

1 **THE SWEENEY LAW FIRM**

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8 *Attorneys for Plaintiffs*

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SACRAMENTO

11 ROSALEE GARCIA, on behalf of the State of California, as a private attorney general, Case No.: 34-2022-00316184

12 *[Assigned for all purposes to the Hon. Lauri A. Damrell, Dept. 22]*

13 Plaintiff,

14 vs.

15 **DECLARATION OF BRANDON J. SWEENEY IN SUPPORT OF PLAINTIFF'S MOTION FOR APPROVAL OF PAGA REPRESENTATIVE ACTION**

16 ELICA HEALTH CENTERS, a California Corporation; and DOES 1 through 50, inclusive,

17 Hearing Date: February 7, 2025

18 Hearing Time: 9:00 a.m.

19 Defendants.

20 Judge: Hon. Lauri A. Damrell
21 Dept.: "22"

22 Action Filed: February 22, 202

23 Trial Date: Tbd

1 **DECLARATION OF BRANDON J. SWEENEY IN SUPPORT OF PLAINTIFFS'**

2 **MOTION FOR APPROVAL OF PAGA REPRESENTATIVE ACTION**

3 I, BRANDON J. SWEENEY, hereby declare as follows:

4 1. I am an attorney at law duly licensed to practice in the State of California. I am
5 the founding partner of the Sweeney Law Firm ("SLF") counsel for Plaintiff Rosalee Garcia and
6 Nokalai Supnet. As such, I am fully familiar with the facts, pleadings and history of this matter.
7 The following facts are within my own personal knowledge, and if called as a witness, I could
8 testify competently to the matters stated herein.

9 2. This declaration is being submitted in support of Plaintiff's Motion for Brandon
10 Sweeney. The settlement reached between Plaintiffs Rosalee Garcia and Nokalai Supnet
11 (collectively, "Plaintiffs"), individually and on behalf of all members of the Class, on the one
12 hand, and Defendant Elica Health Centers ("Defendant"), on the other hand, is set forth in the
13 PAGA Settlement Agreement (the "Agreement") submitted with this motion.

14 3. I make this declaration in support of Plaintiffs' Motion for Approval of the
15 California Labor Code Private Attorneys General Act, California Labor Code § 2698 *et seq.*
16 ("PAGA") Representative Action, which involves the moving parties, Plaintiffs Rosalee Garcia
17 and Nokalai Supnet, in the matter of *Garcia v. Elica Health, et al.*, San Bernardino Superior
18 Court Case No. 34-2022-00316184 (the "Representative Action").

19 **COSTS**

20 4. I have reviewed the costs incurred in this case. All of the costs and expenses were
21 reasonable and necessary to bring this case to closure and are typically billed to a client. The
22 amount of my outstanding costs is approximately Three Thousand One Hundred Ninety-Seven
23 Dollars and Ninety Cents (\$3,197.90), which includes (1) Court Filings Fees; (2) Service Fees;
24 (3) Mediation Fees; and (4) costs associated with electronic filings through File & ServeXpress.

25 **COUNSEL'S QUALIFICATIONS, SKILL, DILIGENCE & EXPERTISE**

26 5. I received a B.A. in 2007 from California State University Northridge. I received
27 my J.D. from Southwestern University School of Law in 2011. I became an Active Member of
28 the State Bar of California in 2012 and have been an Active Member in good standing

1 continuously since then. I have been practicing as a litigation attorney in Los Angeles since
2 2012 and have been concentrating on employment litigation since that time.

3 6. Prior to starting the Sweeney Law Firm, I worked as an associate at Lewis
4 Brisbois Bisgaard & Smith, LLP as well as Kaufman Borgeest & Ryan, where I represented
5 employers in defending employment litigation and wage and hour class action and representative
6 matters. I have handled hundreds of labor and employment cases on both the plaintiff and
7 defense side. I have also been chosen as a Super Lawyer Rising Star, representing one of the top
8 2.5% of lawyers between their 5th and 10th year of practice in Southern California in 2018,
9 2019, 2020, 2021 and 2022.

10 7. In 2014, I founded The Sweeney Law Firm. Since 2014, I have been heavily,
11 successfully, and continuously involved in active litigation and trial work, including extensive
12 work in employment litigation and wage and hour class action and representative actions. The
13 Sweeney Law is actively and continuously practicing in employment litigation, representing
14 entirely employee Plaintiffs, in both individual and class actions, in this Superior Court, other
15 Superior Courts throughout the State, in the Court of Appeals, and in various Federal courts.

16 8. My office is qualified to handle this litigation because we are experienced in
17 litigating Labor Code violations in both individual and class action cases. The Sweeney Law
18 Firm has handled, and is currently handling numerous wage and hour class action lawsuits. Over
19 the course of my career, I have been involved in many class action settlements, with some of
20 them settling in the seven-figure range.

21 9. Since 2012, I have been heavily, continuously, and successfully involved in active
22 litigation and trial work, including extensive work in employment litigation and wage and hour
23 class actions. I have also been appointed class counsel in many wage and hour class action cases
24 with contested certification proceedings.

25 10. My current 2024 billing rate is \$750.00 per hour. My office requests the
26 Foregoing billable rates be applied in this case, as the rates are more than reasonable in the
27 Southern California legal market for attorneys who handle complex class actions involving
28 hundreds of class members. The current prevailing billing or “market” rates in the Los Angeles

1 area range from \$275 to \$900 per hour. (*See Bihun v. AT&T Information Systems, Inc.* (1993) 13
2 Cal. App. 4th 976, 1004-1005.) In addition, these rates properly take into account the fact that
3 payment will be delayed for nearly two years.

4 11. I have conducted and participated in eight (8) employment litigation trials and
5 three (3) trials concerning similar claims. Further, I have been approved as class counsel in
6 numerous class action lawsuits in various counties in both State and Federal Court. In addition
7 to the instant class action, I am personally handling, or have handled, litigation in the following
8 wage and hour class actions and/or Private Attorney General Act representative actions:

- 9 • *Dlugatch v. ProTransport-I, LLC, et al.*, (LASC Case No. BC581410) (settlement
10 for \$500,000.00);
- 11 • *Hernandez v. Port Logistics Group, et al.*, (LASC Case No. BC538435)
12 (settlement for \$5,750,000.00);
- 13 • *Jones v. Vubiquity, et al.*, (LASC Case No. BC533827);
- 14 • *Martinez v. Pei Yi, LLC, et al.*, (OCSC Case No. 30-2015-00784536);
- 15 • *Ruiz v. Century Fast Foods (Taco Bell), et al.*, (LASC Case No. BC550653)
16 (settlement for \$3,000,000.00);
- 17 • *Sylvester v. Starwood Hotels, et al.* (LASC Case No. BC536399) (settlement for
18 \$850,000.00);
- 19 • *McPherson v. PennyMac Corporation, et al.* (LASC Case No. BC654666);
- 20 • *Zuniga v. Thrive Market, et al.* (LASC Case No. BC588230) (settlement for
21 \$165,000.00);
- 22 • *Flores v. Royal Interpack of North America, et al.* (Riverside County Case No.
23 RIC1807207) (settlement for \$150,000.00);
- 24 • *Pena v. Secure Transportation Company, et al.* (LASC Case No. 20STCV08056)
25 (settlement for \$250,000.00);
- 26 • *Nicol v. ARCS Restaurant Management, et al.* (Riverside County Case No.
27 RIC1904788) (settlement for \$425,000.00);
- 28 • *Valle v. Ensign Services, et al.* (San Bernardino County Case No.

CIVDS2001066);

- *Yelverton v. Federal Express* (Central District 2:19-cv-01827);
- *Zepeda v. George L. Throop Co.* (LASC Case No. 19STCV10997) (settlement for \$775,00.00).

12. Plaintiffs' Counsel's collective efforts have resulted in the proposed Settlement Agreement that will bring substantial benefit to the PAGA Members for their alleged wage and hour violations. To date, the SLF has worked 75.1 hours on this Action with a lodestar of \$56,325.00. Without Plaintiffs' Counsel's efforts, the claims alleged in this Action would have likely gone without remedy. Plaintiffs' Counsel has invested significant time and resources on a contingent fee bases to bring this case to a resolution. Plaintiffs' Counsel's hourly rates are in line with those of other courts which have awarded similar fees in San Bernardino County and other counties throughout Southern California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 8, 2025, at Sherman Oaks, California.

Brandon J. Sweeney

BRANDON J. SWEENEY