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Attorneys for Plaintiff, on a representative basis and on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

EDUARDO AQUINO RODRIGUEZ,
individually, on a representative basis, and on
behalf of all others similarly situated;

Plaintiff,

vs.

EAT SWEET FARMS, LLC, a California
Limited Liability Company; JDB PRO, INC.,
a California Corporation; and DOES 1
through 20, inclusive;

Defendants.

Case No.: 22CV00203
[Assigned to Hon. Patricia L. Kelly, Dept
SMI, for all purposes]

**DECLARATION OF MEHRDAD
BOKHOUR, ESQ., IN SUPPORT OF
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

I, Mehrdad Bokhour, say and declare as follows:

1. I am an attorney at law, duly licensed to practice before all the Courts of the State of California, and I am the principal of Bokhour Law Group, P.C., co-counsel with Brian Mankin and Kristina Bui Carlson of Lauby, Mankin & Lauby LLP, as attorney of record for Plaintiff Eduardo Aquino Rodriguez and the Settlement Class.

1 2. As such, I am familiar with the file in this matter, and if called as a witness, I
2 could and would competently testify to the following facts of my own personal knowledge.

3 **Class Counsel Are Experienced Class Litigators**

4 3. I graduated with a Bachelor of Arts with a major in Political Science from the
5 University of California, Berkeley, in 2007. I received my J.D. from Loyola Law School—Los
6 Angeles in 2012 and became a member of the California State Bar in December 2012.

7 4. Before beginning my legal career, I served as a judicial extern for the Honorable
8 Justice Fred Woods of the Second District Court of Appeal and as an appellate law clerk at
9 Greines, Martin, Stein & Richland LLP.

10 5. I have been a member, in good standing, of the State Bar of California since
11 2012. I am admitted to practice before all California state courts, the U.S. Court of Appeals for
12 the Ninth Circuit Court, the U.S. District Court for the Central District of California, Eastern
13 District of California, Northern District of California, and Southern District of California and
14 have litigated class action and Private Attorneys General Act (“PAGA”) representative action
15 cases in various courts in California.

16 6. During my eleven years in practice, I have handled approximately 150
17 employment litigation matters. Over the last eight years, my practice has exclusively represented
18 employees, most of which included class action and representative action wage and hour matters.
19 Various courts have appointed me as class counsel and granted me final court approval and
20 judgment in numerous class actions. I anticipate receiving final approval for many more in the
21 future.

22 7. As part of these settlements and judgments, I have recovered at least 50 million
23 dollars in damages for my clients and the class members (who often work as essential workers,
24 nurses, technicians, warehouse workers, truck drivers, sales, and countless other trades).

25 8. I was selected as a “Super Lawyer Rising Star” in Employment Litigation from
26 2017 through 2022 and as a “Super Lawyer” in 2023-2024, a distinction reserved for the top 2.5%
27 of lawyers in the practice area.

1 9. I have also been recognized by TopVerdicts.com for achieving several of the top
2 wage and hour class and PAGA action settlements in California.

3 10. I am an active member of the California Employment Lawyers Association
4 (“CELA”) and have attended numerous Continuing Legal Education courses on employee
5 advocacy.

6 11. My firm has the experience, resources, and means necessary to allow us to
7 provide adequate representation to all Settlement Class Members in this Action.

8 12. Currently, my firm is acting as counsel in at least twenty-five wage-and-hour
9 class actions and co-counsel in at least thirty others.

10 13. Class Counsel are respected members of the California Bar with strong records
11 of vigorous and effective advocacy for their clients. They are also experienced in handling
12 complex class action litigation. Both Class Counsel and Plaintiff were prepared to litigate the
13 claims in this action, but they strongly and unequivocally support the proposed Settlement as
14 being in the best interest of the Settlement Class based on the circumstances referenced herein.

15 14. My current billing rate is \$700 per hour, which is also usual and customary for
16 class action practitioners with my experience and expertise. Moreover, my rate has been approved
17 by various courts in California, including the following non-exhaustive list of recent settlements
18 for which I have been the handling attorney with a lodestar cross-check of \$550- \$650 per hour:

19 • *Cervantes et al. v. Louis Vuitton Manufacturing, Inc.*, Case No. BC663932, Los
20 Angeles Superior Court (final approval granted on January 7, 2021) (wage and hour class and
21 PAGA settlement of \$1,500,000 approved by Hon. Carolyn B. Kuhl);

22 • *Pagh, et al. v. Wyndham Vacation Ownership, Inc.* Case No. 8:19-cv-00812-JWH-
23 ADS (final approval granted on March 24, 2021) (wage and hour class and PAGA settlement of
24 \$1,500,000 approved by Hon. John W. Holcomb);

25 • *Oajaca v. Sunstone Hotel Properties, Inc., et al.*, Case No. 20STCV24133
26 (approval granted on April 20, 2021) (PAGA settlement of \$340,000 approved by Hon. Carolyn
27 B. Kuhl);
28

- 1 • *Garza v. Cen-Cal Fire Systems, Inc., et al.*, Case No. RG20070111 (approval
2 granted on April 27, 2021) (PAGA settlement of \$350,000 approved by Hon. Brad Seligman);
- 3 • *Martinez v. JSL Transport, L.L.C.*, Case No. RG20050358 (approval granted on
4 May 5, 2021) (PAGA settlement of \$185,000 approved by Hon. Winifred Y. Smith);
- 5 • *Aguirre v. Swinerton Builders, et al.*, Case No. CIVDS1925363 (final approval
6 granted on May 26, 2021) (wage and hour class and PAGA settlement of \$2,250,000 approved
7 by Hon. David Cohn);
- 8 • *Garcia et al. v. Cardenas Markets, LLC, et al.*, Case No. CIVDS1917380 (final
9 approval granted on July 1, 2021) (wage and hour class and PAGA settlement of \$6,500,000
10 approved by Hon. David Cohn);
- 11 • *Angulo v. CCX2931, LLC, et al.*, Case No. BC717320 (final approval granted on
12 July 15, 2021) (wage and hour class and PAGA settlement of \$2,350,000 approved by Hon.
13 Carolyn B. Kul);
- 14 • *Rodriguez v. Hexpol Compounding CA, Inc.*, Case No. 19STCV41903 (final
15 approval granted on July 15, 2021) (wage and hour class and PAGA settlement of \$900,000
16 approved by Hon. William F. Highberger);
- 17 • *Bautista, et al. v. Builder Services Group, Inc.*, Case No. RG19038041 (approval
18 granted on July 30, 2021) (PAGA settlement of \$2,200,000 approved by Hon. Dennis Hayashi);
- 19 • *Hoff, et al. v. Dependable Highway Express, Inc.*, Case No. 34-2020-00272729-
20 CU-OE-GDS (final approval granted on August 23, 2021) (wage and hour class and PAGA
21 settlement of \$800,000 approved by Hon. Shama H. Mesiwala);
- 22 • *Mann v. Altec Industries, Inc.*, Case No. FCS054121 (final approval granted on
23 September 17, 2021) (wage and hour class and PAGA settlement of \$1,450,000 approved by Hon.
24 Bradley E. Nelson);
- 25 • *Labra v. Sutter Street Manufacturing, Inc., et al.*, Case No. 20STCV18751 (final
26 approval granted on September 28, 2021) (wage and hour class and PAGA settlement of
27 \$1,824,000 approved by Hon. David S. Cunningham);
- 28

- 1 • *Ayala v. FabFitFun, Inc.*, Case No. CIVDS2006687 (approval granted on October
- 2 7, 2021) (PAGA settlement of \$820,000 approved by Hon. David Cohn);
- 3 • *Becerra v. Luxfer, Inc.*, Case No. RIC2001892 (final approval granted on October
- 4 29, 2021) (wage and hour and PAGA settlement of \$1,125,000 approved by Hon. Lawrence W.
- 5 Fry);
- 6 • *Gonzalez v. Frank Carson Landscape & Maintenance, Inc.*, Case No. 34-2020-
- 7 00289370-CU-OE-GDS (final approval granted on November 4, 2021) (wage and hour class and
- 8 PAGA settlement of \$1,100,000 approved by Hon. Christopher Krueger);
- 9 • *Sifuentes, et al. v. Roofline, Inc., dba Roofline Supply & Delivery*, Case No. 34-
- 10 2019-00269947 (final approval granted on November 30, 2021) (wage and hour class and PAGA
- 11 settlement of \$1,850,000 approved by Hon. Shama H. Mesiwala);
- 12 • *Bjornsen v. Paychex North America, Inc.*, Case No. 34-2020-00286974 (approval
- 13 granted on January 11, 2022) (PAGA settlement of \$650,000 approved by Hon. Christopher E.
- 14 Krueger);
- 15 • *Sanchez v. Coordinated Staff, Inc., et al.*, Case No. BC640151 (final approval
- 16 granted on February 1, 2022) (wage and hour class and PAGA settlement of \$500,000 approved
- 17 by Hon. William F. Highberger);
- 18 • *Villa v. Sharecare Health Data Services, LLC, et al.*, Case No. 37-2020-0016422-
- 19 CU-OE-CTL (final approval granted on February 18, 2022) (wage and hour class and PAGA
- 20 settlement of \$630,000 approved by Hon. Eddie C. Sturgeon);
- 21 • *Martinez, et al. v. East Coast/West Coast Logistics, LLC, et al.*, Case No.
- 22 CIVDS1932745 (final approval granted on March 2, 2022) (wage and hour and PAGA settlement
- 23 of \$1,250,000 approved by Hon. David Cohn);
- 24 • *Rebulloza v. Acosta Employee Holdco, LLC*, Case No. RG21087775 (approval
- 25 granted on March 17, 2022) (PAGA settlement of \$525,000 approved by Hon. Somnath Raj
- 26 Chatterjee);
- 27 • *Benavides v. Production Framing, Inc.*, Case No. 34-2021-00295745-CU-OE-
- 28 GDS (approval granted on May 12, 2022) (PAGA settlement of \$858,000 approved by Hon. Jill

1 H. Talley);

2 • *Sandoval, et al. v. Citistaff Solutions, Inc.*, Case No. BC673675 (final approval
3 granted on May 26, 2022)(wage and hour and PAGA settlement of \$2,200,000 approved by Hon.
4 William F. Highberger);

5 • *De Los Angeles Vasquez v. Nutrawise Health & Beauty Corp.*, Case No. 30-2020-
6 01140636-CU-OE-CXC (final approval granted on June 28, 2022) (wage and hour and PAGA
7 settlement of \$312,946.43 approved by Hon. William D. Cluster);

8 • *Buckner v. Xpress Global Systems, LLC*, Case No. RG20080657 (final approval
9 granted on August 1, 2022) (wage and hour and PAGA settlement of \$500,000 approved by Hon.
10 Stephen Kaus);

11 • *Casillas v. California Paper Products, LLC, et al.*, Case No. BCV-20-102523
12 (approval granted on September 8, 2022) (PAGA settlement of \$100,000 approved by Hon. David
13 Lampe);

14 • *Arzola v. All Star Glass, Inc.*, Case No. 56-2021-00553193-CU-OE-VTA (final
15 approval granted on October 5, 2022)(wage and hour and PAGA settlement of \$662,436 approved
16 by Hon. Matthew P. Guasco);

17 • *Estrada, et al. v. HHM Facility Management, LLC.*, Case No. RG20078429 (final
18 approval granted on October 13, 2022) (wage and hour and PAGA settlement of \$500,000
19 approved by Hon. Brad Seligman);

20 • *Garcia v. J-M Manufacturing Company, Inc., et al.*, Case No. STK-UOE-2021-
21 4926 (final approval granted on October 25, 2022) (wage and hour and PAGA settlement of
22 \$750,000 approved by Hon. Janye C. Lee);

23 • *Morales, et al. v. Northgate Gonzalez Markets, Inc.*, Case No. 21STCV19587
24 (approval granted on October 27, 2022) (PAGA settlement of \$950,000 approved by Hon. Yvette
25 M. Palazuelos);

26 • *Melgar v. MASS Brothers, Inc.*, Case No. RG21086730 (final approval granted on
27 October 31, 2022) (wage and hour and PAGA settlement of \$680,000 approved by Hon. Brad
28 Seligman);

1 • *Stacy v. Hickman Egg Ranch, Inc.*, Case No. CVRI2103899 (final approval
2 granted on November 21, 2022) (wage and hour and PAGA settlement of \$325,000 approved by
3 Hon. Harold W. Hopp);

4 • *Guevara v. Bunge Oils, Inc.*, Case No. CV-21-004207 (final approval granted on
5 November 29, 2022) (wage and hour and PAGA settlement of \$500,000 approved by Hon. John
6 R. Mayne);

7 • *Camp v. Matson Logistics Warehousing, Inc.*, Case No. RG21088637 (final
8 approval granted on December 16, 2022) (wage and hour and PAGA settlement of \$375,000
9 approved by Hon. Jenna Whitman);

10 • *Silva-Branbila v. Barry Callebaut USA, LLC*, Case No. 21CV000337 (final
11 approval granted on December 20, 2022) (wage and hour and PAGA settlement of \$350,000
12 approved by Hon. Scott R.L. Young);

13 • *Orozco v. Taylored Services, LLC*, Case No. CIVSB2133520 (final approval
14 granted on January 27, 2023) (wage and hour and PAGA settlement of \$600,000 approved by
15 Hon. Joseph Ortiz);

16 • *Sanford v. Orchard Machinery Corporation*, Case No. CVCS21-0001614 (final
17 approval granted on January 30, 2023) (wage and hour and PAGA settlement of \$650,000
18 approved by Hon. Sarah Heckman);

19 • *Farley v. Bimbo Bakeries USA, Inc.*, Case No. 2020-00285248 (final approval
20 granted on February 2, 2023) (wage and hour and PAGA settlement of \$2,500,000 approved by
21 Hon. Jill H. Talley);

22 • *Ellingson v. Mueller Nicholls, Inc.*, Case No. RG21114800 (final approval granted
23 on February 2, 2023) (wage and hour and PAGA settlement of \$395,000 approved by Hon. Evelio
24 Grillo);

25 • *Juarez v. Schenker, Inc.*, Case No. RIC1818680 (final approval granted on March
26 7, 2023) (wage and hour and PAGA settlement of \$4,000,000 approved by Hon. Craig Riemer);

27 • *Aguilar v. Jimenez Nursery, Inc.*, Case No. 21CV01836 (final approval granted on
28 March 9, 2023) (wage and hour and PAGA settlement of \$750,000 approved by Hon. Collen

1 Sterne);

2 • *Ayotte v. Frank, Rimerman + Co., LLP*, Case No. 21CV386288 (final approval
3 granted on April 13, 2023) (wage and hour and PAGA settlement of \$775,000 approved by Hon.
4 Theodore C. Zayner);

5 • *Enriquez v. Shipbob, Inc.*, Case No. CVRI2101452 (final approval granted on May
6 1, 2023) (wage and hour and PAGA settlement of \$925,000 approved by Hon. Harold W. Hopp);

7 • *Truchinski v. Hologic, Inc., et al.*, Case No. 21STCV19587 (approval granted on
8 May 20, 2023) (PAGA settlement of \$750,000 approved by Hon. Sunil R. Kulkarni); and

9 • *Merrit v. DMA Claims, Inc., et al.*, Case No. 21STCV31200 (final approval
10 granted on May 1, 2023) (wage and hour and PAGA settlement of \$750,000 approved by Hon.
11 Maren E. Nelson).

12 • *Klimek v. Kingspan Insulated Panels, Inc., et al.*, Case No. CV-21-004201 (final
13 approval granted on June 13, 2023) (wage and hour and PAGA settlement of \$876,036 approved
14 by Hon. John D. Freeland).

15 • *Incze v. Radial, Inc., et al.*, Case No. CIVSB2133520 (approval granted on July 5,
16 2023) (wage and hour and PAGA settlement of \$559,905 approved by Hon. David Cohn);

17 • *Verdugo v. nVent Thermal, LLC*, Case No. 21-CIV-04370 (approval granted on
18 July 6, 2023) (wage and hour and PAGA settlement of \$3,250,000 approved by Hon. Robert D.
19 Foiles);

20 • *Le v. Cresco Labs, Inc., et al.*, Case No. JCCP 5226 (approval granted on August
21 11, 2023) (wage and hour and PAGA settlement of \$890,000 approved by Hon. Lauri A.
22 Damrell);

23 • *Chilton v. Pacific Eye Institute, A Medical Group, Inc., et al.*, Case No.
24 CIVSB2200827 (approval granted on August 21, 2023) (wage and hour and PAGA settlement of
25 \$1,970,000 approved by Hon. David Cohn);

26 • *Cervantes, et al. v. Genuine Parts Company, Inc., et al.*, Case No. 22STCV00981
27 (approval granted on September 14, 2023) (PAGA settlement of \$1,300,000 approved by Hon.
28 Gregory Keosian);

- *Attaway, et al. v. Alliance Residential, LLC*, Case No. JCCP No. 5173 (approval granted on September 29, 2023) (PAGA settlement of \$500,000 approved by Hon. Theodore C. Zayner);
- *Desanctis, et al. v. Douglas Products & Packaging Company, LLC, et al.*, Case No. C21-01874 (final approval granted on October 11, 2023) (wage and hour and PAGA settlement of \$372,500 approved by Hon. Charles S. Treat);
- *Gonzales v. Scosche Industries, Inc.*, Case No. 56-2022-00564014-CU-OW-VTA (final approval granted on October 20, 2023) (wage and hour and PAGA settlement of \$282,205.30 approved by Hon. Matthew P. Guasco);
- *Melgar v. Pro-Tek Manufacturing, Inc.*, Case No. 21CV002665 (final approval granted on October 24, 2023) (wage and hour and PAGA settlement of \$600,000 approved by Hon. Evelio Grillo);
- *Blakes v. PGP International, Inc.*, Case No. CV2022-1554 (final approval granted on November 14, 2023) (wage and hour and PAGA settlement of \$1,000,000 approved by Hon. Stephen L. Mock);
- *Grant v. Rodd & Gunn USA Retail, Inc.*, Case No. MSC2102113 (final approval granted on November 30, 2023) (wage and hour and PAGA settlement of \$450,000 approved by Hon. Charles S. Treat);
- *Barajas v. Quanex Homeshield, LLC, et al.*, Case No. 34-2022-00317535 (final approval granted on December 8, 2023) (wage and hour and PAGA settlement of \$1,000,000 approved by Hon. Jill H. Talley);
- *Magnotti v. The Highest Craft, LLC, et al.*, Case No. CVRI2105547 (final approval granted on January 4, 2024) (wage and hour and PAGA settlement of \$400,000 approved by Hon. Harold W. Hopp); and
- *Arrayga v. Medical Extrusion Technologies, Inc.*, Case No. CVRI2203190 (final approval granted on January 16, 2024) (wage and hour and PAGA settlement of \$553,350 approved by Hon. Harold W. Hopp).

1 15. In the opinion of Class Counsel, the recovery for each Settlement Class Member
2 is well within the acceptable range for this type of action. This Settlement is also favorable
3 given that the Settlement Class will promptly receive compensation rather than facing
4 uncertainties inherent in further litigation and waiting years for this action to be tried. It also
5 tells that the Settlement Class has overwhelmingly supported the Settlement on the terms
6 outlined in the Settlement Agreement. No Settlement Class Member has objected to the class-
7 wide Settlement obtained in this matter, and no Settlement Class Member requested exclusion
8 from the Settlement. Based on all considerations, this Settlement is highly favorable and is in
9 the best interests of the Settlement Class.

10 16. In sum, all relevant factors support final approval of the Settlement. The parties
11 negotiated at arm's length under the supervision of an experienced and well-respected mediator.
12 Class Counsel also investigated, discovered, and analyzed class claims extensively. Moreover,
13 Class Counsel, who is an experienced class action litigator, strongly believes that this
14 Settlement provides an excellent result for the Settlement Class. Lastly, the fact that there were
15 no objections filed that asked for final approval to be denied and zero requests for exclusion
16 from the Settlement weighs strongly in favor of approval of the Settlement. For these reasons,
17 this Court should conclude that under the circumstances of this case, the proposed Settlement
18 is fair, adequate, and well within the range of reasonableness.

19 **The Proposed Enhancement Award to Plaintiff as Class Representative is Reasonable**

20 17. Plaintiff and Class Counsel request that the Court finally approve a Class
21 Representative Service Payment of \$10,000 for the time, effort, and risks he undertook in
22 participating in this Action. Because a named plaintiff is an essential ingredient of any class
23 action, a service payment is appropriate to induce individuals to step forward and assume the
24 burdens and obligations of representing the settlement class. In deciding the amount of service
25 payment for a class representative, relevant factors include the actions the plaintiff has taken to
26 protect the interests of the settlement class, the degree to which the settlement class has
27 benefitted from those actions, and the amount of time and effort the plaintiff expended in
28 pursuing the action.

1 18. In the instant case, Plaintiff assisted Class Counsel on many occasions with
2 investigating and prosecuting this action. Plaintiff provided many documents and relevant
3 information to Class Counsel, spent numerous hours educating Class Counsel on the inner
4 workings of Defendants' operations and timekeeping practices, and made himself available for
5 mediation. The amount sought for the Class Representative aligns with the service payments
6 in similar wage and hour class actions. In Class Counsel's experience, service payments in
7 wage and hour actions typically range from \$5,000 to \$40,000. Further, Defendants support the
8 requested Class Representative Service Payment of \$10,000 to Plaintiff. As such, the requested
9 service payment is intended to compensate the Plaintiff for his critical role in this case and the
10 substantial time, effort, and risk he undertook to help secure the result obtained on behalf of the
11 Settlement Class. The Class Representatives Service Payment requested is well deserved and
12 warranted. Furthermore, Plaintiff has also provided Defendants with a general release of his
13 claims in exchange for the service payment requested.

14 **The Requested Attorneys' Fees and Costs are Fair, Reasonable, and Appropriate**

15 19. Class Counsel's application for an award of Attorneys' Fees in an amount of
16 approximately 33.33% of the Settlement Amount on behalf of the Settlement Class is reasonable
17 and fair. The requested fee falls on the lower end of the benchmark for attorneys' fees of 25%
18 to 40% of a common fund and is fair compensation for undertaking complex, risky, expensive,
19 and time-consuming litigation on a contingent basis.

20 20. For Class Counsel, the fees here were wholly contingent in nature, and the case
21 presented far more risk than the usual contingent fee case. There was the prospect of the
22 enormous cost inherent in class action litigation and a long battle with a corporate Defendant.
23 That prospect has previously become a reality in trial courts and the Court of Appeal in other
24 wage and hour class litigations. Class Counsel risked not only a great deal of time but also a
25 great deal of expense to ensure the successful litigation of this action on behalf of all Settlement
26 Class Members. Based upon the foregoing, Class Counsel respectfully requests that the Court
27 award attorneys' fees in the amount of \$716,666.67.
28

21. My firm's hours are set forth below:

Attorney	Experience	Rate per Hour	Hours	Total Lodestar
Mehrdad Bokhour	12 years	\$700	85.5 ¹	\$59,850
Carlos Garcia	12 years	\$150	15	\$2,250
Total Lodestar				\$62,100

22. The ultimate result was far from certain when this case was taken on a contingency fee basis, with the firm agreeing to assume responsibility for all litigation costs. In the course of this Action, Class Counsel paid all costs, including filing fees, court costs, research fees, and mediation costs. There was never a guarantee that we would recoup those expenditures.

23. It has been my experience that the benchmark for an attorney fee award in California state cases is one-third of a common settlement fund, which the California Supreme Court recently upheld in the *Robert Half* case. Here, in accordance with the Settlement Agreement, Class Counsel is seeking a fee of \$716,666.68, one-third of the Settlement Amount.

24. The fee is warranted because of the results achieved for the Settlement Class Members, both in terms of the immediate cash settlement and the resounding support for the Settlement. Defendants do not oppose this fee request.

25. The following are the itemized litigation costs (actually incurred) for the above-referenced matter:

- Expert Fee \$4,680
- Mediation Fee \$2,825
- Total \$7,505

26. The proposed settlement has been previously submitted in accordance with Labor Code § 2699(1)(2) to the Labor and Workforce Development Agency.

27. The proposed Settlement here was the product of arm's-length negotiation before a highly experienced and reputable class action mediator to reach a settlement.

28. Plaintiff and Class Counsel have diligently investigated the claims raised in this litigation and, after taking into account the disputed factual and legal issues involved in this action, the risks attending further prosecution, and the benefits to be received pursuant to the

¹ Includes an estimated 15 hours of work finalizing this motion, attending final approval, working with Defense Counsel and the Administrator finalizing this matter, submitting a declaration of disbursement, and other ancillary matters.

1 compromise and settlement of the Action as set forth in the Settlement, concluded that the
2 Settlement terms are fair, reasonable, and in the best interest of the Settlement Class.

3 29. As the Settlement Agreement reveals, there is no preferential treatment for any
4 segment of the Settlement Class, as the Settlement is designed to fairly and adequately
5 compensate all Settlement Class Members. Pursuant to California Rules of Court Rule 3.769(b),
6 the parties have disclosed the agreed upon and proposed Attorneys' Fees, which are well within
7 the range of reasonableness for matters of this nature.

8 30. As set forth at the time of preliminary approval, Class Counsels' investigation into
9 the facts and merits of the wage and hour claims alleged included analyzing substantial amounts
10 of information, correspondence, documents, timekeeping and pay data, policies and procedures,
11 and evidence relating to the class size and the commonality of the claims. During this process,
12 Plaintiff and Class Counsel investigated the potential claims of the similarly situated employees
13 and researched and investigated Defendants' defenses. Finally, Class Counsel synthesized and
14 analyzed information provided by Defendants regarding the total Settlement Class Members, the
15 number of current and former employees, and the number of employees who worked during
16 various time periods and prepared comprehensive damages calculations regarding the wage and
17 hour claims at issue.

18 31. In light of the uncertainties of protracted litigation, this negotiated Settlement
19 reflects the best practicable recovery for the Settlement Class. While the total Settlement amount
20 is, of course, a compromise figure, the potential risks and opportunities of both parties were
21 effectively weighed and considered by the parties, resulting in a fair and equitable Settlement.
22 Based upon detailed data obtained through discovery and information exchanges and factoring in
23 class certification and liability probabilities, Class Counsel formulated detailed damages models
24 to evaluate the claims in preparation for mediation and reach a realistic and reasonable resolution.
25 Of course, Defendants deny that any damages should be assessed and deny all of the value
26 estimated by Plaintiff.
27
28

32. Moreover, as further detailed in the Plaintiff's Motion for Preliminary Approval of Class Action Settlement, the Defendants strongly disputed the merits of the case and the damages on several grounds.

33. The Settlement should be approved, and judgment entered based on the determination that it is fair, reasonable, adequate, and in the best interests of the Settlement Class.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct this 19th day of November 2024, at Los Angeles, California.

Mehrdad Bokhour