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Attorneys For Jillian Kirkpatrick
on behalf of herself and in her representative
capacity as private attorney general

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE - CENTRAL JUSTICE CENTER

JILLIAN KIRKPATRICK, individually
and on behalf of the proposed class,

Plaintiff,

v.

A MISSION FOR MICHAEL, INC., A
California Corporation, A BETTER LIFE
RECOVERY LLC, a Delaware Limited
Liability Company; and DOES 1 through
50, inclusive,

Defendants.

Case No.: 30-2022-01239291-CU-OE-CXC

**DECLARATION OF JAMES R. HAWKINS IN
SUPPORT OF PLAINTIFF'S MOTION TO
APPROVE SETTLEMENT AGREEMENT
PURSUANT TO THE PRIVATE ATTORNEYS
GENERAL ACT**

Date: April 6, 2026

Time: 1:30 p.m.

Dept: CX 103

Complaint Filed: January 3, 2022

Trial Date: None

DECLARATION OF JAMES R. HAWKINS

1. I, James R. Hawkins, declare as follows:
2. I am an individual over the age of 18. I am a partner at the law firm of James

1 Hawkins, APLC. I am one of the attorneys of record for Plaintiff Jillian Kirkpatrick, (hereinafter
2 referred to as “Plaintiff” or “Named Representative”), who filed this action on behalf of herself
3 and the aggrieved employees under PAGA. Unless indicated otherwise, I have personal
4 knowledge of the following facts in this declaration and, if called as a witness, I could and would
5 testify to these facts under oath in court.

6 3. I submit this declaration in support of Plaintiff’s Motion for Approval of the
7 Settlement Agreement, which Plaintiff filed concurrently herewith, along with the supporting
8 Memorandum of Points and Authorities, Exhibits, and other documents. I have personal
9 knowledge of the facts set forth below, and if called to testify regarding them, I could and would
10 do so competently.

11 4. In an effort to avoid redundant declarations I am submitting this brief Declaration
12 in support of the Motion for Settlement Agreement. I have reviewed the Declaration of Sean S.
13 Vahdat and support all the facts and statements contained therein.

14 5. In sum, this settlement valued at \$560,000.00 is an excellent result and provides
15 the aggrieved employees and the State of California with a fair compensation.

16 6. I and my firm along with Sean S. Vahdat and his firm have a great deal of
17 experience in wage and hour class action litigation. I have been certified and approved as class
18 counsel in other wage/hour class actions, and I am currently litigating others before federal and
19 state courts. Although not an all-inclusive list, over the years I have prosecuted the following
20 class action matters as lead and/or co-lead counsel, all of which implicated similar law and facts
21 to those associated with this Action:

22 a. ***Carey, et. al. v. Arthur J. Gallagher, et. al.***, USDC, SOUTHERN DISTRICT-
23 Case No.: 09-cv-0168. Wage and Hour Class action seeking past wages of
24 overtime for mis-classification of insurance claims adjusters employed by
25 Gallagher Bassett, a third party administrator (TPA) in the State of California.
26 Certification granted. Plaintiffs’ counsel co-lead counsel.

27 b. ***Dao v. 3M Company, et al.*** USDC, CENTRAL DISTRICT, Case No. CV-08-
28 04554. Wage and Hour Class Action case seeking past wages for “off the clock”,

1 overtime and meal and rest break violations for production workers in the State of
2 California. Plaintiff's Counsel appointed as Lead Counsel. Case settled, Final
3 Approval granted, no objections and funds fully distributed.

4 c. ***Ortiz v. Kmart***, USDC, CENTRAL DISTRICT, Case No. SACV 06-638 ODW.
5 Wage and Hour Class Action case seeking past wages for meal and rest period
6 violations for retail employees in the State of California. Plaintiff's counsel
7 appointed co-lead counsel. Case settled, Final Approval granted, no objections
8 and funds fully distributed.

9 d. ***Morgan v. Aramark Campus, LLC***, USDC, CENTRAL DISTRICT, Case No.
10 SACV08-00412. Wage and Hour Class Action case seeking past wages for meal
11 and rest period violations for retail employees in the State of California.
12 Plaintiff's Counsel appointed as Lead Counsel. Case settled, Final Approval
13 granted, no objections and funds fully distributed.

14 e. ***West v Iron Mountain Information Management, Inc, et. al.***; Los Angeles
15 County Superior Court, Case No. BC393709. Wage and Hour Class Action
16 seeking past wages for overtime, meal and rest break violations for driver
17 employees in the State of California. Settlement for "binding arbitration."
18 Arbitration Award for Plaintiff Class. Arbitration Award confirmed. Plaintiff's
19 counsel lead trial counsel and class counsel.

20 f. ***Gonzalez v. Superior Industries International, Inc., et al.***, Los Angeles County
21 Superior Court, Case No. BC 357912. Wage and Hour Class Action seeking past
22 wages for overtime, meal and rest breaks violations for production employees in
23 the State of California. Plaintiff's counsel appointed as lead counsel. Case
24 settled, Final Approval granted, no objections and funds fully distributed.

25 g. ***Acosta v. Fleetwood Travel Trailers of California, Inc., et al.***, Riverside County
26 Superior Court, Case No. RIC 440630. Wage and Hour Class Action seeking past
27 wages for overtime, meal and rest break violations for production employees in
28 the State of California. Plaintiff's counsel appointed as co-lead counsel. Case
settled, Final Approval granted, no objections and funds fully distributed.

- 1 h. ***Walker v. Sharkeez, et al.***, Orange County Superior Court, Case No.
2 05CC00293. Wage and Hour Class Action seeking past wages for
3 unlawful deductions, meal and rest break violations for restaurant employees in
4 the State of California. Plaintiff's counsel appointed as lead counsel. Case
5 settled, Final Approval granted and funds fully distributed.
- 6 i. ***Padron v. Universal Protection Service, et al.***, Orange County Superior Court,
7 Case No. 05CC00013. Wage and Hour Class Action seeking past wages for
8 overtime, meal and rest break violations for security officers in the State of
9 California. Plaintiff's counsel appointed as co-lead counsel. Case settled, Final
10 Approval granted, no objections and funds fully distributed.
- 11 j. ***Martinez v. Securitas Security Services USA, et al.***, Santa Clara Superior Court,
12 Case No. 105-CV047499, et al. J.C.C.P. No. 4460. Wage and Hour Class Action
13 seeking past wages for meal and rest break violations for security officers
14 employed by defendant in the State of California. Plaintiff's counsel and co-
15 counsel. Case settled, Final Approval granted and funds fully distributed.
- 16 k. ***Velasquez-Lopez v. Hotel Cleaning Services, Inc. et al.***, Riverside Superior
17 Court, Case No. RIC 420909. Wage and Hour Class Action seeking past wages
18 for overtime, meal and rest break violations for housekeepers employed by
19 defendant in the State of California. Plaintiff's counsel appointed as lead counsel.
20 Case settled, Final Approval granted, no objections and funds fully distributed.
- 21 l. ***Ruiz, et al. v. Unisource Worldwide, Inc., et al.***, USDC, CENTRAL DISTRICT,
22 Case No. CV09-05848. Wage and Hour Class Action seeking past wages for
23 meal and rest period violations for non-exempt employees employed by defendant
24 in the state of California. Case settled. Plaintiff has petitioned the Court for Lead
25 Counsel. Final Approval granted and funds fully distributed.
- 26 m. ***Herrador v. Culligan International Company, et al.***, USDC, CENTRAL
27 DISTRICT, Case No. SACV 08-680. Wage and Hour Class Action seeking past
28 wages for field and branch employees of defendant in the State of California.
 Plaintiff's counsel appointed as lead counsel. Case settled, Final Approval

1 granted, no objections and funds fully distributed.

2 n. ***Defries v. Domain Restaurants, et al.***, Orange County Superior Court, Case No.
3 05CC00128. Wage and Hour Class Action seeking past wages for restaurant
4 employees of defendant in the State of California. Plaintiff's counsel appointed
5 as lead counsel. Case settled, Final Approval granted, no objections and funds
6 fully distributed.

7 o. ***Denton v. BLB Enterprises, Inc., et al.***, Orange County Superior Court, Case No.
8 07CC01292. Wage and Hour Class Action seeking unpaid overtime, meal and
9 rest break violations for security guards employed by defendant in the State of
10 California. Plaintiff's counsel appointed as lead counsel. Case settled, Final
11 Approval granted, no objections and funds fully distributed.

12 p. ***Rios v. Sandberg Furniture Manufacturing Co., Inc, et al.***, Los Angeles
13 Superior Court, Case No. BC411477. Wage and Hour Class Action seeking
14 unpaid meal and rest break violations for production employees employed by
15 defendant in the State of California. Plaintiff counsel appointed as lead counsel.
16 Case settled, Final Approval granted, no objections and funds fully distributed.

17 q. ***McMurray v. Dave and Busters, Inc., et al.***, Orange County Superior Court, Case
18 No. 06CC00099. Wage and Hour Class Action seeking past wages for meal and
19 rest break violations for restaurant employees employed by defendant in the State
20 of California. Plaintiff's counsel appointed as co-lead counsel. Case settled,
21 Final Approval granted, no objections and funds fully distributed.

22 r. ***Osuna v. DFG Restaurants, Inc., et al.***, Los Angeles Superior Court, Case No.
23 BC 330145. Wage and Hour Class Action seeking past wages of overtime for
24 mis-classification of managers employed by Defendant, DBA Carl's Jrs. in the
25 State of California. Plaintiff's counsel appointed as co-lead counsel. Case
26 settled, Final Approval granted, no objections and funds fully distributed.

27 s. ***Burns v. Gymboree Operations, Inc., et al.***, San Francisco Superior Court, Case
28 No. CGC-07-461612. Wage and Hour Class Action
seeking past wages for meal and rest break violations for retail employees

1 employed by defendant in the State of California.

2 Plaintiff's counsel appointed lead counsel. Case settled, Final Approval granted,
3 no objections and funds fully distributed.

4 t. ***Willems v. Diedrich Coffee, Inc., et al.***, Orange County Superior Court, Case No.
5 07CC00015. Wage and Hour Class Action seeking past wages of overtime for
6 mis-classification of managers employed by Defendant in the State of California.
7 Plaintiff's counsel appointed lead counsel. Case settled, Final Approval granted,
8 no objections and funds fully distributed.

9 u. ***Davila, et al. v. Beckman Coulter, Inc., et al.***, Orange County Superior Court,
10 Case No. 07CC01347. Wage and Hour Class Action seeking past wages for
11 overtime, meal and rest break violations for production workers employed by
12 defendant in the State of California. Plaintiff's counsel appointed lead counsel.
13 Cased settled, Final Approval granted, no objections and funds fully distributed.

14 v. ***Perez v. Naked Juice Company of Glendora, Inc.***, Los Angeles Superior Court,
15 Case No. BC387088. Wage and Hour Class Action seeking past wages for
16 overtime, meal and rest period violations for production employees employed by
17 defendant in the State of California. Plaintiff counsel appointed as lead counsel.
18 Case settled, Final Approval granted, no objections and funds fully distributed.

19 w. ***Coordination Proceeding Special Title [Rule 1550(b)] Wackenhut Wage and***
20 ***Hour Cases***, Los Angeles Superior Court, Case No. JCCP 4545. Wage and Hour
21 Class Action seeking past wages for overtime, meal and rest period violations for
22 security guards employed by defendant in the State of California. Certification
23 granted. Plaintiff's counsel appointed as co-lead counsel. Writ taken. Court
24 stays action pending Appellate Court Ruling, Appellate Court issues Remittitur.
Case settled, Final Approval granted.

25 7. Here, the Parties' agreement to pay attorneys' fees of 33.33% (1/3) of the
26 common fund Total Settlement Amount of \$560,000.00 or \$186,666.67 is reasonable. My firm
27 along with SEAN S. VAHDAT & ASSOCIATES APLC have been the only counsels to
28 represent Plaintiffs and the aggrieved employees in this matter, and we have borne the entire risk

1 and cost of this litigation on a pure contingency basis. The legal issues raised in this case were
2 complex, and drew significantly upon the experience of Settlement Class Counsel and our
3 extensive review and analysis of this Action. In a complex action such as this, the proposed
4 attorneys' fees are, at the very least, on the average side of the market rate for contingency fees.
5 Class Counsel's skill and experience in litigating wage and hour class actions, in state and
6 federal forums, contributed to the results obtained on behalf of the aggrieved employees.

7 8. A review of my firm's detailed billing system reveals that to date, my firm has on
8 behalf of Plaintiff and the aggrieved employees, invested and will invest approximately 94.70
9 hours. Based on those hours, my firm has incurred the following attorney lodestar hours of
10 approximately \$73,041 in fees, broken down as follows: my rate of \$1,050 per hour x 62.90
11 hours = \$66,045; Melissa Whitson, paralegal 31.80 hours x \$220 = \$6,996. Considering that
12 Co-Counsel has also accumulated \$124,900.00 in lodestar hours, a multiplier is not necessary
13 although had it been necessary it would be reasonable and substantially below the normal
14 standards. All of the work and tasks performed by Class Counsel were reasonable and necessary
15 to the prosecution of this case. Our firm has previously been approved at rates of \$1050 per hour
16 and in line with similar wage and hour fee awards in other wage and hour cases. Attached hereto
17 as Exhibit F is a true and correct copy of Plaintiff's lodestar hours. My Firm and Law Offices of
18 Sean S. Vahdat & Associates APLC, are jointly seeking \$186,666.66 in attorney's fees which
19 will be split equally between our respective firms, for a total \$93,333.33, per firm. I respectfully
20 submit that the fee request of \$186,666.66 is reasonable, fair, and should be awarded.

21 9. My Practice is limited exclusively to litigation, focusing on the representation of
22 employees in wage and hour and consumer class action matters. As prominent attorneys in the
23 field of wage and hour class action litigation, we continually monitor the prevailing market rates
24 charged by both defense and plaintiff law firms and set the billing rates of their attorneys and
25 paralegals to be consistent with the prevailing market rates in the private sector for attorneys and
26 staff of comparable skill, qualifications and experience. Other wage and hour attorneys working
27 as class counsel before California courts charge comparable if not higher rates. Therefore, as
28 they are in line with those of the relevant community, Class Counsels' hourly rates are
reasonable.

1 10. In addition to the requested attorneys' fees, my office has expended
2 approximately \$4,794.24 in costs in prosecuting this action. These costs have been necessary
3 costs associated with prosecution of this important matter. Counsel for Plaintiff respectfully
4 request the Court grant the request to have these costs repaid from the Settlement. (Attached
5 hereto as Exhibit C is a true and correct copy of Class Counsel's costs bill).

6 11. I also believe that the requested litigation costs are reasonable and significantly
7 less than what was agreed upon. The difference between the agreed upon litigation expenses and
8 the actual litigation expenses is \$15,205.76, and this amount will be added to the Net Settlement
9 amount (NSA).

10 12. I further believe the requested amount of \$5,142.00 to be paid to Simpluris for the
11 Settlement Claim Administration costs are reasonable and appropriate in light of the size of the
12 settlement, the amount of work performed and well within the range for similarly sized PAGA
13 settlements.

14 13. The PAGA Representative, Ms. Jillian Kirckpatrick has provided supporting
15 documents, and has assisted counsel in developing information which has been absolutely
16 necessary to litigate and settle this case. I believe that considering the amount of time, effort,
17 and risk taken by the PAGA representative, and the successful outcome for the settlement, and
18 her waiver of any and all claims, including at General Release, the requested Enhancement
19 award of \$10,000.00 is fair and reasonable.

20 14. It is very important to note that PAGA representative's enhancement awards are
21 critical in encouraging and rewarding employees to come forward. Absent the PAGA
22 representatives the Aggrieved employees and the State of California would not receive any
23 benefits. If the enhancement awards are reduced there would be less motivation for Plaintiffs to
24 want to take the risk of filing a representative action.

25 I declare under penalty of perjury that the foregoing is true and correct. Executed on this
26 9th day of December at Irvine, California.

27 
28 _____
James R. Hawkins, Esq.