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Attorneys for Plaintiff ANTHONY GARCIA,
on behalf of himself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

ANTHONY GARCIA, and HOWARD
MOORE, on behalf of himself, and all persons
similarly situated;

Plaintiffs,

v.

SYSCO RIVERSIDE, INC., a Delaware
Corporation; SYSCO CORPORATION, a
Delaware Corporation; and DOES 1 through 50
inclusive,

Defendants.

Lead Case No. CVRI2103935
[Consolidated with Case No.: CVRI2201916]

Assigned for All Purposes to
Hon. Harold W. Hopp, Dept. 1

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF SAMY HARMOUSH
IN SUPPORT OF PLAINTIFFS' MOTION
FOR MOTION FOR FINAL APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT AND AWARD OF FEES,
COSTS, AND SERVICE PAYMENTS**

Date: December 13, 2024

Time: 8:30 a.m.

Trial Date: None set

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1. I am an attorney licensed to practice law in the State of California and am counsel of record for Plaintiff Juan Becerra in this action. I have personal knowledge of the facts set forth herein and, if called upon to testify, I could and would competently testify thereto.

3. I have practiced law since 2016, focusing primarily on wage and hour class actions and representative actions. I am a member of the California Employment Lawyers Association ("CELA") and remain in regular contact with other California attorneys who practice in the field of wage and hour class actions.

4. On June 21, 2021, my office filed the requisite PAGA notice with the LWDA. On August 31, 2021, Plaintiff Garcia filed his initial PAGA complaint against Defendants in Riverside County Superior Court, Case No. CVRI2103935 (the "Garcia Action"). On May 13, 2022, our co-counsel James Hawkins APLC filed a class action complaint on behalf of Plaintiff Howard Moore, Case No. CVRI2201916 (the "Moore Action"). On September 26, 2022, the cases were consolidated with the Garcia Action designated as the lead case.

5. For several months, the parties engaged in investigation and informal discovery. To facilitate settlement discussions, the parties exchanged information including time and pay data, with Defendants producing a random 10% sampling of timekeeping and payroll records for the total Class, as well as data regarding class size, terminated employees, rates of pay, and number of shifts, workweeks, and pay periods during the relevant periods.

6. On September 22, 2023, the parties participated in a full-day mediation with experienced mediator Hon. William C. Pate (Ret.). Through continued negotiations following mediation, on September 26, 2023, the parties agreed to settle the claims asserted for a Gross Settlement Amount of \$2,167,719.00. The settlement was the product of informed, arms-length negotiation between experienced counsel on both sides.

1 7. The Court granted preliminary approval of the settlement on August 23, 2024.
2 Subsequently, ILYM Group, Inc., the appointed Settlement Administrator, mailed notice to 1,212 Class
3 Members. To date, only four (4) Class Members have requested exclusion and no objections have been
4 received.

5 8. This matter has required significant attorney and staff time from my office. My firm uses
6 attorney billing software to contemporaneously record all time worked on this case. For each task
7 performed, I accounted for my time in 1/10th of an hour (6-minute) increments and included a brief
8 narrative description of the work performed. I did not engage in block billing.

9 9. To date, my firm has spent a total of 144.25 billable hours working on this matter. My
10 paralegal, Marietta Torres, spent a total of 18.97 hours, broken down as 10.1 hours on communication,
11 5.4 hours on drafting, 3.2 hours on discovery, and 0.27 hours on other activities, with an hourly rate of
12 \$175, amounting to \$3,319.75. I have spent a total of 125.28 hours on this matter, broken down as 40.2
13 hours on communication, 25.4 hours on drafting, 20.3 hours on review, 15.1 hours on research, and 24.28
14 hours on other activities, with an hourly rate of \$425, amounting to \$53,125.00. Therefore, the total
15 amount of attorneys' fees in this matter from my firm equals \$56,444.75. Additionally, my firm has
16 incurred costs of \$2,025.29 in prosecuting this action, including filing fees, service costs, and other
17 litigation expenses. A true and correct list of all expenses incurred in this matter is attached hereto as
18 **Exhibit A.**

19 10. The proposed maximum request for attorneys' fees of \$722,573.00 (33.33% of the Gross
20 Settlement Amount) and reimbursement of costs and expenses are reasonable considering the time and
21 expense expended achieving the substantial benefits for the Class. We achieved this result for the Class at
22 significant risk to ourselves of recovering no fee. We were aware that the only way we would be
23 compensated was to achieve a successful result.

24 11. One hundred percent of my firm's legal practice involves legal work that is on a
25 contingency fee basis. We would not have agreed to represent Plaintiff in this case on a contingency fee
26 basis if we were not confident that we would be awarded a contingency fee of approximately one-third of
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1 the potential recovery if we were successful in our efforts. The Class Notice makes clear that Plaintiffs
2 counsel will be requesting up to 33.33% of the gross settlement amount.

3 12. Based on my experience and participation in CELA, and my personal knowledge of the
4 practices of other California attorneys who file and prosecute wage and hour class actions, a percentage
5 of the recovery contingency fee of the type requested here is common in wage and hour actions, both
6 individual and class. Such a fee is necessary given the expenses and risk of wage and hour litigation.

7 13. The Court can determine at the final approval stage the exact amount of fees justified in
8 this case. I believe that the fees requested are fair and reasonable given the work performed, the risks
9 undertaken, and the results achieved for the Class.

10 14. Plaintiff Anthony Garcia has dedicated substantial time and effort to this case. He provided
11 relevant documents and past employment records, gave facts and evidence to support the allegations, was
12 available whenever needed by Class Counsel, and actively provided information to facilitate the pursuit
13 of class and PAGA claims. Mr. Garcia spent numerous hours speaking with Class Counsel, describing his
14 work experience with Defendant, gathering and reviewing documents and explaining the work conditions
15 since the litigation commenced.

16 15. This declaration is executed with the understanding that it will support the Court's
17 determination of the fairness of the settlement.

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19 I declare under penalty of perjury under the laws of the State of California that the foregoing is
20 true and correct. Executed November 19, 2024 in Culver City, CA

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23 Samy Harmoush, Esq.

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EXHIBIT A

Date	Rate	Expenses
5/8/21	\$1.00	L.A. Superior Court: Search for Case Number by Name
5/8/21	\$3.50	Sacramento Superior Court: 5 searches Fee
5/10/21	\$3.50	Riverside Court name searches Fee
5/11/21	\$1.50	Orange Couty Court Search-Pack (1 search)
6/21/21	\$75.00	PAGA Notice (LWDA letter) filing fee
6/24/21	\$8.70	USPS Tracking (9507 1065 6461 1175 3792 61, etc.)
9/1/21	\$1,512.00	SBSC Filing Inv #SNO-2021005692
9/7/21	\$145.00	10% Fee Advance Service Charge with Sano Attorney Service
9/28/21	\$7.00	Purchased copy of Notice of Case Management
9/28/21	\$1.00	Purchased copy of Notice of Department Assignment
9/30/21	\$31.00	Sano Atty Services #SNO-2021006418
9/30/21	\$66.00	Court Service Inv #SNO-2021006418
9/30/21	\$62.00	Sano Atty Services #SNO-2021006417
10/11/21	\$35.00	Sano Atty Services #SNO-2021006418 - File Documents
2/28/22	\$1.00	Riverside Superior Court - Purchase of 2 Orders
9/20/22	\$12.87	OneLegal Filing Fee #18942121
9/21/22	\$21.85	Court Filing Fee #EFM20220920-00064.1
9/21/22	\$37.37	OneLegal Filing Fee #18949992
12/5/22	\$12.87	OneLegal Filing Fee #19405429
Total	\$2,025.29	