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Attorneys for Plaintiff Michael Bravo and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

MICHAEL BRAVO, individually and on
behalf of others similarly situated,

Plaintiff,

vs.

MICHELS PACIFIC ENERGY, INC., a
Delaware corporation; and DOES 1 through
25, inclusive,

Defendants.

Case No. 22CV403427

Honorable Theodore C. Zayner
Department 19

**DECLARATION OF MIRIAM L. SCHIMMEL
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS ACTION
AND PAGA SETTLEMENT, ATTORNEYS'
FEES AND COSTS, ENHANCEMENT
PAYMENT, AND SETTLEMENT
ADMINISTRATION COSTS**

Date: September 25, 2024
Time: 1:30 p.m.
Dept: 19

Complaint Filed: September 26, 2022
FAC Filed: November 28, 2022
Trial Date: Not Set

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1 responded to discovery; prepared and opposed a wide variety of motions and pleadings, including
2 dispositive and certification motions, as well as settlement approval motions; strategized on all cases;
3 participated in and directed communication with class members; attended hearings; led and
4 participated in mediations; coordinated with class action administrators; prepared and worked with
5 experts; and engaged in all other related aspects of litigation in state, federal, complex, and appellate
6 courts.

7 6. I joined Blackstone in June 2022, following ten years of working with two well-known
8 plaintiff-side wage and hour law firms in Los Angeles. My billable rate is \$1,050. This is well within
9 the prevailing rate for attorneys with my experience in my area of practice in Southern California.

10 7. The attorneys at Blackstone possess combined extensive experience litigating wage and
11 hour and other complex litigation matters. In that regard, I refer first to the Declaration of Jonathan
12 M. Genish filed concurrently with the motion for final approval as evidence of his experience and
13 credentials in support of this matter. His billable rate is \$1,150.

14 8. Joana Fang is a highly skilled eight-year lawyer who is part of the team at Blackstone
15 that litigated this matter. She is a 2015 graduate of Loyola Law School, and a 2011 graduate of
16 University of California, Berkeley where she was a double major in Legal Studies and Media Studies.
17 Since passing the Bar, Ms. Fang has exclusively represented plaintiffs in wage and hour litigation, as
18 well as catastrophic injury complex litigation. Her hourly rate of \$750 is reasonable based on her
19 education and experience and is in line with the market rate.

20 9. Alexandra Rose joined Blackstone from a highly reputable employment law firm. She
21 graduated from the University of California, Los Angeles with a Bachelor of Arts degree in 2016 and
22 from New England Law | Boston with a Juris Doctor degree in 2019. She was admitted to the State
23 Bar of California in December of 2019. Her hourly rate of \$695 is reasonable based on her education
24 and experience and is in line with the market rate.

25 10. Blackstone has spent approximately 256.50 total hours litigating this matter. To date,
26 our total fees incurred amount to \$229,093. Each attorney who worked on this matter engaged in a
27 multitude of tasks including communicating with the client and defense counsel; investigating the facts
28 and researching applicable legal issues; drafting pleadings; reviewing documents; preparing for and

attending mediation; and facilitating the settlement by drafting the settlement documents and documents for obtaining settlement approval. A summary of Blackstone's lodestar for each attorney who worked on this case is as follows:

<u>Attorney</u>	<u>Position</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Jonathan M. Genish	Managing Partner	43.80	\$1,150	\$50,370
Miriam L. Schimmel	Senior Counsel	73.60	\$1,050	\$77,280
Joana Fang	Senior Associate	86.70	\$750	\$65,025
Alexandra Rose	Associate	52.40	\$695	\$36,418

11. We expect to spend an additional 10 hours (\$10,500) in connection with finalizing the motion for final approval and supporting documents, preparing for and attending the Final Approval Hearing, and managing the Settlement through its conclusion, including anticipated communications with defense counsel, the Settlement Administrator, our client, and Class Members. Based thereon, the total amount of Blackstone's fees through closure of this case are estimated to be approximately \$239,593.

12. One difficulty in determining the hourly rate of attorneys of similar skill and experience in the relevant community is the scarcity of hourly fee-paying clients in class action litigation. As a practical matter, few if any employees or consumers pay attorneys' fees on an hourly basis for such extensive litigation, and thus retainer agreements in such cases are based on a stepped-up contingency fee (with the percentage increasing from one third to forty-five – and sometimes even fifty percent, which is on par with personal injury contingency fee agreements – if the case goes to trial). Therefore, there is no customary hourly billing rate for work that is routinely based on a contingent fee relationship, but the nature of class action work should be strongly considered by the Court. Wage and hour work presents a specialized and challenging area of law that is not within the knowledge of many lawyers. This kind of class action work requires specialized learning and the willingness to take large risks.

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13. As with all contingency cases, I understand that my firm had to consider its workload when agreeing to pursue this litigation. Specifically, the firm had to be mindful of its attorneys' caseload when it took on this matter, as well as consider this matter when contemplating taking on additional work that was available. Blackstone cannot accept all potential wage and hour matters on behalf of potential clients and has to balance the matters it accepts and declines in light of its caseload when new matters are presented.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 3, 2024, at Beverly Hills, California.

Miriam L. Schimmel
Miriam L. Schimmel