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Attorneys for Plaintiffs, the Class and Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MONTEREY**

MELISSA HEBDON, on behalf of herself
and all similarly aggrieved employees,

Plaintiff,

v.

MISSION HEALTHCARE SERVICES,
LLC; HEALTHY LIVING NETWORK
RESOURCES, LLC; HEALTHY LIVING
AT HOME - MONTEREY, LLC; and DOES
1 through 50, inclusive,

Defendants.

Case No.: 22CV000226

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

Date: October 11, 2024
Time: 8:30 a.m.
Dept.: 14

1 I, B. James Fitzpatrick, declare as follows:

2 1. I am an attorney duly admitted to practice in the State of California and am a
3 partner in the law firm of Fitzpatrick & Swanston, counsel of record for Plaintiffs Melissa
4 Hebdon and Annette Lewis (collectively "Plaintiffs"). I have personal knowledge of the facts
5 set forth below and if called to testify I could and would do so competently.

6 2. Based on my own independent investigation and evaluation, I am of the opinion
7 that settlement for the consideration and on the terms set forth in the Joint Stipulation of Class
8 and Representative Action Settlement ("Settlement Agreement") is fair, reasonable, and
9 adequate and is in the best interests of the Class, in light of all known facts and circumstances
10 and the expenses and risks inherent in litigation.

11 3. I have spent significant time researching and pursuing the claims that have been
12 alleged in this action. From the inception of the case, Class Counsel have zealously
13 represented the interests of the Class. Class Counsel have engaged in significant meet and
14 confer discussions with opposing counsel to obtain informal data and documents and to
15 discuss the merits of the claims on behalf of the Class. This settlement was obtained for the
16 benefit of the Class, as opposed to the individual Class Representatives. Based on my review
17 of all the documents and information, and based on my experience in class action litigation, I
18 believe this settlement to be fair, adequate, and reasonable.

19 4. I am one of the primary attorneys on this matter. My qualifications are as
20 follows: I received my bachelor's degree from the University of California, Santa Barbara and
21 my Juris Doctor degree from the University of Santa Clara School of Law. I have practiced
22 law since 1987. The primary emphasis of my practice is employment litigation. I have
23 represented both employers and employees. Over 15 years ago, my office commenced
24 handling plaintiff class action wage and hour cases. Since then, my office has handled
25 hundreds of wage and hour cases to conclusion and has been class counsel and/or co-counsel
26 in over 100 class actions. My firm currently has wage and hour cases in Alameda County
27 Superior Court, Monterey County Superior Court, Nevada County Superior Court, Santa Clara
28 Superior Court, San Benito Superior Court, San Bernardino County Superior Court, San

1 Joaquin County Superior Court Santa Cruz Superior Court, Ventura County Superior Court,
2 and the United States District Courts for the Eastern and Northern District of California.

3 5. I do not have a conflict of interest with Plaintiff or the Class Members. My co-
4 counsel and I will adequately represent the Class Members in this action. Co-Counsel and I
5 have and will zealously represent Plaintiff and the Class and pursue this lawsuit to its
6 conclusion.

7 6. Neither counsel nor their respective firms have any relationship with the
8 proposed *cy pres* recipient that would create an actual or potential conflict of interest. Defense
9 counsel and I further agree that the California State Bar's Justice Gap Fund satisfies the
10 legislative intent set out in Code of Civil Procedure § 384(a).

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct and if called as a witness I could and would competently testify to
13 each of the matters stated herein, and I state that these matters are based upon my own
14 personal knowledge acquired through first-hand observation, except where stated otherwise.
15 This declaration was executed by me on September 13, 2024, in Salinas, California.

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18 B. James Fitzpatrick
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