

1 FARZAD RASTEGAR, State Bar No. 155555
2 farzad@rastegarlawgroup.com
3 DOUGLAS W. PERLMAN, State Bar No. 167203
4 douglas@rastegarlawgroup.com
5 **RASTEGAR LAW GROUP, APC**
6 22760 Hawthorne Blvd., Suite 200
Torrance, CA 90505
Tel.: (310) 961-9600
Fax: (310) 961-9094

7 Attorneys for Plaintiff Ericka Kraut
8 and all other similarly situated current
and former employees of Defendants

9
10 SUPERIOR COURT OF STATE OF CALIFORNIA
11 FOR THE COUNTY OF SAN BERNARDINO
12

13 ROCIO ROSALES and ERICKA KRAUT, as
14 individuals and on behalf of others similarly
15 situated,

16 Plaintiffs,

17 vs.

18 DT EMPLOYER, LLC, a California limited
19 liability company; *et al.*,

20 Defendants.
21
22

Case No.: CIVSB2132004

Assigned for all purposes to:
Hon. David S. Cohn
Dept. S26

**DECLARATION OF FARZAD
RASTEGAR IN SUPPORT OF MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date:
Hearing Time:
Department:

1 and sexual harassment claims, and other forms of employment litigation.

2 6. Including myself, Rastegar Law Group includes five attorneys, all of whom are
3 actively and continuously practicing in employment litigation, representing almost entirely
4 employee plaintiffs, in both individual and class actions, in this Superior Court, and other Superior
5 Courts throughout the State, in the Court of Appeal, and in various Federal courts. The attorneys
6 at Rastegar Law Group have litigated hundreds of cases against the largest firms in the country,
7 including but not limited to Gibson Dunn & Crutcher, O'Melveny & Myers, Morrison & Foerster,
8 Littler Mendelson, Jackson Lewis LLP, Kecker & Van Nest, DLA Piper and Skadden Arps.
9 Because of the unique history and nature of our practice, all of the attorneys at my firm have a
10 high level of knowledge and experience in areas of wage and hour class actions, and labor and
11 employment law. Currently, more than half of Rastegar Law Group's active caseload includes
12 wage and hour class action cases. Besides myself, my firm includes attorneys with the following
13 qualifications:

- 14 a. Douglas W. Perlman, University of California, Davis School of Law, over 30 years
15 of litigation experience;
- 16 b. Thomas S. Campbell, Southwestern University School of Law, over 25 years of
17 litigation experience;
- 18 c. Jason Rastegar, Loyola Law School, first year litigation associate;
- 19 d. William Becker, University of California, Berkely, School of Law, over 31 years of
20 litigation experience.

21 7. My office is qualified to handle this litigation because we are experienced in
22 litigating Labor Code violations in both individual and class actions. I and the other attorneys at
23 my office have served as lead counsel in numerous wage and hour class actions, and have
24 successfully negotiated numerous settlements, including a number of seven-figure cases, amounting
25 to well over \$150 million in settlements.

26 8. The Settlement Agreement provides for attorneys fees of one-third of the gross
27 settlement (\$1,166,666.60 in fees) and litigation costs and expenses in the amount up to
28 \$45,000.00. The contingency fee percentage is less than my firm's contingency fee percentage

1 charged in other employment cases.

2 9. In my opinion, the fee and costs provisions are reasonable. As set forth above, the
3 attorneys in my firm are qualified to handle this litigation, because they are experienced in
4 litigating Labor Code violations in both single and class actions. My firm consists of attorneys
5 generally representing the plaintiffs' side in employment cases, currently handling a number of
6 wage and hour class actions.

7 10. Rastegar Law Group has a number of published appellate victories, which have
8 significantly advanced the rights of employees, including:

9 a. *Yocupicio v. PAE Group, LLC, et al.*, 795 F.3d 1057 (9th Cir. 2015), an important
10 decision concerning federal jurisdiction under the Class Action Fairness
11 Act ("CAFA"), holding that non-class claims, such as claims under California's
12 Private Attorney General Act ("PAGA"), cannot be used to calculate CAFA's amount
13 in controversy. This case is cited in several leading treatises such as Wright &
14 Miller's *Federal Practice & Procedure*, and *Newberg on Class Actions*.

15 b. *Rodriguez v. EME, Inc.*, 246 Cal.App.4th 1027 (2016), the first published
16 appellate decision defining the permissibility of combining rest breaks.

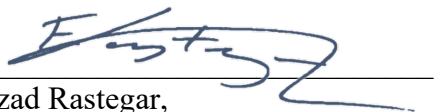
17 11. My predecessor firm, Rastegar & Matern, had a number of appellate victories
18 including several published opinions - *Franco v. Athens Disposal Company, Inc.* (March 10, 2009)
19 171 Cal.App.4th 1277; *Gutierrez v. California Commerce Club* (August 2, 2010) 187 Cal.App.4th
20 969; *Pantoja v. Anton* (August 9, 2011) 198 Cal.App.4th 87; *Fuentes v. Autozone, Inc.* (November
21 16, 2011) 200 Cal.App.4th 1221; *Ventura v. ABM Industries, Inc.* (2012) 212 Cal.App.4th 258;
22 *Franco v. Arakelian Enterprises, Inc.* (2012) 211 Cal.App.4th 314 – and other non-published
23 appellate victories. Moreover, Rastegar & Matern was successful in procuring class certification
24 of several wage and hour class action lawsuits, i.e., *Gutierrez v. Dynaflex Products*, Case No. BC
25 368749; *Garmendia v. Fortune Fashions Industries, LLC*, Case No. BC 389960; *Mendoza v.*
26 *National Gypsum Services Company*, Case No. BC366877; two relatively recent cases in the
27 Superior Court for the County of San Bernardino, *Oliva v. Coronado Stone*, Case No.
28 CIVSS806131 and *Suchilt v. Syed Irfan Ahmad*, Case No. CIVDS1010505; one in the Superior

1 Court for the County of Los Angeles, *Gutierrez v. California Commerce Club*, Case No.
2 BC360704; one in the Superior Court for the County of Riverside, *Sanchez v. Jose's Mexican*
3 *Food, Inc.*, Case No. RIC1213710; and one in the District Court for the Southern District of
4 California, *Hines v. KFC U.S. Properties, Inc.*, Case No. 3:09-cv-02422.

5 12. Neither I nor anyone with my firm has any conflict of interest with the Class or
6 PAGA Group, or any interest in the Settlement Administrator.

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

9 Executed on October 14, 2024, at Torrance, California.

10
11 
12 Farzad Rastegar,
13 Attorney for Plaintiffs
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

