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Attorneys for Plaintiff,
JUAN RAMON TORRES REYES on behalf of himself
and all similarly aggrieved employees

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

JUAN RAMON TORRES REYES, on behalf
of himself and all similarly aggrieved
employees,

Plaintiff,

v.

MB LABOR CONTRACTING, INC.;
D'ARRIGO BROS. CO., OF CALIFORNIA;
and DOES 1 through 50, inclusive,

Defendants.

Case No. 22CV000682

**DECLARATION OF B. JAMES
FITZPATRICK IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: June 28, 2024

Time: 8:30 A.M.

Dept.: 14

Complaint Filed: March 11, 2022

Trial Date: None Set

1 I, B. James Fitzpatrick, hereby declare and state as follows:

2 1. I am an attorney duly admitted to practice in the State of California and am a
3 partner in the law firm of Fitzpatrick & Swanston, counsel of record for Plaintiff Juan Ramon
4 Torres Reyes (“Plaintiff”). I have personal knowledge of the facts set forth below and if called
5 to testify I could and would do so competently.

6 2. Based on their own independent investigation and evaluation, the Parties and
7 their respective counsel are of the opinion that settlement for the consideration and on the
8 terms set forth in the Joint Stipulation and Settlement Agreement of Class Action (“Settlement
9 Agreement”) is fair, reasonable, and adequate and is in the best interests of the Class and
10 Defendant in light of all known facts and circumstances and the expenses and risks inherent in
11 litigation.

12 3. I have spent significant time researching and pursuing the claims that have been
13 alleged in this action. From the inception of the case, Class Counsel have zealously
14 represented the interests of the Class. Class Counsel have engaged in significant meet and
15 confer discussions with opposing counsel to obtain informal data and documents and to
16 discuss the merits of the claims on behalf of the Class. This settlement was obtained for the
17 benefit of the Class, as opposed to the individual Class Representative. Based on my review of
18 all the documents and information, and based on my experience in class action litigation, I
19 believe this settlement to be fair, adequate, and reasonable.

20 4. I am one of the primary attorneys on this matter. My qualifications are as
21 follows: I received my bachelor’s degree from the University of California, Santa Barbara and
22 my Juris Doctor degree from the University of Santa Clara School of Law. I have practiced
23 law since 1987. The primary emphasis of my practice is employment litigation. I have
24 represented both employers and employees. Over 15 years ago, my office commenced
25 handling plaintiff class action wage and hour cases. Since then, my office has handled
26 hundreds of wage and hour cases to conclusion and has been class counsel and/or co-counsel
27 in over 100 class actions. My firm currently has wage and hour cases in Alameda County
28 Superior Court, Monterey County Superior Court, Nevada County Superior Court, Santa Clara

1 Superior Court, San Benito Superior Court, San Bernardino County Superior Court, San
2 Joaquin County Superior Court Santa Cruz Superior Court, Ventura County Superior Court,
3 and the United States District Courts for the Eastern and Northern District of California.

4 5. I do not have a conflict of interest with Plaintiff or the Class Members. My co-
5 counsel and I will adequately represent the Class Members in this action. Co-Counsel and I
6 have and will zealously represent Plaintiff and the Class and pursue this lawsuit to its
7 conclusion.

8 6. Neither counsel nor their respective firms have any relationship with the
9 proposed *cy pres* recipient that would create an actual or potential conflict of interest. Defense
10 counsel and I further agree that the State Bar of California's Justice Gap Fund satisfies the
11 legislative intent set out in Code of Civil Procedure § 384(a), in that the organization helps
12 further the purposes of the underlying class action and promote justice for all Californians.

13 I declare under penalty of perjury under the laws of the State of California that the
14 foregoing is true and correct and if called as a witness I could and would competently testify to
15 each of the matters stated herein, and I state that these matters are based upon my own
16 personal knowledge acquired through first-hand observation, except where stated otherwise.
17 This declaration was executed by me on June 5, 2024, in Salinas, California.

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19 
20 B. James Fitzpatrick