

RICHARD E. QUINTILONE II (SBN 200995)
ANDREW H. HAAS (SBN 220236)
ALEJANDRO QUINONES (SBN 324244)

QUINTILONE & ASSOCIATES

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Attorneys for Plaintiff, ELFA CASTRO on behalf of herself and a Class of all others similarly situated

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE, CIVIL COMPLEX CENTER

ELFA CASTRO, an individual, on behalf
of herself, and on behalf of all persons
similarly situated,

Plaintiff,

vs.

BAYMONT INN & SUITES, an unknown
business entity; VIENNA CAPITAL, INC.,
an unknown business entity; WYNDHAM
HOTEL GROUP LLC; an unknown
business entity; XIANGJUN LI, an
individual, and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 30-2016-00840094-CU-OE-CXC

CLASS ACTION

Assigned for All Purposes to:

Honorable Peter Wilson

Dept. CX-102

**SUPPLEMENTAL DECLARATION OF
RICHARD E. QUINTILONE II, ESQ. IN
SUPPORT OF UNOPPOSED MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: October 17, 2019

Time: 2:00 p.m.

Dept.: CX102

Complaint Filed: March 1, 2016

FAC Filed: May 3, 2016

Trial Date: None set

1 **DECLARATION OF RICHARD E. QUINTILONE II**

2 I, Richard E. Quintilone II, hereby declare as follows:

3 1. I am an attorney duly licensed to practice law in all courts in the State of
4 California and am principal and founder of Quintilone & Associates, counsel for Plaintiff and
5 proposed Class Representative ELFA CASTRO (“Plaintiff”) against BAYMONT INN &
6 SUITES, an unknown business entity (“Baymont”), VIENNA CAPITAL, INC., an unknown
7 business entity (“Vienna”) (collectively “Defendants”), WYNDHAM HOTEL GROUP LLC
8 (“Wyndham”); an unknown business entity; XIANGJUN LI, an individual (“Li”), and DOES 1
9 through 100, inclusive, (collectively “Defendants”). I have participated in this case from the
10 beginning, and if called to testify, I could and would testify truthfully to the matters set forth in
11 this Declaration. This Declaration is based upon personal knowledge gained from representation
12 of Plaintiff since the inception of this matter. All the matters set forth herein are within my
13 personal knowledge, except those matters that are stated to be upon information and belief which
14 those I believe them to be true.

15 2. I submit this Declaration in support of Plaintiff’s Supplemental Brief in Support of
16 Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement.

17 3. The class currently consists of 94 members. The estimate of 75 was based on the
18 data presented prior to mediation and was the basis for the settlement in **September 2018**. After
19 the Court granted preliminary approval, Defendant sent a revised class list (per Court order) on
20 June 21, 2019, which included 95 class members. Apparently, while awaiting preliminary
21 approval on **June 13, 2019**, the class size grew by approximately 20 members. Nevertheless, the
22 settlement remains fair, adequate and reasonable even with 20 additional class members as the
23 settlement payments are based on the number of workweeks, and the new members should not
24 have a large number of workweeks so and would not substantially dilute the payments to the
25 original class members.

26 4. Since every class member is receiving a notice and a check, they are receiving
27 notice of the subsequent judgment which satisfies California Rule of Court 3.771(b). If the Court
28

1 requires, Counsel can provide further notice to the class of the judgment through a settlement
2 website operated by the claim administrator.

3 5. The Settlement was served on the LWDA on May 14, 2019, June 21, 2019. The
4 Court's September 12, 2019 tentative ruling was served on the LWDA on September 11, 2019.
5 The Moving papers and amendments were served on the LWDA on October 8, 2019. Attached as
6 **Exhibit A** are true and correct copies of the Proofs of Service on the LWDA.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct, and that this declaration is executed on **October 8, 2019** at **Lake**
9 **Forest, California.**

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RICHARD E. QUINTILONE, II

Exhibit A

PROOF OF SERVICE

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action. I am an employee of or agent for Quintilone & Associates, whose business address is 22974 El Toro Rd., Suite 100, Lake Forest, CA 92630-4961.

On **May 14, 2019**, I served the foregoing document(s):

PROPOSED SETTLEMENT AGREEMENT; AMENDMENT TO SETTLEMENT AGREEMENT; COURT’S MAY 1, 2019 TENTATIVE RULING; AND AMENDED CLASS NOTICE

on the following parties in this action addressed as follows:

SEE ATTACHED SERVICE LIST

(BY MAIL) I caused a true copy of each document, placed in a sealed envelope with postage fully paid, to be placed in the United States mail at Lake Forest, California. I am "readily familiar" with this firm's business practice for collection and processing of mail, that in the ordinary course of business said document(s) would be deposited with the U.S. Postal Service on that same day. I understand that the service shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on this affidavit.

(BY PERSONAL SERVICE) I delivered each such document by hand to each addressee above.

(BY OVERNIGHT DELIVERY) I caused a true copy of each document, placed in a sealed envelope with delivery fees provided for, to be deposited in a box regularly maintained by Federal Express or Overnight Express. I am readily familiar with this firm's practice for collection and processing of documents for overnight delivery and know that in the ordinary course of Quintilone & Associates' business practice the document(s) described above will be deposited in a box or other facility regularly maintained by Federal Express or Overnight Express or delivered to a courier or driver authorized by Federal Express or Overnight Express to receive documents on the same date it is placed at Quintilone & Associates for collection.

(BY FACSIMILE) By use of facsimile machine number 949.458.9679, I served a copy of the within document(s) on the above interested parties at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

(BY ELECTRONIC SERVICE) I delivered each such document by electronic means pursuant to California Civil Code, Code of Civil Procedure, the Local Rules and/or FRCP § 5(b)(2), et seq.

Executed on **May 14, 2019** at Lake Forest, California.

(FEDERAL) I declare under penalty of perjury that the above is true and correct.

(STATE) I declare under penalty of perjury that the above is true and correct.

[Signature]

ANDREW H. HAAS

SERVICE LIST

Department of Industrial Relations
Labor and Workforce Development Agency
Private Attorneys General Act (PAGA) Unit

Submitted through online Document
Submission Portal:
<https://dir.tfaforms.net/209>

Q&A Case No.: 15.01233

1 **PROOF OF SERVICE**

2 I, the undersigned, declare as follows:

3 I am a citizen of the United States, over the age of 18 years, and not a party to the within action. I am an
4 employee of or agent for Quintilone & Associates, whose business address is 22974 El Toro Rd., Suite 100,
Lake Forest, CA 92630-4961.

5 On **June 21, 2019**, I served the foregoing document(s):

6 **PROPOSED SETTLEMENT AGREEMENT; AMENDMENT TO SETTLEMENT**
7 **AGREEMENT; COURT'S MAY 1, 2019 TENTATIVE RULING; AND AMENDED**
8 **CLASS NOTICE**

on the following parties in this action addressed as follows:

9 **SEE ATTACHED SERVICE LIST**

10 _____ **(BY MAIL)** I caused a true copy of each document, placed in a sealed envelope with postage
11 fully paid, to be placed in the United States mail at Lake Forest, California. I am "readily
12 familiar" with this firm's business practice for collection and processing of mail, that in the
13 ordinary course of business said document(s) would be deposited with the U.S. Postal Service on
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date or postage meter date on the envelope is more than one day after the date of deposit for
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16 envelope with delivery fees provided for, to be deposited in a box regularly maintained by
17 Federal Express or Overnight Express. I am readily familiar with this firm's practice for
collection and processing of documents for overnight delivery and know that in the ordinary
18 course of Quintilone & Associates' business practice the document(s) described above will be
deposited in a box or other facility regularly maintained by Federal Express or Overnight Express
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documents on the same date it is placed at Quintilone & Associates for collection.

19 _____ **(BY FACSIMILE)** By use of facsimile machine number 949.458.9679, I served a copy of the
20 within document(s) on the above interested parties at the facsimile numbers listed above. The
transmission was reported as complete and without error. The transmission report was properly
21 issued by the transmitting facsimile machine.

22 X **(BY ELECTRONIC SERVICE)** I delivered each such document by electronic means pursuant to
California Civil Code, Code of Civil Procedure, the Local Rules and/or FRCP § 5(b)(2), et seq.

23 Executed on **June, 21 2019** at Lake Forest, California.

24 _____ **(FEDERAL)** I declare under penalty of perjury that the above is true and correct.

25 X **(STATE)** I declare under penalty of perjury that the above is true and correct.

26 

27 _____
28 ANDREW H. HAAS

SERVICE LIST

Department of Industrial Relations
Labor and Workforce Development Agency
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On **the date below**, I served the foregoing document(s):

**CASTRO VS BAYMONT INN & SUITES 2016-00840094 TENATIVE RULINGS ON
LAW & MOTION MATTERS, DEPT CX-102 JUDGE PETER J. WILSON**

on the following parties in this action addressed as follows:

SEE ATTACHED SERVICE LIST

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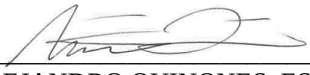
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___X___ **(BY ELECTRONIC SERVICE)** I delivered each such document by electronic means pursuant to California Civil Code, Code of Civil Procedure, the Local Rules and/or FRCP § 5(b)(2), et seq.

Executed on **September 11, 2019** at Lake Forest, California.

_____ **(FEDERAL)** I declare under penalty of perjury that the above is true and correct.

___X___ **(STATE)** I declare under penalty of perjury that the above is true and correct.


ALEJANDRO QUINONES, ESQ.

SERVICE LIST

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On **the date below**, I served the foregoing document(s):

**MOTION FOR FINAL APPROVAL, SUPPLEMENTAL BRIEF WITH REVISED
DECLARATIONS, REVISED PROPOSED ORDER**

on the following parties in this action addressed as follows:

SEE ATTACHED SERVICE LIST

_____ **(BY MAIL)** I caused a true copy of each document, placed in a sealed envelope with postage fully paid, to be placed in the United States mail at Lake Forest, California. I am "readily familiar" with this firm's business practice for collection and processing of mail, that in the ordinary course of business said document(s) would be deposited with the U.S. Postal Service on that same day. I understand that the service shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on this affidavit.

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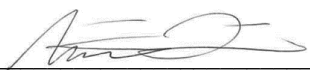
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___X___ **(BY ELECTRONIC SERVICE)** I delivered each such document by electronic means pursuant to California Civil Code, Code of Civil Procedure, the Local Rules and/or FRCP § 5(b)(2), et seq.

Executed on **October 8, 2019** at Lake Forest, California.

_____ **(FEDERAL)** I declare under penalty of perjury that the above is true and correct.

___X___ **(STATE)** I declare under penalty of perjury that the above is true and correct.


ALEJANDRO QUINONES, ESQ.

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SUPPLEMENTAL DECLARATION OF RICHARD E. QUINTILONE, ESQ.

SEE ATTACHED SERVICE LIST

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 X (STATE) I declare under penalty of perjury that the above is true and correct.

ANDREW H. HAAS

1 **SERVICE LIST**

2
3 Michael Murtaugh, Esq.
4 Matthew Johnson Esq.
5 Murtaugh Meyer Nelson & Treglia
6 2603 Main St 9th FL
7 Irvine, CA 92614
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11 mjohnson@murtaughlaw.com

12 Roger R Carter, Esq.
13 **The Carter Law Firm**
14 23 Corporate Plaza, Suite 150, Newport
15 Beach, CA 92660
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21 **Q&A Case No.: 15.01233**
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