in Practice**	**Hours Billed**	**Hourly Rate**	**Total Fee**
Matthew J. Matern	33	8.3	$1,200.00	$9,960.00
Mikael Stahle	29	11.6	$1,100.00	$12,760.00
Dalia Khalili	18	4.8	$1,025.00	$4,920.00
Deanna Leifer	16	67.3	$975.00	$65,617.50
Sara Tosdal	14	24.4	$925.00	$22,570.00
Irina Kirnosova	9	11.0	$775.00	$8,525.00
Beatriz Alfaro	9	138.3	$675.00	$93,352.50
Kristen Doyan	3	223.9	$600.00	$134,340.00
Emily Hyde	1	11.2	$500.00	$5,600.00
Total		**500.8**		**$357,645.00**

32. MLG has expended a significant amount of time litigating the case to achieve the excellent result on behalf of the Aggrieved Employees. These hours were spent on the following tasks: interviewing Plaintiff and reviewing documents provided by Plaintiff; drafting the complaint; preparing for and attending court hearings; opposing Defendant's Petition to Compel Arbitration; briefing the issue of whether arbitration may proceed on a classwide basis; serving written discovery requests on Defendant; meeting and conferring with Defendant's counsel to obtain relevant documents and information; defending the depositions of Plaintiff; taking three depositions of Defendant's Persons Most Qualified; subpoenaing and taking two percipient witness depositions; attending two percipient witness depositions; preparing pre-hearing documents in advance of the arbitration hearing; reviewing time and payroll records and other employment records produced by Defendant; retaining consultants to analyze time and payroll data and produce expert reports in preparation for the arbitration hearing; performing legal research regarding Plaintiff's claims and Defendant's defenses thereto; drafting a mediation brief and preparing a damages analysis prior to the mediation; attending a private mediation session;

engaging in settlement negotiations following the mediation; negotiating, drafting, and revising the Stipulation and Notice; and drafting the Motion for Approval of the PAGA Settlement and accompanying documents.

33. Based on my experience in the settlement administration process, I estimate that MLG will spend another 30 hours on this case at an average hourly rate of approximately $800.00, which totals $24,000.00, including preparing for and attending the Approval Hearing, overseeing settlement administration, and responding to inquiries from Aggrieved Employees about the status of the case. MLG also bears the risk of taking whatever actions are necessary if Defendant fails to pay.

MLG's Hourly Rates Are Reasonable

34. The hourly rates for MLG attorneys are commensurate with their qualifications and experience.

35. MLG is a law firm with 24 attorneys that is actively and continuously practicing in employment litigation, almost exclusively representing employees in both individual and class actions in both state and federal courts throughout California.

36. MLG is qualified to handle this litigation because the firm is experienced in litigating Labor Code violations in both individual and class action cases. MLG is one of the largest plaintiffs' employment law firms in California, with employment cases, including class, PAGA, and individual actions, representing over 95% of our caseload.

37. I received my B.A. degree with honors in 1986 from Tulane University and my J.D. degree from Southwestern University School of Law in 1991. I have been an active member in good standing of the State Bar of California since September 1992. That year, I founded a general partnership and in 2012 I formed my own law firm which became Matern Law Group, PC in 2016. I have been concentrating on employment litigation since approximately 1997. Over the course of my career, I have served as plaintiff's counsel in over 150 putative class and representative action settlements with many of them settling in the seven and eight-figure range, including settlements of $140 million, $50 million, $30 million, $26 million, and $18 million, $9.75 million, $9.5 million, and $8.5 million. I have represented clients in numerous wage and

hour class action lawsuits that settled with per-class-member recoveries in a range similar to the anticipated per-class-member recovery in this case.

38. I have personally tried approximately 25 cases, including approximately 20 jury trials. My work has led me to be recognized as a Southern California Super Lawyer every year since 2009. I am a member of the California Employment Lawyers Association, Consumer Attorneys Association of Los Angeles and the Consumer Attorneys of California.

39. I have also been appointed class counsel in over 35 certified wage and hour class action cases which involved contested certification proceedings.

40. My firms have won numerous appeals, many of which resulted in published opinions, including two of the leading "me-too" witness cases in California, *Pantoja v. Anton* (2011) 198 Cal.App.4th 87 and *Meeks v. AutoZone, Inc.* (2018) 24 Cal.App.5th 855. Other published appellate victories include *Lopez v. Aircraft Service International, Inc.* (9th Cir. 2024) 107 F.4th 1096 (affirming denial of motion to compel arbitration because plaintiff, an airline fuel technician, fell within the FAA's transportation worker exemption); *Ibarra v. Chuy & Sons Labor, Inc.* (2024) 102 Cal.App.5th 874 (reversal of dismissal of PAGA case based on insufficient PAGA notice); *Argueta v. Worldwide Flight Servs., Inc.* (2023) 97 Cal.App.5th 822 (reversal of defense verdict in sexual harassment trial); *Davis v. Shiekh Shoes, LLC* (2022) 84 Cal.App.5th 956 (affirming order denying motion to compel arbitration); *Zuniga v. Alexandria Care Center, LLC* (2021) 67 Cal.App.5th 871 (defense verdict in PAGA bench trial reversed); *Julian v. Glenair* (2017) 17 Cal.App.5th 853; *ABM Industries Overtime Cases* (2017) 19 Cal.App.5th 277; *Tellez v. Rich Voss Trucking, Inc.* (2015) 240 Cal.App.4th 1052 (reversing order denying motion for class certification); *Ventura v. ABM Industries Inc.* (2012) 212 Cal.App.4th 258; *Franco v. Arakelian Enters., Inc.* (2012) 211 Cal.App.4th 314; *Fuentes v. AutoZone, Inc.* (2011) 200 Cal.App.4th 1221; *Gutierrez v. California Commerce Club* (2010) 187 Cal.App.4th 969; and *Franco v. Athens Disposal Co., Inc.* (2009) 171 Cal.App.4th 1277. Unreported appellate victories include, inter alia, *Antonio-Gonzalez v. Crews Of California, Inc.* (Cal. Ct. App., May 5, 2025, No. B321458) 2025 WL 1291512 (reversal of order granting motion to strike PAGA claim on manageability grounds); *Navarro v. Exxon Mobil Corp.* (9th Cir. Apr.

14, 2025) No. 23-3274, 2025 WL 1098557 (reversal of decertification order in toxic tort class action); *Miranda v. Guess? Retail, Inc.* (Cal. Ct. App. June 25, 2024, No. B323439) 2024 WL 3158208 (reversing dismissal of PAGA claim based on standing and manageability); *Fredeen v. California Cemetery and Funeral Services, LLC* (Cal. Ct. App., June 11, 2024, No. B326031) 2024 WL 2930024 (affirming denial of motion to compel arbitration based on unconscionability); *Hegemier v. A Better Life Recovery, LLC* (Cal. Ct. App., Apr. 22, 2024, No. G061892) 2024 WL 1710164 (affirming denial of motion to compel arbitration of PAGA claim); *Morales v. Garfield Beach CVS, LLC* (Cal.App. 2 Dist., 2024) 2024 WL 356877, review granted, May 1, 2024, No. S284011, review dism. and cause remanded Oct. 30, 2024 (affirming approval of class action and PAGA settlement); *Gabourel v. Luxottica of America, Inc.* (9th Cir., Jan. 24, 2024, No. 23-55185), 2024 WL 260963 (affirming order denying motion to compel arbitration); *Brown v. Cedars-Sinai Medical Center* (Cal. Ct. App., Dec. 6, 2023, No. B324446) 2023 WL 8442072 (affirming order denying petition to compel arbitration); *Schwade v. South Pasadena Rehabilitation Center, LLC* (Cal. Ct. App., Dec. 5, 2023, No. B318644) 2023 WL 8414880 (reversing costs award to defendants in Labor Code action); *Mendocino Farms Wage and Hour Cases* (Cal. Ct. App., Dec. 4, 2023, No. C096869) 2023 WL 8376119 (affirming approval of class action settlement); *Haaverson v. Tavistock Freebirds, LLC* (Cal. Ct. App., Aug. 18, 2023, No. A164043) 2023 WL 5318401 (affirming attorney fee award in PAGA case); *Madeira v. Converse, Inc.* (9th Cir., Aug. 16, 2023, No. 22-55161) 2023 WL 5275011 (reversing denial of class certification for regular rate of pay subclass); *Rojas v. Glenair, Inc.* (Cal. Ct. App. Aug. 3, 2020) No. B302402, 2020 WL 4435156 (reversing order sustaining demurrer without leave to amend under relation-back theory); *Navarro v. 4 Earth Farms, Inc.* (Cal. Ct. App. Feb. 8, 2019) No. B284853, 2019 WL 493781 (affirming judgment in sexual harassment jury trial); *Soto v. Superior Court of San Bernardino Cty.* (Cal. Ct. App. Sept. 9, 2019) No. E071920, 2019 WL 4254631 (writ issued); *Pauley v. CF Entertainment* (9th Cir. 2019) 773 F. App'x 357 (reversing order dismissing comedy writers' claims against their employer for violation of the Labor Code and against their union for breach of duty of fair representation); *Pauley v. CF Entertainment* (9th Cir. 2016) 646 F. App'x 498 (same); *Olivares v. Fountain Valley Regional Hospital and Medical*

Center (Cal. Ct. App., Jan. 9, 2018) 2018 WL 330134 (affirming order denying motion to compel arbitration); *Christman v. Apple Am. Grp. II, LLC* (Cal. Ct. App. Oct. 4, 2017) No. B271937, 2017 WL 4402124 (affirming denial of motion to compel arbitration of PAGA claim); *Cacho v. Eurostar, Inc.,* No. S260295 (request for depublication of opinion granted by California Supreme Court); and *Starks v. Vortex Industries, Inc.*, No. S264854 (same).

41. Senior Associate Mikael H. Stahle has practiced civil litigation in California's state and federal courts for the past 20 years, with the past 16 years primarily devoted to class action litigation. He was an associate and senior associate with Arias Ozzello & Gignac LLP from 2004 to 2015; was a partner with Arias Sanguinetti Stahle & Torrijos LLP from May 1, 2015 to September 18, 2017; and has been a Senior Associate with MLG since September 19, 2017. During this 16-year period, he had primary responsibility for the day-to-day litigation and prosecution on behalf of plaintiffs in 50+ class actions. Mr. Stahle graduated from the University of California, Santa Barbara in 1992 with a B.A. degree in Economics and received his J.D. from Loyola Law School in 1995, where he was a member of the Loyola of Los Angeles Law Review. He is recognized as a Southern California Super Lawyer.

42. Senior Attorney and Chief Operating Officer, Dalia Khalili, has been practicing at both MLG and Rastegar & Matern since 2008. Ms. Khalili is a 2007 graduate of UC Hastings College of the Law and received her undergraduate degree from UCLA. She became an active member of the State Bar of California in December 2007, and has been in good standing continuously since that time. Her practice has consisted primarily of plaintiff's side employment litigation since 2008. Ms. Khalili has nearly 18 years of experience handling wage-and-hour class actions and plaintiff's side employment litigation cases, and has been appointed Class Counsel in numerous cases in state and federal courts in California. She also has extensive knowledge of employment discrimination cases. She has first-chaired both bench and jury trials, including a 13-day jury trial in a sexual harassment, retaliation and constructive wrongful discharge case which had over 20 witnesses, *Navarro v. 4Earth Farms,* LASC Case No. BC606666, which was affirmed on appeal (B0284853). She was recognized as a Southern California Rising Star from 2015 to 2021, was selected to the Southern California Super Lawyers

Rising Stars Up-and-Coming 50 Women list from 2020 to 2021, as well as the Southern California Super Lawyers Rising Stars Up-and-Coming 100 list for 2021. She was also recognized as a Southern California Super Lawyer for 2023 through 2025.

43. Deanna S. Leifer is a senior associate at MLG. She graduated from the University of California, Los Angeles in 2006 and received her J.D. from UCLA School of Law in 2009. She has been an active member of the California State Bar since December 2009. Ms. Leifer has extensive experience in both class action and single-plaintiff employment litigation in state and federal courts throughout California, and has been appointed class counsel in numerous certified class actions involving contested certification proceedings, including the Central District case *Negrete v. ConAgra Foods, Inc.*, USDC Case No. 2:16-cv-631-FMO-AJW, which involved the certification of 27 separate subclasses and resulted in an $18,000,000.00 class settlement. Ms. Leifer has over 15 years of experience litigating wage and hour class and PAGA cases involving claims relating to meal and rest period violations, unpaid minimum and overtime wages, and wage statement violations. Her work has led her to be recognized as a Southern California Rising Star in 2019, 2021, and 2022.

44. Former Associate Attorney Sara Tosdal received her J.D. from the University of California, Hastings College of Law in 2011 and her B.A. degree from Duke University in 2006. While in law school, Ms. Tosdal was the Editor-in-Chief of the Hastings Law Journal and also received the CALI Excellence for the Future Award and the Witkin Award for Excellence for her work in Federal Courts. In 2011, Ms. Tosdal externed with the Honorable Richard G. Seeborg of the United States District Court for the Northern District of California. Ms. Tosdal represents workers in all manner of employment litigation. Ms. Tosdal advocates on behalf of those who have been discriminated against or harassed at work or deprived the full protection of California wage-and-hour laws. Experienced in complex matters, Ms. Tosdal's practice includes class action and actions under the Private Attorneys General Act and misclassification actions. Prior to joining Matern Law Group, PC, in 2019, Ms. Tosdal represented unions, employee benefit plans, and workers in a wide variety of labor and employment matters, including in arbitrations, administrative proceedings, and state and federal courts.

45. Associate Attorney Irina Kirnosova graduated from the University of California, San Diego in 2012 and received her J.D. from USC Gould School of Law in 2016, where she served as the Managing Editor of the Southern California Interdisciplinary Law Journal. She has been an active member of the California State Bar since December 2016. Ms. Kirnosova has experience with single-plaintiff and class action lawsuits in state and federal courts throughout California. She has handled wage and hour class actions involving claims relating to overtime, meal and rest breaks, reimbursements, and improper wage statements. She has served as trial counsel in a month-long trial in Los Angeles Superior Court. Additionally, she has argued in the California Court of Appeal in October 2019 on behalf of a plaintiff in a PAGA action. Ms. Kirnosova has been selected as a Southern California Rising Star in 2020 and 2021.

46. Former Associate Attorney Beatriz Alfaro was admitted to the California State Bar in 2016. Ms. Alfaro earned her J.D. from the University of California, Davis School of Law, also known as Dr. Martin Luther King, Jr. Hall (King Hall) and her B.A. degree summa cum laude from Loyola Marymount University. During college, Ms. Alfaro participated in the UCLA Law Fellows program and the Latino Leadership Initiative at Harvard University's John F. Kennedy School of Government. Ms. Alfaro externed for Associate Justice Elena Duarte at the Third District Court of Appeal. Post-graduation, she secured a Civil Rights Fellowship with the Department of Fair Employment and Housing (now known as the Civil Rights Department). Ms. Alfaro, who is fluent in Spanish, represented employees in all aspects of employment litigation in state and federal courts and negotiated numerous six and seven figure settlements against private and government employers. Ms. Alfaro was named a Southern California Super Lawyer Rising Star from 2020 to 2023. Ms. Alfaro was an active member of the California Employment Lawyers Association (CELA) where she served on the Diversity Outreach Committee and the Racial Justice Task Force and a member of the Mexican American Bar Association (MABA).

47. Associate Attorney Kristen Doyan received her Bachelor of Arts from the University of California, Davis in 2019 and received her J.D. from UCLA School of Law in 2022. While in law school, Ms. Doyan clerked at the San Francisco District Attorney's Office and under Administrative Law Judge Louis Garcia at the U.S. Equal Employment Opportunity Commission.

Ms. Doyan's practice involves representing employees in all aspects of employment litigation. Ms. Doyan handles wage and hour class and representative 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. Ms. Doyan also represents employees in cases involving claims for harassment, discrimination, and wrongful termination. Ms. Doyan recently prevailed in a five-day pregnancy discrimination arbitration hearing as first-chair.

48. Associate Attorney Emily Hyde received her B.A. degree from the University of California, Berkeley in 2019 and received her J.D. from the University of California, Davis School of Law in 2024. She was admitted to the State Bar of California in December 2024. While in law school, Ms. Hyde volunteered as a student counselor for the King Hall Wage Claim Clinic, and externed at the Center for Workers' Rights and the California Civil Rights Department. Ms. Hyde's practice involves representing employees in all aspects of employment litigation. Ms. Hyde handles wage and hour class and representative 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. Ms. Hyde also represents employees in cases involving claims for harassment, discrimination, and wrongful termination.

49. MLG requests the foregoing billable rates be applied in this case, as the rates are reasonable for attorneys who handle complex wage and hour litigation. These rates properly take into account the fact that payment will have been delayed for over four years.

50. The hourly rates for MLG attorneys are commensurate with MLG's experience in litigating complex cases. Indeed, MLG has been awarded fees by various courts based on these rates, including in the following cases:

- In *Maldonado v. World Class Distribution,* Los Angeles Superior Court Case No. BC680208, the Honorable Laura A. Seigle awarded MLG attorneys' fees based on the following 2025 hourly rates: Matthew J. Matern, $1,200.00, Dalia Khalili, $1,025.00, Deanna S. Leifer, $975.00, and Kristen Doyan, $600.00;

- In *Olin v. Tavistock Restaurants, LLC,* Los Angeles Superior Court Case No. 18STCV03783, Judge Steve Cochran awarded MLG attorneys' fees based on the following 2024 hourly rate: Deanna S. Leifer: $925.00;
- In *Weissenbach v. California Pizza Kitchen,* Orange County Superior Court Case No. 30-2022-01278828-CU-OE-CXC, Judge Randall J. Sherman awarded MLG attorneys' fees based on the following 2024 hourly rates: Matthew J. Matern, $1,125.00, Dalia Khalili, $975.00, Deanna S. Leifer, $925.00;
- In *Cato v. Unity Courier Service, Inc.,* Alameda Superior Court Case No. 22CV020346, Judge Frank Roesch awarded MLG attorneys' fees based on its lodestar, which was based on the following 2023 hourly rates: Matthew J. Matern, $1,075.00, Dalia Khalili, $925.00, Deanna S. Leifer, $875.00, Kristen Doyan, $500.00;
- In *Zuniga v. Alexandria Care Center, LLC,* Los Angeles Superior Court Case No. BC529776, Judge Elihu M. Berle found that MLG's "hourly rates are reasonable and in line with rates prevailing in the community," which was based on the following 2022 hourly rates: Matthew J. Matern, $995.00, Dalia Khalili, $875.00;
- In *Juarez v. QTC Management, Inc.*, Los Angeles Superior Court Case No. 20STCV01388, Judge Yvette Palazuelos awarded MLG attorneys' fees based on its lodestar with the application of a 5.5 multiplier, which was based on the following 2022 hourly rates: Matthew J. Matern, $995.00 and Deanna S. Leifer, $825.00;
- In *Cabrera v. Tradesmen International, LLC,* San Bernardino Superior Court Case No. CIVSB2104468, Judge David Cohn awarded MLG attorneys' fees based on its lodestar with the application of 1.92 multiplier, which was based on the following 2022 hourly rates: Matthew J. Matern, $995.00, Dalia Khalili, $875.00, and Deanna S. Leifer, $825.00.
- In *Truss v. Roadrunner Pizza, Inc.,* Los Angeles Superior Court Case No. BC640086, Judge Yvette Palazuelos awarded MLG attorneys' fees based on its

lodestar, which was based on the following attorneys' 2022 hourly rates: Dalia Khalili: $875; Deanna S. Leifer: $825.00.

- In *Salazar v. Kett Engineering Corp.*, Los Angeles Superior Court Case No. BC560119, Judge Elihu Berle awarded MLG attorneys' fees based on its lodestar with the application of a 1.96 multiplier.
- In *Cruz-Gomez v. H Mart Logistics, Inc.*, Los Angeles Superior Court Case No. BC670822, Judge Elihu Berle awarded MLG attorneys' fees based on its lodestar with the application of a 2.90 multiplier.

MLG Accepted This Case on a Contingency Basis

51. MLG took this case on a contingency basis with no guarantee of being paid, against a large, well-financed company that was defended by an experienced defense team. Because most individuals cannot afford to pay for representation in litigation on an hourly basis, MLG represents the majority of its employment law clients on a contingency-fee basis. Pursuant to this arrangement, we are not compensated for our time unless we prevail at trial or successfully settle our clients' cases.

52. Here, the contingent nature of the representation supports approval of Plaintiff's requested fees. MLG agreed to litigate this case on a contingent fee basis, and in the process assumed considerable risk given the uncertain proposition these types of cases entail. Indeed, in a number of contingency cases, MLG has been unable to recover any fees or costs. For example, in *Villegas v. Six Flags Entertainment Corp.,* LASC Case No. BC505344, the court denied plaintiffs' motion for class certification and later dismissed the case after MLG expended over $400,000.00 in litigation costs and over $1,000,000.00 in attorneys' fees. In *Argueta v. Worldwide Flight Services, Inc.,* LASC Case No. BC703825, MLG lost at trial after incurring well over 1,000 attorney hours and over $200,000.00 in costs. In *Phipps v. Brooks Brothers Group, Inc.,* Central District of California Case No. 2:18-cv-10010-SJO(RAOx), MLG was unable to collect a $625,000.00 settlement after the defendant declared bankruptcy. Likewise, in *Cortes v. Philmar Care, LLC,* LASC Case No. BC506333, the defendant declared bankruptcy with $500,000.00 in settlement payments remaining, which MLG has been unable to recover.

Therefore, if Plaintiff's requested fees are denied, MLG will never be fairly compensated for the fair market value of their work.

53. MLG's efforts have resulted in substantial benefits to the Aggrieved Employees and the State of California in the form of a substantial settlement fund established to compensate Aggrieved Employees for missed meal and rest periods and to penalize Defendant for the alleged violations. I am informed and believe that, without MLG's efforts, the Labor Code and Wage Order violations alleged in the complaint would have gone without remedy.

54. Based on my experience, I believe the fees and costs provision is reasonable. The fee percentage requested is less than that charged by MLG for other employment cases. MLG invested significant time and resources into the case, with payment deferred to the end of the case, and then, of course, contingent on the outcome. MLG's efforts have resulted in substantial benefit to the LWDA and Aggrieved Employees in the form of a significant settlement funds established to penalize Defendant for the unlawful wage and hour practices. Without MLG's efforts, the claims as alleged in the complaint would almost certainly have gone without remedy.

MLG's Costs Are Reasonable

55. To date, Plaintiff's Counsel has incurred actual costs in the amount of $65,240.25. These costs were reasonably incurred in prosecuting this action on behalf of the Aggrieved Employees. A true and correct copy MLG's record of costs incurred by MLG to date in litigating this action is attached hereto as **Exhibit D**.

Incentive Payment to Plaintiff

56. The Settlement provides for a $10,000.00 Incentive Payment to Plaintiff. This payment is intended to recognize Plaintiff's substantial effort and risks in assisting with the prosecution of this action on behalf of the Aggrieved Employees. Throughout this litigation, Plaintiff cooperated with MLG and took actions to protect the interests of the Aggrieved Employees. Plaintiff provided valuable information regarding Defendant's alleged wage and hour violations. Plaintiff kept informed of the developments in this action, informed my office of relevant information, and participated in decisions concerning this action. Plaintiff was also deposed by Defendant's counsel on two separate occasions. The information and documentation

provided by Plaintiff were instrumental in establishing the wage and hour violations alleged in this action, and the recovery provided for in the Stipulation would have been impossible to obtain without her participation.

57. Plaintiff faced many risks in bringing this case as a PAGA representative action. Plaintiff assumed the expense and risk in prosecuting this matter and considered the best interests of the Aggrieved Employees rather than her personal interests in agreeing to mediate and settle this matter. Without the effort and risks taken by Plaintiff, the LWDA and the Aggrieved Employees likely would not have received any financial benefit. Because of Plaintiff's efforts, the State of California and the 5,800 Aggrieved Employees will now have the opportunity recover substantial payments for the wage and hour violations. If each Aggrieved Employee attempted to pursue his or her legal remedies individually, each person would have been required to expend a significant amount of their own monetary resources and time.

58. In sum, this action would not have been possible without the aid of Plaintiff, who put her own time and effort into the litigation, sacrificed the value of her own individual claims, and placed herself at risk for the sake of the other Aggrieved Employees. The requested incentive award of $10,000.00 to Plaintiff is therefore reasonable to compensate Plaintiff for her active participation in this lawsuit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 24, 2025 at El Segundo, California.

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Matthew J. Matern