

JAMES HAWKINS APLC

James R. Hawkins (SBN 192925)
James@jameshawkinsaplc.com
Christina M. Lucio (SBN 253677)
Christina@jameshawkinsaplc.com
Mitchell J. Murray (SBN 285691)
mitchell@jameshawkinsaplc.com
9880 Research Drive, Suite 200
Irvine, California 92618
Telephone: (949) 387-7200
Facsimile: (949) 387-6676

Attorneys for Plaintiff JOE VIGIL,
on behalf of himself and all others similarly situated

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JOE VIGIL, individually and on behalf
of all others similarly situated,

Plaintiff,

vs.

HYATT CORPORATION, a Delaware
corporation, GRAND HYATT S.F.,
LLC, a Delaware limited liability
company, doing business as GRAND
HYATT SAN FRANCISCO, and
DOES 1-50, inclusive,

Defendants.

Case No. 4:22-cv-00693-HSG
Judge: Haywood S. Gilliam, Jr.

**DECLARATION OF CHRISTINA
M. LUCIO IN SUPPORT OF
PLAINTIFF JOE VIGIL'S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS
SETTLEMENT, CONDITIONAL
CERTIFICATION OF
SETTLEMENT CLASS, AND
APPROVAL OF PROPOSED
NOTICE OF CLASS ACTION
SETTLEMENT**

Date: August 24, 2023
Time: 2:00 p.m.
Courtroom 2

Action Filed: November 2, 2021

1 I, Christina M. Lucio, declare as follows:

2 1. I am an individual over the age of 18. I am Of Counsel to the Law
3 Firm of James Hawkins, APLC. James Hawkins APLC is the attorney of record
4 for Plaintiff Joe Vigil in this putative wage and hour class and PAGA
5 representative action (“Plaintiff” or “Class Representative”) against Defendants
6 Hyatt Corporation and the Grand Hyatt S.F., LLC (“Defendants”). I have been the
7 lead day to day attorney in this action. I have personal knowledge of the facts set
8 forth below, and if called to testify regarding them, I could and would do so
9 competently.

10 2. I submit this Declaration in support of Plaintiff Joe Vigil’s Motion for
11 Preliminary Approval Of Class Settlement, Conditional Certification of Settlement
12 Class, and Approval of Proposed Notice Of Class Action Settlement (the
13 “Preliminary Approval Motion”), which is filed concurrently herewith, along with
14 the Memorandum of Points and Authorities.

15 3. Given the realistic value of Plaintiff’s claims as set forth in detail in
16 the concurrently filed Declaration of James R. Hawkins in Support of the Motion
17 for Preliminary Approval of Class Action Settlement, we respectfully submit that
18 the \$725,000 Gross Settlement Amount is an excellent result for the Settlement
19 Class.
20

21 4. Preliminary approval is appropriate since the Settlement will provide
22 significant monetary relief to the Settlement Class.

23 5. The Settlement was the product of extensive arm’s length negotiations
24 between counsel and was facilitated by an experienced wage-and-hour class action
25 mediator. Though cordial and professional, the Settlement negotiations were
26 adversarial and non-collusive in nature. The Settlement reached is the product of
27 substantial effort by the Parties and their counsel. Although Plaintiff and Class
28 Counsel believed that there was a possibility of certifying the claims, they

1 recognized the potential risk, expense, and complexity posed by litigation, such as
2 unfavorable decisions on class certification, summary judgment, at trial and/or on
3 the damages awarded, and/or on an appeal that can take several more years to
4 litigate. In addition, if Defendants prevailed on any of their defenses, the
5 Settlement Class Members may not have received any monetary recovery.

6 6. Based on our experience in other cases, including wage and hour
7 matters, I believe I am qualified to evaluate the class claims and viability of
8 defenses in this class action. In this case, the recovery for each Settlement Class
9 Member is reasonable, fair and adequate, and the proposed settlement at this time
10 is in the best interest of the Settlement Class. The Settlement provides each
11 Settlement Class Member with compensation for the alleged violations when
12 viewed in relation to the costs and risks inherent in obtaining class certification
13 and proceeding to trial.

14 7. I endorse the terms and conditions of the Settlement as set forth in the
15 abovementioned Settlement Agreement.

16 **Plaintiffs' Counsel Is Experienced in Wage and Hour Litigation**

17 8. In 2003, I graduated magna cum laude from the University of
18 California, Riverside with a Bachelor of Arts Degree. Following graduation, I
19 attended the University of Southern California, Gould School of Law (USC Law
20 School). At various points during law school, I worked with the USC Post-
21 Conviction Justice Project, the Western Center for Disability Rights and the
22 Barrister's Domestic Violence Clinic. During the Summer of 2005, I was a law
23 clerk for the Law Offices of Bruce Austin (Safeco Insurance). In 2007, while a
24 full-time law student, I was also a Judicial Extern for the Honorable Sandra Ikuta,
25 United States Court of Appeals, Ninth Circuit. Thereafter, in 2007, I graduated
26 from the USC Law School. The same year, I was admitted to practice law in the
27 State of California.
28

1 9. Since I was admitted to practice law, I have litigated a wide variety of
2 matters on both the plaintiff and defense side. Much of my early experience
3 involved the litigation of general business and labor & employment matters on an
4 individual and class-wide basis. I assisted with the representation of both
5 employers and employees in various capacities, and assisted employers on issues
6 related to compliance with employment laws.

7 10. Since 2012, my work has largely been focused on individual
8 employment litigation and complex wage and hour class actions. In my practice
9 as a class action plaintiffs' attorney, I have been involved in litigating, mediating
10 and settling numerous wage and hour class actions dealing with class sizes ranging
11 from several hundred to several thousand class members resulting in settlements
12 ranging from six figures to multimillion dollar settlements.

13 11. Since 2015, I have also been Of Counsel to the law firm of James
14 Hawkins APLC.

15 12. I have successfully litigated dozens of class and PAGA actions with
16 James Hawkins APLC as one of the counsels of record, including without
17 limitation:
18

- 19 a. *Smith v. Space Exploration Technologies Corp.*, Los Angeles Superior
20 Court, Case No. BC55429;
- 21 b. *Placencia v. Amcor Packaging Distribution, Inc.*, Orange County
22 Superior Court, Case No. 30-2013-00694012-CU-OE-CXC;
- 23 c. *Trani v. Lisi Aerospace, et al.*, Los Angeles Superior Court, Case No.
24 BC495527;
- 25 d. *Galvan v. Goodwin Co.*, Orange County Superior Court, Case No. 30-
26 2013-00637062-CU-OE-CXC;
- 27 e. *Reyes v. Bristol Fiberlite*, Orange County Superior Court, Case No.
28 30-2013-00653425-CU-OE-CXC;

- 1 **f.** *Gutierrez v. HMT Tank*, USDC Central Dist., Case No. CV14-1967-
2 CAS(MANx);
- 3 **g.** *Williams v. Il Fornaio America Corp.*, Sacramento County, 34-2011-
4 0009616;
- 5 **h.** *Aguilar v. 7-Eleven, Inc.*, Orange County, Case No. 30-2009-
6 002687141-CU-OE-CXC;
- 7 **i.** *Madrigal v. Huntington Beach Market Broiler, Inc.*, Orange County,
8 Case No. 30-2012-00611260;
- 9 **j.** *Vang v. Jazz Semiconductor, Inc.*, Orange County, Case no. 30-2011-
10 00460278;
- 11 **k.** *Vigueras v. Red Robin, Intl.*, C.D. Cal. Case No. 8:17-cv-01422-JVS
12 (DFMx);
- 13 **l.** *Mendez v. Liberty Glass Fabricators, Inc.*, Riverside County Case No.
14 RIC1800119;
- 15 **m.** *Aguilar v. LDI Mechanical, Inc.*, Riverside County Case No.
16 RIC1610019.

17
18 13. I was also co-lead trial counsel in a federal court jury trial in a wage
19 and hour class action, which resulted in a \$8.5 million settlement. *Vigueras v. Red*
20 *Robin Int'l*, No. SACV 17-1422 JVS (DFMx), 2020 U.S. Dist. LEXIS 262135
21 (C.D. Cal. Dec. 2, 2020).

22 14. I am currently litigating at least thirty other wage and hour class and
23 PAGA actions in State and Federal courts in the state of California.

24 15. Based on my experience, I consider myself experienced and qualified
25 to evaluate the claims and viability of the defenses. Based on the history of this
26 case and given our firm's extensive experience as class and representative action
27 employment and wage and hour litigators, it is my view that the settlement is fair,
28 reasonable, and adequate, and in the best interest of the Class.

16. I have no conflicts of interest with the Class Representative. I am not related to any representative Plaintiff. I have not previously represented Defendants in any matter.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 19th day of May, 2023 at Encinitas, California.