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Attorneys for Plaintiff JONATHAN KHODRA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

JONATHAN KHODRA, on behalf of himself
and on behalf of all persons similarly situated,

Plaintiff,

v.

JHK HOSPITALITY, LLC, a Limited Liability
Company (dba La Quinta Inn & Suites by
Wyndham); and DOES 1-50, Inclusive,

Defendants.

Case No: 20STCV15655

**DECLARATION OF JEAN-CLAUDE
LAPUYADE, ESQ. IN SUPPORT OF
MOTION FOR APPROVAL OF PAGA
SETTLEMENT**

Hearing Date: October 1, 2021

Hearing Time: 8:30 AM

Reservation ID: 243018701512

Honorable Judge Richard J. Burdge
Department 37

Trial Date: None

Action Filed: April 22, 2020

1 I, Jean-Claude Lapuyade, declares as follows:

2 1. I am the owner of the JCL Law Firm, APC, and attorneys for Plaintiff JONATHAN
3 KHODRA ("Plaintiff") in this matter. As such, I am fully familiar with the facts, pleadings and
4 history of this matter. I am submitting this declaration in support of Plaintiffs' Motion for Approval
5 of PAGA Settlement. The following facts are within my own personal knowledge, and if called as
6 a witness, I could and would testify competently to the matters stated herein.

7 2. I have been personally involved in the above-captioned litigation since the inception.
8 I am personally familiar with the facts, claims, defenses and legal theories at issue. Based on my
9 involvement in this matter, and based on my experience set forth below, I believe the proposed
10 settlement before the Court meets the criteria for approval.

11 3. Attached as Exhibit 6 to the Declaration of Shani O. Zakay, Esq. ("SOZ Dec.") is a
12 true and correct copy of a Transaction Summary evidencing actually incurred litigation costs in this
13 matter in the amount of \$1,860.15. All of the JCL Law Firm's out-of-pocket expenses are the types
14 of expenses normally charged to paying clients, including: filing fees; copying; telephone; postage;
15 factual and legal research charges; mediation fees; and travel expenses, which were all incurred in
16 the course of, and were necessary for the successful prosecution of the litigation and, therefore,
17 should be reimbursed.

18 4. Contemporaneous billing records establish that during the 17 months of litigation,
19 the attorneys and staff at the JCL Law Firm, APC, spent a total of 74.42 hours successfully
20 prosecuting this matter. Detailed billing journal with specific time entries and work descriptions
21 for the JCL Law Firm, APC, upon the Court's request.

22 5. Below is a Summary of the JCL Law Firm's Hours and Loadstar

<u>Employee</u>	<u>Hours</u>	<u>Rate</u>	<u>Billing</u>
Jean-Claude Lapuyade, Esq.	55	\$500/\$550	\$22,700.00
Tesla Stone (Paralegal)	19.42	\$125	\$2,427.50
Totals	74.42		\$25,127.50

27 6. The JCL Law Firm, APC anticipates additional costs following the filing of this
28 declaration including filing and service of the Motion for PAGA Approval. Class Counsel will

1 supplement this Declaration at the time of the hearing with the final sum of Litigation Costs.

2 7. The JCL Law Firm's rates are comparable to those judicially approved for other
3 plaintiff's firms, such as Baron & Budd (rates ranging from \$775 for the requested partner to \$390-
4 \$630 for non-partners), Western Comden Casselman & Essensten (rates ranging from \$670-\$750
5 for partners and \$300-\$500 for associates), and Blood Hurst & Rearden (\$510-\$695 for partners).
6 See *Aarons v. BMW of North America*, No. 11-7667-PSG, 2014 U.S. Dist. LEXIS 118442, *40-
7 41 (C.D. Cal. Apr. 29, 2014). Other Southern California courts have approved hourly rates in the
8 requested range. See e.g., *Kearney v. Hyundai Motor Am.*, 2013 U.S. Dist. LEXIS 91636, *24
9 (C.D. Cal. June 28, 2013) (approving hourly rates of \$650 -\$800 for senior attorneys in consumer
10 class action); *Parkinson v. Hyundai Motor America*, 796 F.Supp.2d 1160, 1172 (C.D. Cal.
11 2010)(approving hourly rates between \$445 and \$675); *Faigman v. AT&T Mobility, LLC*, 2011
12 U.S. Dist. LEXIS 15825, *2 (N.D. Cal. Feb. 15, 2011)(Approving hourly rates of \$650 an hour for
13 partners and \$500 for associates); *Richard v. Ameri-Force Mgmt. Servs., Inc.*, No 37-2008-
14 00096019 (San Diego Superior Court, August 27, 2010)(\$695 to \$750 an hour for partners and
15 \$495 for associates); *Barrera v. Gamestop*, No. CV 09-1399 (C.D. Cal. Nov. 29, 2010)(\$700 for
16 partners and \$475 for associates); *Anderson v. Nextel Retail Stores, LLC*, No. CV 07-4480 (C.D.
17 Cal. June 20, 2010)(\$655- \$750 for partners and \$300 – 515 for associates); *Luquetta v. Regents*
18 *of Cal.*, CGC-05-443007 (San Francisco Sup. Ct.) (approving 2012 partner rates between \$550 and
19 \$850 per hour); and *Holoway v. Best Buy Co.*, C-05-5056-PJH (MEJ)(N.D. Cal.)(approving 2011
20 partner rates between \$825 and \$700, and associates hourly rates between \$355 and \$405 an hour).

21 8. Moreover, my billing rate has been approved multiple times within the last twelve
22 months by California Superior Court judges. Most recently, on September 4, 2020, in the case
23 entitled *Krake et al., v. Central Valley Diner, Inc.*, Placer County Superior Court Case No.
24 SCV0041645, the Hon. Michael Jones approved my billing rate at \$500 per hour; on August 25,
25 202 in the case entitled *Guerrero v. Estancia Operations, LLC.*, San Diego Superior Court Case
26 No. 37-2019-00028963, the Hon. Katherine Bacal approved my billing rate at \$500 per hour; on
27 August 18, 2020, in the matter entitled *Dollesin v. Navarre*, Sacramento Superior Court Case
28 Number 34-2018-00246780, the Hon. Christopher Krueger approved my billing rate at \$500 per

1 hour; on September ; on January 23, 2020 in the matter entitled *Hill v. Stetak Holdings, Ltd.*, San
2 Diego Superior Court Case No. 37-2018-00000747, the Hon. Kenneth Medel in Dept. 66, approved
3 my billing rate at \$500. Similarly, on October 4, 2019, in the case entitled *Shachno et al., v. KT*
4 *Hotels, LLC, et al.*, San Diego Superior Court Case No. 37-2018-0043601-CU-OE-CTL, the Hon.
5 Gregory W. Pollack in Dept. 71 approved my billing rate at \$500 per hour.

6 9. Plaintiffs chose qualified and experienced Class Counsel to pursue their claims. I
7 established the JCL Law Firm, APC (“Firm”), in 2010. The Firm is a boutique California plaintiff
8 firm with extensive class action experience, including in the complex area of unlawful housing class
9 actions. The Firm currently consists of myself, Jean-Claude Lapuyade, Esq. (Attorney/Owner),
10 Tesla Stone (Paralegal), Sara Christensen (Legal Secretary), Leilani Edmunds (Legal Secretary)
11 and Amanda De. Blouw (Client Intake Coordinator). I can, will and have adequately represented
12 Plaintiffs’ interests and the interests of the Settlement Class Members.

13 10. I have represented employees, consumers and low-income tenants in California class
14 actions, and complex multi-party product liability actions exclusively since 2007.

15 11. I have significant class counsel and collective action counsel experience. I sample
16 of my appointed class counsel and representative counsel experience is listed below in the following
17 matters:

18 a. *Jer Vang v. Bridge Property Management*, Alameda County Superior Court,
19 Case No. RG19047434 (May 7, 2021 – Hon. Winifred Smith approved a class and PAGA
20 settlement for, *inter alia*, unpaid off the clock work. The JCL Law Firm, APC acted as
21 class counsel for the settlement class and as representative PAGA counsel the State of
22 California and the Aggrieved Employees.)

23 b. *Laguatan v. Prevent Life Safety Services, Inc.*, San Diego Superior Court,
24 Case No. 34-2018-00057434-CU-OE-CTL (March 30, 2021 – Hon. Richard Whitney
25 approved a class and PAGA settlement for, among other things, failure to accurate calculate
26 the regular rate of pay for purposes of overtime and appointed the JCL Law Firm, APC as
27 Class Counsel).

1 c. *Johnson v. Volt Management Corp., Inc. et al.*, Los Angeles County
2 Superior Court, Case No. 19STCV16466 (December 11, 2020 – Hon. Amy Hogue
3 approved a PAGA Settlement negotiated on behalf of the State of California and the
4 aggrieved employees by the JCL Law Firm, APC.)

5 d. *Salazar v. Frontier Auto Sales Inc., dba Frontier Toyota*, Los Angeles
6 Superior Court, Case No. 19STCV20382 (November 24, 2020 – Hon. John P. Doyle
7 appointed the JCL Law Firm, APC as class counsel and approved a class and PAGA
8 settlement for, *inter alia*, missed meal and rest periods.)

9 e. *Villalobos v. Alterra Group, LLC et al.*, Los Angeles County Superior
10 Court, Case No. 19STCV19448 (November 11, 2020 – Hon. Richard Fruin approved a
11 PAGA Settlement for, *inter alia*, unreimbursed business expenses. The JCL Law Firm,
12 APC acted as counsel for the plaintiff, the State of California and the Aggrieved
13 Employees.)

14 f. *Stevens et al., v. Bank of England*, San Diego County Superior Court Case
15 No. 37-2019-00018662-CU-OE-CTL (October 16, 2020 – Hon. John Meyer appointed JCL
16 Law Firm as Class Counsel and granted final approval of wage and hour class action for,
17 *inter alia*, off-the-clock work.)

18 g. *Frazier v. ASA Carlton, Inc.*, San Diego Superior Court Case No. 37-2019-
19 00036147 (October 9, 2020 Hon. Kenneth Medel appointed the JCL Law Firm as Class
20 Counsel and granted final approval of wage and hour class action for off-the-clock work.)

21 h. *Krake et al., v. Central Valley Diner, Inc.*, Placer County Superior Court
22 Case No. SCV0041645 (September 4, 2020 – Hon. Michael Jones appointed JCL Law Firm
23 as class counsel and granted final approval of wage and hour class action for meal period
24 violations.)

25 i. *Conner v. Ascendant Marketing, LLC et al.*, San Diego Superior Court Case
26 No. 37-2019-00026864-CU-OE-CTL (July 24, 2020 Hon. Joel Wohlfeil granted approval
27 of PAGA Settlement for, among other things, off-the-clock work. JCL Law Firm, APC
28 acted as lead counsel.)

1 j. *Guerrero v. Estancia Operations, LLC.*, San Diego Superior Court Case No.
2 37-2019-00028963 (August 25, 2020 – Hon. Katherine Bacal approved PAGA Settlement
3 for, *inter alia*, missed meal and rest periods. JCL LAW Firm, APC, acted as lead counsel.)

4 k. *Moreno v. Dash Lube, et al.*, United States District Court, Southern District
5 of California, Case No. 18cv1922 DMS (AHG) (December 13, 2019 – Granted class
6 certification of Labor Code Section 226 claim and appointed JCL Law Firm, APC, as Class
7 Counsel.)

8 l. *Perkins et al., v. Tahiti Enterprises, Inc., et al.*, Orange County Superior
9 Court Case No. 30-2016-00863095 (October 22, 2019 – Hon. Peter Wilson appointed JCL
10 Law Firm, APC, as Class Counsel and granted final approval for an unlawful housing class
11 action settlement arising out of Civil Code Section 1940.1.)

12 m. *Hill v. Stemak Holdings, Ltd.*, San Diego Superior Court Case No., 37-2018-
13 00000747 (January 28, 2020 – Hon. Kenneth Medel appointed JCL Law Firm, APC as
14 class counsel and granted final approval of wage and hour class action for unpaid overtime.)

15 n. *Shachno et al., v. KT Hotels, LLC, et al.* San Diego Superior Court Case No
16 Case No. 37-2018-00043601 (May 31, 2019 – Hon, Gregory Pollack appointed JCL Law
17 Firm, APC, as Class Counsel and granted preliminary approval for the wage and hour class
18 action settlement involving nearly 900 current and former employees. Final approval
19 scheduled for October 4, 2019)

20 o. *Almanza v. The Express Group, Inc.*, San Bernardino Superior Court Case
21 No. CIVDS1722542 (April 19, 2019 – Hon. David Cohn appointed the JCL Law Firm,
22 APC, as Class Counsel and granted final approval for a wage and hour class action
23 settlement for *inter alia*, missed meal and rest periods and independent contractor
24 misclassification.)

25 p. *Moschetto v. Pillow Global, Inc.* San Diego Superior Court, Case No. 37-
26 2017-00024031-CU-OE-CTL (April 5, 2019 – Hon. John S. Meyer appointed JCL LAW
27 Firm, APC, as Class Counsel and granted final approval for a wage and hour wage class
28 action settlement involving misclassified house cleaners.)

1 q. *Burke v. Friendship Hotel, LLC*, San Diego County Superior Court Case
2 No. 37-2017-00022517-CU-OE-CTL (March 10, 2019 – final approval granted on for an
3 unlawful housing class action arising under Civil Code Section 1940.2)

4 r. *Terrado et al., v. Accredited Debt Relief, LLC*, San Diego County Superior
5 Court Case No. 37-2018-00014181-CU-OE-CTL (February 8, 2019 – Hon. Gregory W.
6 Pollock appointed JCL Law Firm, APC as Class Counsel and granted final approval for a
7 wage and hour class action settlement for meal and rest period violations);

8 s. *Macaspac v. San Antonio Regional Hospital*, San Bernardino Superior
9 Court Case No. CIVDS1512625, (July 27, 2018 – Hon. Thomas S. Garza appointed JCL
10 Law Firm, APC, as Class Counsel and granted final approval for a wage and hour class
11 action settlement involving claims for on duty meal and rest periods.);

12 t. *Summerlin et al. v. Maplebear, Inc. dba Instacart*, Los Angeles Superior
13 Court Case No. BC603030 (2018 - certified and settled wage and hour class action.)

14 u. *Ortega v. Prime Healthcare*, San Diego Superior Court Case No. 37-2014-
15 00011240-CU-OE-CTL (2018 – Approved PAGA only settlement for on duty meal and
16 rest periods)

17 v. *Engstrom v. Bender-Rosenthal, Inc.* San Diego Superior Court Case No. 37-
18 2016-00012373-CU-OE-CTL (2017 - Certified and settled class action for employee
19 misclassification);

20 w. *Crawford v. Outlook Amusements, Inc.*, Los Angeles Superior Court Case
21 No. BC617160 (2017 - Certified and settled wage and hour class action.);

22 x. *Hernandez v. Sunglass Hut Trading, LLC*, San Bernardino Superior Court
23 Case No. CIVDS1505181 (2016 - Certified and settled wage and hour class action);

24 y. *Burns v. Shalom, LLC*, San Diego Superior Court, Case No., 37-2013-
25 00058356-CU-BT-CTL (2015 - certified and settled class action for unlawful housing
26 practices arising out of Civil Code Section 1940.1);

27 12. Since 2010, I have successfully tried two (2) cases to conclusion, each resulting in
28 a favorable verdict for the firm's clients.

13. Finally, I have published appellate experience in *William Blanchette et al., v. The Superior Court of Imperial County, (GHA Enterprises)*, 8 Cal.App.5th 521.

14. Consequently, I have been named to the prestigious Thomson Reuters, Super Lawyers, Rising Star in 2015, 2016, 2017 and, again, in 2018. According to Thomson Reuters, the Super Lawyers, Rising Star list recognizes the top 2.5% of eligible attorneys. (see https://www.superlawyers.com/about/selection_process.html.)

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 8th day of September 2021, at San Diego, California.

JCL LAW FIRM, APC

By: Jean-Claude Lapuyade
Jean-Claude Lapuyade, Esq.
Attorneys for Plaintiff