

Marcus J. Bradley, Esq. (SBN 174156)
Kiley L. Grombacher, Esq. (SBN 245960)
BRADLEY/GROMBACHER, LLP
31365 Oak Crest Drive, Suite 240
Westlake Village, California 91361
Telephone: (805) 270-7100
Facsimile: (805) 270-7589
mbradley@bradleygrombacher.com
kgrombacher@bradleygrombacher.com

Garen Majarian, Esq. (SBN 334104)
Sahag Majarian II, Esq. (SBN 146621)
LAW OFFICES OF SAHAG MAJARIAN II
18250 Ventura Boulevard
Tarzana, California 91356
Telephone: (818) 609-0807
Facsimile: (818) 609-0892
garen@majarianlawgroup.com
sahagii@aol.com

Attorneys for Plaintiffs and the Class
(Additional Counsel on Next Page)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

HECTOR J. MEJIA on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

WALMART INC., a Delaware corporation;
and DOES 1 through 10, inclusive,

Defendant.

Case No.: CIVSB-2207614

[Assigned for all purposes to the Hon. David E.
Driscoll, Dept. S26]

**DECLARATION OF B. JAMES
FITZPATRICK IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: April 16, 2024

Time: 8:30 a.m.

Dept.: S26

Larry W. Lee (State Bar No. 228175)
Mai Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, California 90071
(213) 488-6555
(213) 488-6554 facsimile
lwlee@diversitylaw.com
ktulyathan@diversitylaw.com

B. James Fitzpatrick (SBN: 129056)
Laura L. Franklin (SBN: 282642)
FITZPATRICK & SWANSTON
555 S. Main Street
Salinas, CA 93901
Telephone: (831) 755-1311
Facsimile: (831) 755-1319
bjfitzpatrick@fandslegal.com
lfranklin@fandslegal.com

Dennis S. Hyun (State Bar No. 224240)
HYUN LEGAL, APC
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

Attorneys for Plaintiffs and the Class

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

2 1. I am an attorney at law duly admitted to practice before all courts in the State of
3 California and a partner in the law firm of Fitzpatrick & Swanston, one of the attorneys of record
4 for Plaintiffs Dearl Powell, Christina Gast, and Elijha Gonzalez (“Plaintiffs”) in the above-
5 entitled action. I have personal knowledge of the matters set forth herein, and if called upon as a
6 witness to testify thereto, I could and would competently do so.

7 2. Based on Class Counsel’s independent investigations and evaluations, I am of the
8 opinion that settlement is fair, reasonable, and adequate and is in the best interest of the Class
9 and Defendant in light of all known facts and circumstances and the expenses and risks inherent
10 in litigation.

11 3. Without reiterating the Parties’ showing that the Settlement Agreement and the
12 negotiation process that led up to it was fair and adequate, as set forth in detail in the Motion for
13 Preliminary Approval of Class Action Settlement, this Settlement Agreement was the product of
14 negotiation between highly able and experienced attorneys on both sides who possessed the
15 relevant data and extensive legal research which they had carefully analyzed.

16 4. I am familiar with all aspects of this case and tasks undertaken by the various
17 members of this firm in litigating this case. I have been assisted by attorney Laura L. Franklin
18 and several paralegals in my office. As a result of my firm’s diligence in pursuing the factual and
19 legal issues presented by this case, we were able to realistically assess the Class Members’
20 claims, evaluate their damages, and Defendant’s exposure. All work performed by our office is
21 done on a contingency basis. Our firm has received no compensation for our time invested or
22 expenses incurred in litigating this case. We have prosecuted this litigation up to this point,
23 taking the risk that we ultimately would be faced with not receiving any compensation for our
24 work. Since the start of this case, counsel conducted extensive factual investigation before
25 reaching a settlement.
26

27 5. Class Counsel’s application for an award of attorneys’ fees in the amount of
28 \$4,200,000.00 (35% of the Maximum Settlement Amount) and reimbursement of litigation costs

1 is reasonable and fair. These amounts are well within what is reasonable and customary in both
2 wage and hour settlements and class action settlements in general and is based on the skill
3 displayed by Class Counsel, the effort and resources invested in this case by Class Counsel, the
4 factual and legal complexities of this case, the importance of the interests which are the subject
5 of this litigation, the risks undertaken by Class Counsel, and the degree of success achieved by
6 Class Counsel.

7 6. **Qualifications:** I received my bachelor's degree from the University of
8 California, Santa Barbara and my Juris Doctor degree from the University of Santa Clara School
9 of Law. I have practiced law since 1987. The primary emphasis of my practice is employment
10 litigation. I have represented both employers and employees. Over 15 years ago, my office
11 commenced handling plaintiff class action wage and hour cases. Since then, my office has
12 handled hundreds of wage and hour cases to conclusion and has been class counsel and/or co-
13 counsel in over 100 class actions. My firm currently has wage and hour cases in Alameda
14 County Superior Court, Monterey County Superior Court, Nevada County Superior Court, Santa
15 Clara Superior Court, San Benito Superior Court, San Bernardino County Superior Court, San
16 Joaquin County Superior Court Santa Cruz Superior Court, Ventura County Superior Court, and
17 the United States District Courts for the Eastern and Northern District of California.
18

19 7. I do not have a conflict of interest with Plaintiffs or the Class Members. My co-
20 counsel and I will adequately represent the Class Members in this action. Plaintiffs' Counsel has
21 and will zealously represent Plaintiffs and the Class and pursue this lawsuit to its conclusion.

22 8. Neither counsel nor their respective firms have any relationship with the proposed
23 *cy pres* recipient that would create an actual or potential conflict of interest.

24 ///

25 ///

26 ///

27 ///

28 ///

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct and if called as a witness I could and would competently testify to
3 each of the matters stated herein, and I state that these matters are based upon my own personal
4 knowledge acquired through first-hand observation, except where stated otherwise. This
5 declaration was executed by me on March 21, 2024, in Salinas, California.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



B. James Fitzpatrick