

**JAMES HAWKINS APLC**

James R. Hawkins (SBN 192925)

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Attorneys for SOVATANA SAUT and  
JOHN HISATO NAKATANI individually  
and on behalf of all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

SOVATANA SAUT and JOHN HISATO  
NAKATANI, individually and on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

MCKESSON CORPORATION, a Delaware  
Corporation; and DOES 1-50, inclusive,

Defendants.

Case No. 22STCV28690

Assigned for All Purposes to:

Hon. Maureen Duffy Lewis

Dept.: 38

**DECLARATION OF CHRISTINA M.  
LUCIO IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION AND  
PAGA SETTLEMENT AGREEMENT,  
APPROVAL OF NOTICE TO CLASS  
MEMBERS, APPROVAL OF  
SETTLEMENT ADMINISTRATOR, AND  
SETTING HEARING FOR FINAL  
APPROVAL OF SETTLEMENT**

Date:

Time:

Complaint Filed: September 1, 2022

FAC Filed: August 29, 2024

Trial Date: None Set

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2 I, Christina M. Lucio, declare as follows:

3 1. I am an individual over the age of 18. I am Of Counsel to the Law Firm of James  
4 Hawkins, APLC. James Hawkins APLC are the attorneys of record for Plaintiffs SOVATANA  
5 SAUT AND JOHN HISATO NAKATANI (“Plaintiffs” or “Class Representatives”), who have filed  
6 this Class and PAGA Action on behalf of themselves and the proposed settlement class (the “Class”)  
7 and Aggrieved Employees in the above-captioned matter against Defendant MCKESSON  
8 CORPORATION (“Defendant” or “McKesson”) (with Plaintiff, the “Parties”). I have personal  
9 knowledge of the facts set forth below, and if called to testify regarding them, I could and would do  
10 so competently.

11 2. I submit this Declaration in support of Plaintiffs’ Motion for Preliminary Approval  
12 of Class Action and PAGA Settlement, Approval of Class Notice, Approval of Settlement  
13 Administrator and Setting Hearing for Final Approval of Settlement (the “Preliminary Approval  
14 Motion”), which is filed concurrently herewith, along with the Memorandum of Points and  
15 Authorities.

16 3. Given the realistic value of Plaintiffs’ claims as set forth in detail in the concurrently  
17 filed Declaration of James R. Hawkins in Support of Plaintiffs’ Motion for Preliminary Approval of  
18 Class Action and PAGA Settlement, we respectfully submit that the \$2,250,000.00 Settlement  
19 Amount is an excellent result for the Settlement Class and should be approved.

20 4. Preliminary approval is appropriate since the Settlement will provide significant  
21 monetary relief to the Settlement Class.

22 5. The Settlement was the product of extensive arm’s length negotiations between  
23 counsel and was facilitated by an experienced wage-and-hour class action mediator Steve J.  
24 Serratore over the course of a full-day mediation on February 13, 2024. Though cordial and  
25 professional, the Settlement negotiations were adversarial and non-collusive in nature. Though the  
26 Parties did not reach an agreement at mediation, a Mediator’s Proposal was issued that same day.  
27 The Mediator’s Proposal was accepted by the parties and memorialized in a Memorandum of  
28 Understanding (“MOU”), executed on April 4, 2024. Thereafter, the Parties negotiated, prepared,

1 and executed the long-form Settlement Agreement which they now present to the Court for approval.

2 6. The Settlement reached is the product of substantial effort by the Parties and their  
3 Counsel with the assistance of the Mediator. Although Plaintiffs and Class Counsel believe that they  
4 claims may be certified, they recognized the potential risk, expense, and complexity posed by the  
5 litigation, such as unfavorable decisions on class certification, summary judgment, at trial and/or on  
6 the damages awarded, and/or on an appeal that can take several more years to litigate. In addition,  
7 if Defendant had prevailed on its formidable defenses, the Settlement Class Members may not have  
8 received any recovery. On the other hand, this Settlement provides certain and substantial monetary  
9 recovery.

10 7. While the Parties dispute whether a class could be certified if the litigation were to  
11 continue, they agree, for the purposes of this settlement only, that the Class should be conditionally  
12 certified. Plaintiffs contend that the Class is subject to common Covid-19, minimum wage,  
13 overtime, meal period, rest period, wage statement, reimbursement, and final pay policies.

14 8. The Parties dispute whether Plaintiffs' claims are typical of the Class for the  
15 purposes of any continued litigation of the Action, but agree for the purposes of this settlement  
16 only, that Plaintiffs' claims meet the typicality requirement. Plaintiffs assert claims regarding  
17 Defendant's compensation, break, reimbursement, final pay, and wage statement policies and  
18 practices at the core of the lawsuit and they contend that the violations they suffered and the  
19 remedies sought are typical of the class.

20 9. Based on our experience in other wage and hour cases, we are qualified to evaluate  
21 the class claims and viability of defenses in this class action. In this case, the recovery for each  
22 Settlement Class Member is reasonable, fair and adequate, and a settlement at this time on the terms  
23 set forth in the Settlement Agreement is in the best interest of the Settlement Class. The Settlement  
24 provides each Settlement Class Member with substantial compensation for the alleged violations  
25 when viewed in relation to the costs and risks inherent in obtaining class certification and proceeding  
26 to trial.

27 10. I endorse the terms and conditions of the Settlement as set forth in the  
28 abovementioned Settlement Agreement.

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2 **Plaintiff's Counsel Is Experienced in Wage and Hour Litigation**

3 11. In 2003, I graduated magna cum laude from the University of California, Riverside  
4 with a Bachelor of Arts Degree. Following graduation, I attended the University of Southern  
5 California, Gould School of Law (USC Law School). At various points during law school, I worked  
6 with the USC Post-Conviction Justice Project, the Western Center for Disability Rights and the  
7 Barrister's Domestic Violence Clinic. During the Summer of 2005, I was a law clerk for the Law  
8 Offices of Bruce Austin (Safeco Insurance). In 2007, while a full-time law student, I was also a  
9 Judicial Extern for the Honorable Sandra Ikuta, United States Court of Appeals, Ninth Circuit.  
10 Thereafter, in 2007, I graduated from the USC Law School. The same year, I was admitted to  
11 practice law in the State of California.

12 12. Since I was admitted to practice law, I have litigated a wide variety of matters on  
13 both the plaintiff and defense side. Much of my early experience involved the litigation of general  
14 business and labor & employment matters on an individual and class-wide basis. I assisted with the  
15 representation of both employers and employees in various capacities, and assisted employers on  
16 issues related to compliance with employment laws.

17 13. Since 2012, my work has largely been focused on individual employment litigation  
18 and complex wage and hour class actions and representative action. In my practice as a class action  
19 plaintiffs' attorney, I have been involved in litigating, mediating and settling numerous wage and  
20 hour class actions dealing with class sizes ranging from several hundred to over 18,000 class  
21 members. I have been involved in obtaining settlements ranging up to eight figure settlements.

22 14. Since 2015, in addition to maintaining my own law practice, I have also been Of  
23 Counsel to the law firm of James Hawkins APLC.

24 15. I have successfully litigated dozens of class and PAGA actions with James Hawkins  
25 APLC as one of the counsels of record, including without limitation:

26 a. *Smith v. Space Exploration Technologies Corp.*, Los Angeles Superior Court, Case  
27 No. BC55429;

28 b. *Placencia v. Amcor Packaging Distribution, Inc.*, Orange County Superior Court,

Case No. 30-2013-00694012-CU-OE-CXC;

c. *Trani v. Lisi Aerospace, et al.*, Los Angeles Superior Court, Case No. BC495527;

d. *Galvan v. Goodwin Co.*, Orange County Superior Court, Case No. 30-2013-00637062-CU-OE-CXC;

e. *Reyes v. Bristol Fiberlite*, Orange County Superior Court, Case No. 30-2013-00653425-CU-OE-CXC;

f. *Gutierrez v. HMT Tank*, USDC Central Dist., Case No. CV14-1967-CAS(MANx);

g. *Williams v. Il Fornaio America Corp.*, Sacramento County, 34-2011-0009616;

h. *Aguilar v. 7-Eleven, Inc.*, Orange County, Case No. 30-2009-002687141-CU-OE-CXC;

i. *Madrigal v. Huntington Beach Market Broiler, Inc.*, Orange County, Case No. 30-2012-00611260;

j. *Vang v. Jazz Semiconductor, Inc.*, Orange County, Case no. 30-2011-00460278;

k. *Vigueras v. Red Robin, Intl.*, C.D. Cal. Case No. 8:17-cv-01422-JVS (DFMx);

l. *Mendez v. Liberty Glass Fabricators, Inc.*, Riverside County Case No. RIC1800119;

m. *Aguilar v. LDI Mechanical, Inc.*, Riverside County Case No. RIC1610019.

16. I was also lead trial counsel in a federal court jury trial in a wage and hour class action, which resulted in an \$8.5 million settlement. *Vigueras v. Red Robin Int'l*, No. SACV 17-1422 JVS (DFMx), 2020 U.S. Dist. LEXIS 262135 (C.D. Cal. Dec. 2, 2020).

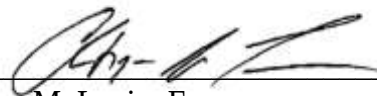
17. I am currently litigating at least thirty other wage and hour class and PAGA actions in State and Federal courts in the state of California.

18. Based on my experience, I believe that I am qualified to evaluate the strength of the claims and viability of the defenses raised by the Parties. Based on the history of this case and given our firm's extensive experience as class and representative action employment and wage and hour litigators, it is my view that the settlement is fair, reasonable, and adequate, and in the best interest of the Class.

19. I have no conflicts of interest with the Class Representatives. I am not related to the Class Representatives. I have not previously represented Defendant in any matter.

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2 I declare under penalty of perjury that the foregoing is true and correct.  
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4 Executed on September 3, 2024 in Encinitas, California.  
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Christina M. Lucio, Esq.  
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# Journal Technologies Court Portal

## Make a Reservation

SOVATANA SAUT, INDIVIDUALLY AND ON BEHALF OF THEMSELVES AND ALL OTHERS  
SIMILARLY SITUATED, et al. vs MCKESSON CORPORATION, A DELAWARE CORPORATION

Case Number: 22STCV28690 Case Type: Civil Unlimited Category: Other Employment Complaint Case  
Date Filed: 2022-09-01 Location: Stanley Mosk Courthouse - Department 38

### Reservation

Case Name:

SOVATANA SAUT, INDIVIDUALLY AND ON BEHALF  
OF THEMSELVES AND ALL OTHERS SIMILARLY  
SITUATED, et al. vs MCKESSON CORPORATION, A  
DELAWARE CORPORATION

Case Number:

22STCV28690

Type:

Motion re: (Motion for Preliminary Approval )

Status:

RESERVED

Filing Party:

SOVATANA SAUT, individually and on behalf of  
themselves and all others similarly situated (Plaintiff)

Location:

Stanley Mosk Courthouse - Department 38

Date/Time:

10/11/2024 9:30 AM

Number of Motions:

1

Reservation ID:

796399044398

Confirmation Code:

CR-CZ9L5GWZT8UFAMQSY

### Fees

| Description                 | Fee  | Qty | Amount |
|-----------------------------|------|-----|--------|
| Motion re: (name extension) | 0.00 | 1   | 0.00   |

Chat

| Description | Fee | Qty | Amount |
|-------------|-----|-----|--------|
| TOTAL       |     |     | \$0.00 |

|                        |                       |
|------------------------|-----------------------|
| Payment                |                       |
| Amount:<br>\$0.00      | Type:<br>NOFEE        |
| Account Number:<br>n/a | Authorization:<br>n/a |
| Payment Date:<br>n/a   |                       |

 Print Receipt

 [Reserve Another Hearing](#)