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Attorneys for Plaintiffs and the proposed class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KINGS

JAIME SANTIAGO VASQUEZ; ANTONIA
BLANCO; GRACIELA BLANCO; ELOISA
CASTRO; TOMAS CERVANTES AKA
GUADALUPE CERVANTES; as individuals,
on behalf of themselves and others similarly
situated,

PLAINTIFFS,

v.

PJ FARM LABOR, INC.; CLARKLIND
FARMS; FORTUNE & SONS INC.; AND
MATTOS AND SONS DAIRY; and DOES 1
thru 50, inclusive,

DEFENDANTS.

CASE NO. 22C-0382

[Case Assigned for All Purposes to Hon.
Valeria R. Chrissakis in Dept. 8]

**DECLARATION OF MARIO MARTINEZ
IN SUPPORT OF FINAL APPROVAL OF
CLASS SETTLEMENT AND
ATTORNEYS' FEES AND COSTS**

Date: July 17, 2024
Time: 8:15 AM
Dept.: 8

Complaint Filed: October 28, 2022
FAC Filed: January 6, 2023
Trial Date: None Set

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DECLARATION OF MARIO MARTINEZ

I, MARIO MARTINEZ, declare as follows:

1. I am an attorney licensed to practice before all of the courts of the State of California. I am a partner in the law firm of Martinez Aguila-socho Law, Inc. and an attorney of record for Plaintiffs and the Settlement Class in the above-entitled action. I have personal knowledge of the facts set forth herein, and if called upon as a witness, I could and would testify competently thereto.

COUNSEL’S EXPERIENCE AND QUALIFICATIONS

2. I graduated from UC Berkeley School of Law and have been a licensed California attorney since 1999. I am admitted to the United States District Courts in the Central, Eastern, Southern, and Northern Districts of California, to the United States Courts of Appeals for the Fourth Circuit, Eighth Circuit, Ninth Circuit, and Tenth Circuit and the U.S. Supreme Court. I have significant experience representing farmworkers in State and Federal courts. I worked with Marcos Camacho, A Law Corporation, beginning in 1998, after being awarded a two-year post-graduate fellowship from Equal Justice, until March, 2015, at which point I formed Martinez Aguila-socho & Lynch, A Professional Law Corporation, now Martinez Aguila-socho Law, Inc. (“MAL”) with my partner and counsel on this case, Edgar Aguila-socho. I am fluent in Spanish and grew up working in the grape fields as a child, so I have a unique appreciation for the work performed by our clients who work in the fields. This experience has allowed me to be able to quickly investigate and develop claims, and to effectively communicate with class representatives and class members regarding lawsuits.
3. In my 20 plus years of practicing law, I have been engaged in the representation of low-income farm workers and other low-income wage earners in complex class actions in state and federal courts in California. My partners, associates and I have represented low wage earners in some capacity in virtually every agricultural industry in California, as well as in Florida, Washington, Oregon, New York, and other states, including representing workers

1 performing work in the following agricultural industries: table grape, wine grape,
2 strawberry, raspberry, mushroom, citrus, tree fruit, flower, apple, artichoke, lettuce,
3 broccoli, and other vegetables. I also serve as General Counsel for the United Farm
4 Workers of America (“UFW”) on matters affecting UFW, including labor and
5 employment issues. I have argued numerous cases in the courts of appeal and argued two
6 cases before the California Supreme Court on the same day, achieving a unanimous
7 decision on behalf of the UFW in both of those cases – *Gerawan Farming, Inc. v.*
8 *Agricultural Labor Relations Bd.* 3 Cal.5th 1118 (2017); *Tri-Fanucchi Farms v.*
9 *Agricultural Labor Relations Bd.* 3 Cal.5th 1161 (2017).

- 10 4. As MAL’s primary practice is labor and employment law, we focus on representing non-
11 English speaking farm workers from Mexico and other countries, in wage and hour
12 employment cases, sexual harassment cases, employment discrimination cases, and labor
13 organizing matters. The lawyers in our firm have substantial experience representing
14 employees in class action and representational lawsuits to enforce statutory rights under
15 both federal and state wage and hour laws, as well as fair employment practice laws such
16 as Title VII of the Civil Rights Act of 1964, and the Migrant and Seasonal Agricultural
17 Worker Protection Act.
- 18 5. In addition to my hours, my office billed for attorney Edgar Aguila-socho. Edgar
19 Aguila-socho, a graduate of UC Irvine School of Law, is a founding partner of our law firm
20 and was admitted to the California Bar in December 2012. Mr. Aguila-socho is admitted to
21 the United States District Courts in the Eastern and Northern Districts of California, the
22 Eastern District of Washington, the United States Court of Appeals for the Ninth Circuit,
23 and the States of California and Washington, and has significant experience in class action
24 and PAGA wage and hour cases in state and federal courts. Mr. Aguila-socho is also fluent
25 in Spanish which helps him effectively communicate with class representatives and class
26 members regarding lawsuits. Mr. Aguila-socho has argued cases in the courts of appeal,
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1 including before the United States Court of Appeals for the Ninth Circuit in the case of
2 *Martínez-Rodríguez v. Giles* (9th Cir. 2022) 31 F.4th 1139.

- 3
4 6. My office also billed hours for numerous support staff, which includes paralegals and
5 investigators (Lizbeth Valdez, Aida Sotelo, Lissbeth Prieto, Amanda Muñoz, Joanna
6 Guillen, Johany Barragan, and Eulogio Donato). The paralegals and investigators were
7 instrumental in finding class members, assisting with organizing meetings with class
8 members, analyzing voluminous pay and time records, inputting data into charts,
9 gathering intakes, answering calls and text messages from class members, and otherwise
10 assisting the attorneys as needed.

11 **Challenges In Representing Farmworkers**

- 12 7. It is extremely difficult for farmworkers in rural areas in California to obtain legal
13 representation on legal matters, and specifically in matters related to wage and hour
14 violations. Most farmworkers live in remote agricultural areas or other economically
15 underprivileged areas. Most only speak Spanish or other languages indigenous to Latin
16 America, and many attorneys do not want to travel to these areas to take on cases
17 involving farmworkers. In addition, farmworkers often move residences, change jobs,
18 periodically travel in and out of the state and country, and frequently change their
19 telephone numbers, all of which make it challenging to maintain communication with
20 attorneys even after cases have been filed. Moreover, legal services organizations such as
21 California Rural Legal Assistance (“CRLA”) and many of the few legal service
22 organizations that do serve farmworkers are prohibited by federal law from representing
23 farmworkers or undocumented individuals in class actions such as these. MAL is one of
24 the few law firms in California and the West coast dedicated to representing farmworkers
25 on wage and hour issues. Though based in the San Joaquin Valley, we have developed
26 institutional practices and systems that allow us to represent farmworkers on cases like the
27 instant case throughout the State of California and in other states. The attorneys in MAL
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are uniquely experienced in communicating with farmworkers, identifying violations and seeking full compensation and restitution for employment violations.

8. The following is a list of notable class actions where the courts appointed attorneys in our law firm as class counsel:

- *Sanchez, et al. v. Sea Mist Farms, et al.*, California Superior Court, County of Monterey, Case No. M 56954 [successfully represented class of hundreds of artichoke workers employed by the biggest artichoke company in the world, for the employer’s failure to properly compensate workers for travel time and other “off-the-clock” work];
- *Olivo v. Fresh Harvest, et al.*, United States District Court, Southern District of California, Case No. 17-cv-02153-L-WVG [successfully litigated a PAGA action, affecting over 500 lettuce harvest workers in the Imperial Valley region who were not compensated for waiting time and travel time on company buses from Calexico to and from fields in California and Arizona; resulting in a settlement of \$1 million dollars];
- *Medrano, et al. v. D’Arrigo Brothers Company of California*, United States District Court, Northern District of California, San Jose Division, Case No. C-00-2-2-826-JF-RS [successfully represented a class of more than 3,000 vegetable workers who were not compensated for their mandatory travel time on company buses to and from fields];
- *Aguilar, et al. v. Central Valley Meat Co.*, California Superior Court, County of Kings, Case No. 00C 1915 [successfully represented a class of approximately 300 meat factory workers for various violations of wage and hour laws];
- *Ramirez, et al. v. Guy Chaddock, et al. and Lomeli, et al. v Guy Chaddock and Co.*, California Superior Court, County of Kern, Case No. S-1500-CV-250899 RJA [successfully represented a class of approximately 500 workers over numerous violations of wage and hour laws, including failure to provide “meal periods” under California law, and in a consolidated case, represented more than 190 worker for claims under the Worker Adjustment and Retraining Notification Act (WARN Act)];

- 1 • *Gutierrez, et al. v. Kovacevich “5” Farms, et al.*, United States District Court, Eastern
2 District of California, Case No. CIV-F-04-5515 OWW DLB [successfully represented a
3 class of approximately 500 table grape workers for violations of wage and hour laws;
4 where class members received five times the actual damages figure, which was pointed
5 out by the judge in his order as “a significant victory for the Class”];
- 6 • *EEOC v. Kovacevich “5” Farms*, United States District Court, Eastern District of
7 California Case No. 1:05-CV-00165 OWW TAG [successfully litigated to settlement and
8 consent decree a Title VII sexual harassment and national origin discrimination case on
9 behalf of group of farmworkers];
- 10 • *Rojas, et al. v. Sunview Vineyards of California, Inc.*, United States District Court, Eastern
11 District of California, Case No. 1:05-cv-01600-AWI-SMS [successfully litigated and
12 settled class action representing over 10,000 grape vineyard workers for violations of
13 wage and hour laws, including for failure to compensate employees for piece rate
14 minimum wage violations, for over \$4 million dollars];
- 15 • *Sabas Arredondo, et al. v. Delano Farms Co., et al.*, United States District Court, Eastern
16 District of California, Case No. 1:09-CV-01247 LJO DLB [successfully represented a
17 class of over 26,000 agricultural workers for wage and hour violations, including failing to
18 pay unrecorded pre-shift and post-shift work, failing to compensate for piece-rate rest
19 periods, and not reimbursing employees for tool purchases; resulting in a settlement of \$6
20 million];
- 21 • *Castrejon v. Western Horticultural, Inc.*, Kern County Superior Court, Case No. S-1500-
22 CV-271839 [successfully litigated class action judgment of \$613,000 for unpaid vacation
23 time and failure to comply with WARN Act involving approximately 70 nursery
24 employees];
- 25 • *EEOC v. Giumarra Vineyards, Corp.*, United States District Court, Eastern District of
26 California, Case No. 1:09-CV-2255-OWW SKO [successfully litigated to settlement and
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1 consent decree a Title VII sexual harassment and national origin discrimination case on
2 behalf of group of farmworkers];

- 3 • *Valenzuela/Munoz, et. al v. Giumarra Vineyards Corporation*, Case No. 1:05-cv-01600-
4 AWI-SMS (E.D. Cal) [successfully represented over 10,000 grape vineyard workers for
5 violations of wage and hour laws, including for failure to compensate employees for “off-
6 the clock” work and for failing to provide timely meal periods];
- 7 • *Juan Luis Alcantar v. Larse Farms, Inc.*, Santa Cruz County Superior Court, Case No.
8 CV182530 [successfully represented a class of approximately 3,500 agricultural
9 employees for numerous wage and hour violations by the employer, including for unpaid
10 piece-rate rest periods involving a large berry grower in Santa Cruz County].
- 11 • *Marquez Amaro v. Gerawan Farming, Inc.*, United States District Court, Eastern District
12 of California, Case No. 1:14-cv-00147-AWI-SAB [successfully represented a class of
13 approximately 6,000 farmworkers for various wage and hour violations by the employer,
14 including unpaid piece rate rest periods and minimum wage violations by Gerawan
15 Farming, one of the largest tree fruit and table grape growers in the country, located in
16 Kings County, for a settlement of \$5 million].
- 17 • *Zeferino et al. v. The Wonderful Co., LLC et al.*, Kern County Superior Court Case No.
18 BCV-20-100746 [successfully litigated to settlement a class action settlement of \$7.325
19 million for class of approximately 40,000 field workers for wage and hour violations,
20 including rest period, meal period, and minimum wage violations similar to those alleged
21 in this case].
- 22 • *Aldapa et al. v. Fowler Packing Company, Inc. et al.*, Eastern District of California Case
23 No. 1:15-cv-00420-ADA-SAB. [successfully litigated to settlement a class action
24 settlement of \$7.875 million for class of approximately 20,500 field workers for wage and
25 hour violations, including rest period, meal period, and minimum wage violations similar
26 to those alleged in this case].

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CURRENT WORK ON THE CASE

9. I was the primary attorney for MAL coordinating the fact gathering and interviewing of class members to investigate the class claims, gathering of pay and time records, and researching and preparing the drafting the complaint and first amended complains in this matter. I was also primarily responsible for coordinating work with our co-counsel, Kingsley Szamet & Ly on this case.
10. I, attorney Edgar Aguila-socho, and support staff, spent many hours traveling to the Kings County area, meeting with class members, reviewing pay stubs, taking notes, and drafting detailed intakes for filing of the complaint and amendments. In addition, we frequently traveled to the Kings County area after the complaint was filed to inform class members of the status of the case and to communicate with lead plaintiffs about settlement discussions. This class had an active group who actively participated in the case and assisted counsel. I, other attorneys, and our support staff have also spent time communicating with class members after settlement to ensure they understand the settlement, the settlement rights, and the timeline for the settlement.
11. Our law firm utilizes “Clio,” a web-based time tracking system to contemporaneously track all attorney and staff time spent on this case. Based on the firm’s operating practices, time spent on a case is generally tracked the same day worked, or within the week work is performed. Based on my review of the Clio summary report for all attorneys, paralegals, and investigators that worked on this case, our records show our time on this case as follows:

	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
Attorney Mario Martinez:	60.7 Hours	\$1,000	\$60,700
Attorney Edgar Aguila-socho	40.8 Hours	\$800	\$32,640
Paralegal Aida Sotelo:	4.9 Hours	\$225	\$1,102.50
Paralegal Amanda Munoz	0.8 Hours	\$225	\$180
Paralegal Joanna Guillen	15.3 Hours	\$225	\$3,442.50
Investigator Lizbeth Valdez:	74.5 Hours	\$150	\$11,175
Investigator Eulogio Donato	33.5 Hours	\$150	\$5,025
Case Manager Lissbeth Prieto	24.8 Hours	\$150	\$3,720

Exec. Assistant Johany Barragan 1.5 Hours \$100 \$150

Total hours: 256.8 Total: \$118,135

Rates similar (but slightly lower) for us were approved as “fair and reasonable” by the federal court in Fresno in the matter of *Aldapa et al. v. Fowler Packing Co. et al.* (Eastern District of California Case No. 1:15-cv-00420-ADA-SAB) on a Motion for Fees and Costs filed by us in February, 2023, about 16 months ago, on a wage and hour class action involving farmworkers.¹

Counsel anticipates counsel and staff expending approximately 30 – 40 additional hours after this motion is filed, including hours to ensure proper administration, time for the Final Approval Motion and hearing, and time to respond to class member concerns – although counsel does not anticipate being paid more than what is being requested herein.

12. We are requesting the above billing rates as a proper crosscheck for the requested fee award for our work on this based on a downward adjustment to the *Laffey* matrix. The *Laffey* matrix is an objective source for establishing market-based rates nationwide. It has been adopted by numerous courts, including California courts. *See, e.g., HPL Technologies, Inc. Securities Litigation* (N.D. Cal. 2005) 366 F.Supp.2d 912, 921 (“One well-established objective source for rates that vary by experience is the *Laffey* matrix ...”). A strict application of the *Laffey* matrix to our work would yield an hourly rate for me of \$1,057 per hour, \$878 per hour for Edgar Aguila-socho, and for paralegals a rate of \$239 per hour. This would yield a lodestar crosscheck for our firm of \$125,131.30.² Counsel is requesting lower rates for lodestar cross-check purposes to

¹ Counsel Martinez’ lodestar rate submitted 16 months ago was \$900 per hour and Counsel Aguila-socho’s rate submitted 16 months ago was \$600 per hour. The other rates identified herein are similar to the rates submitted 16 months in *Aldapa* for support staff, with slight increases in the instant motion.

²	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
Attorney Mario Martinez:	60.7 Hours	\$1,057	\$64,159.90
Attorney Edgar Aguila-socho	40.8 Hours	\$878	\$35,882.40
Paralegal Aida Sotelo:	4.9 Hours	\$239	\$1,171.10
Paralegal Amanda Munoz	0.8 Hours	\$239	\$191.20
Paralegal Joanna Guillen	15.3 Hours	\$239	\$3,656.70
Investigator Lizbeth Valdez:	74.5 Hours	\$150	\$11,175
Investigator Eulogio Donato	33.5 Hours	\$150	\$5,025

1 account for any potential difference in market rates in Kings County versus larger
2 metropolitan areas, although we note that the Court in *Aldapa* in Fresno County approved
3 similar rates for us as “fair and reasonable” on a class action 16 months ago. Given the
4 number of hours invested into the case, Plaintiffs’ request for 1/3 of the common fund is
5 justified and reasonable.

- 6 13. Our firm also incurred costs in the amount of \$551.51. To date, MAL incurred costs for
7 travel for meetings with class members. These costs were necessarily incurred in the
8 course of this litigation, and all costs advanced have already been paid by Class Counsel.

9 **CLASS REPRESENTATIVE ENHANCEMENT AWARD**

- 10 14. Plaintiffs’ Counsel request an enhancement of \$5,000.00 each for Plaintiffs Jaime
11 Santiago Vasquez, Antonia Blanco, Graciela Blanco, Eloisa Castro, and Tomas Cervantes
12 for their substantial work on behalf of the Class. The time spent by Plaintiff was
13 significant and is detailed in the Plaintiff declarations filed herewith. Moreover, as set
14 forth in the Settlement, Plaintiffs will also be entering into a general release of liability
15 pursuant to Civil Code Section 1542. Class Counsel considers this to be a fair and
16 reasonable enhancement. The enhancement takes into consideration the time, effort, risk
17 and expense incurred by Plaintiffs in coming forward to litigate this matter on behalf of
18 all Class Members. Additionally, the Plaintiffs were at risk for paying for Defendants’
19 legal fees and costs in the event that Defendants prevailed at trial, and, as described
20 below, Plaintiff farmworkers that sue their employers are at risk of being black-listed in
21 small agricultural communities, thus risking future employment.

- 22 15. The Class has benefited from Plaintiffs’ action in stepping forward on their behalf to
23 bring this lawsuit. Indeed, without the time and effort made by Plaintiffs, undersigned
24 counsel does not believe we would have achieved the same result. Further, the Class
25 Notice disclosed the enhancement award.

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Case Manager Lissbeth Prieto	24.8 Hours	\$150	\$3,720
Exec. Assistant Johany Barragan	1.5 Hours	\$100	\$150
Total hours:	256.8	Total:	\$125,131.30

1 16. The Representative Plaintiffs also risked the possibility that other employers in the
2 industry and in the small community could refuse to hire them given their decision to file
3 a class action lawsuit. Indeed, Plaintiffs discuss this very issue in their declarations. None
4 of the other Class Members faced these risks. Under the circumstances, a representative
5 payment of \$5,000 each is justified and the Court should award this payment to Plaintiffs
6 from the Gross Settlement Amount as provided in the Settlement Agreement. This
7 amount is reasonable when compared to other wage and hour class actions in this
8 region. *See, e.g., Amaro v. Gerawan Farming Inc.*, 2020 U.S. Dist. LEXIS 189529 at *26
9 - *29 (E.D. Cal. 2020) (approving incentive awards of \$10,000 to each named Plaintiff),
10 *Aldapa et al. v. Fowler Packing Company, Inc. et al.*, Eastern District of California Case
11 No. 1:15-cv-00420-ADA-SAB (approving incentive awards of \$10,000 to each named
12 Plaintiff in final approval award granted in 2023).

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14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct. Executed this 24th day of June, 2024, in Riverside, California.
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17
18 /s/ Mario Martínez
19 Mario Martínez, Esq.
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(PROOF OF SERVICE)
[CCP 1013(a)(3)]
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On June 24, 2024, I served all interested parties in this action the following documents described as: **DECLARATION OF MARIO MARTINEZ IN SUPPORT OF FINAL APPROVAL OF CLASS SETTLEMENT AND ATTORNEYS' FEES AND COSTS** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

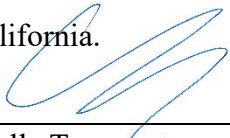
SEE ATTACHED SERVICE LIST

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] BY ELECTRONIC MAIL TRANSMISSION: I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 24, 2024, at Woodland Hills, California.



Michelle Tanzer

PROOF OF SERVICE LIST

JAIME SANTIAGO VASQUEZ ET AL. V. PJ FARM LABOR, INC. ET AL.
SUPERIOR COURT OF CALIFORNIA, COUNTY OF KINGS
Case No. 22C-0382

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