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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF SANTA CRUZ**

13 **(UNLIMITED JURISDICTION)**

14 IRMA TAPIA,

15 *Plaintiff,*

16 vs.

17 POSADA ASSOCIATES; LA POSADA;
18 KALCO PROPERTIES INC.; and DOES 1
19 to 25, inclusive,

20 *Defendants..*

Case No.: 23CV00355

21 **DECLARATION OF MARALLE**
22 **MESSRELIAN IN SUPPORT OF**
23 **PLAINTIFF'S MOTION FOR APPROVAL**
24 **OF PAGA SETTLEMENT**

Action filed: February 10, 2023

Hearing Date: July 22, 2024

Hearing Time: 8:30 a.m.

Hearing Dept: 5, Hon. Syda K. Cogliati

1 **DECLARATION OF MARALLE MESSRELIAN IN SUPPORT OF**
2 **PLAINTIFF’S MOTION FOR APPROVAL OF PAGA SETTLEMENT**

3 1. I am an attorney duly licensed to practice law in the State of California and am
4 an attorney of record for Plaintiff Irma Tapia (individually, “Tapia” or “Plaintiff”) in her lawsuit
5 against Defendants Posada Associates, La Posada, and Kalco Properties, Inc. (“Defendants” or
6 “POSADA”

7 2. Except as otherwise indicated, I have personal knowledge of all matters set forth
8 herein and, if called as a witness, could and would competently testify thereto under oath.

9 ***Background***

10 3. In 2003, I earned a Bachelor of the Science degree with a major in Accounting
11 from Cal State University, Northridge. In 2017, I earned a Juris Doctor degree from
12 Southwestern University School of Law.

13 4. In December of 2017, the Supreme Court for the State of California admitted me
14 as an Attorney and Counselor at Law and licensed me to practice law in all the Courts of this
15 State.

16 5. I am experienced in handling employment law matters and specifically wage and
17 hour cases. I have been practicing law since 2017. My experience has been almost exclusively
18 in the area of employment law representing employees with claims of wrongful termination,
19 harassment, whistleblower retaliation, discrimination, wage and hour, and family and medical
20 leave violations. I am a member of the California Employment Lawyers Association (CELA).

21 6. In my representation of employees, I have prosecuted several lawsuits on behalf
22 of employees with claims of rest and meal period and overtime violations or other wage claims.

23 7. I have been involved in the prosecution of numerous wage and hour class and
24 representative actions at various stages of litigation. A small sampling of the wage and hour
25 class and representative action cases in which I have been counsel of record is as follows:

26 a) *Joshua Silva v. Payo Laboratories, Inc., et al.*, San Luis Obispo County
27 Superior Court, Case No. 19CV-0689 (appointed Class Counsel and granted final approval of
28 class action settlement by the court).

1 b) *Mervin Perkins v. CC Venice, LLC, et al.*, Los Angeles Superior Court, Case
2 No. BC703660 (appointed Class Counsel and granted final approval of class action settlement
3 by the court).

4 c) *Jashar Bryant v. Pinnacle Cabling & Construction, Inc., et al.*, Orange
5 County Superior Court, Case No. 30-2020-01123094-CU-OE-CXC (appointed Class Counsel
6 and granted final approval of class action settlement by the court).

7 d) *Collins v. Spa Products Import & Distribution Co., LLC, et al.*, Los Angeles
8 County Superior Court, Case No. 19STCV10586 (granted final approval of class action
9 settlement by the court)

10 e) *Sabrina Slater v. Avalon Care Center – Sonora, L.L.C., et al.*, Tuolumne
11 County Superior Court, Case No. CV62006 (granted final approval of class action settlement by
12 the court)

13 f) *Violet Avalos v. Smithcare Incorporated, et al.*, Tulare County Superior
14 Court, Case No. VCU272975 (granted final approval of class action settlement by the court)

15 g) *David Contreras v. HTX Services LLC, et al.*, Los Angeles County Superior
16 Court, Case No. 19STCV43405 (granted final approval of class action settlement by the court)

17 h) *Devin Cherry v. LA Corral Three, Inc., et al.*, Kern County Superior Court,
18 Case No., BCV-18-101817-DRL (granted final approval of class action settlement by the court)

19 i) *Vikki Curl and Anthony J. Gratton v. Reel Security Corp., et al.*, Los Angeles
20 County Superior Court, Case No. 18STCV09302 (granted final approval of class action
21 settlement by the court)

22 j) *Corrine Lashbrook and Joshua Sweat v. Andy's BP, Inc., et al.*, San Mateo
23 County Superior Court, Case No. 19CIV02344 (granted final approval of class action settlement
24 by the court)

25 k) *Stephen Aguirre and Christopher Walls v. Anlin Industries*, Fresno County
26 Superior Court, Case No. 17CECG04326 (order and judgment approving PAGA settlement by
27 the court)

28 l) *Rebecca Mallory v. Odyssey Healthcare Operating A, L.P.*, Kern County

1 Superior Court, Case No. BCV-19-102735 (order and judgment approving PAGA settlement by
2 the court)

3 m) *Wendy Chavez v. Texas De Brazil (Fresno) Corporation, et al.*, Fresno
4 County Superior Court, Case No. 19CECG04249 (order and judgment approving PAGA
5 settlement by the court)

6 n) *Kevin Littleton v. Lincoln Military Property Management LP.*, San Diego
7 County Superior Court, Case No. 37-2018-00061799-CU-OE-NC (order and judgment
8 approving PAGA settlement by the court)

9 o) *Krystal Thomas v. Choice Physicians Network, Inc., et al.*, San Bernardino
10 County Superior Court, Case No. CIVDS2013964 (order and judgment approving PAGA
11 settlement by the court)

12 p) *Otina Sengvong v. Probuild Company, LLC, et al.*, United States District
13 Court, Southern District of California, Case No. 3:19-cv-02231-MMA (JLB) (granted final
14 approval of class action settlement by the court)

15 q) *Orland Perez Avalos v. Milagros Restaurant LLC, et al.*, San Mateo County
16 Superior Court, Case No. 22-CIV-01222 (order and judgment approving PAGA settlement by
17 the court)

18 r) *David Xiqui Vasquez v. The Province LLC, et al.*, Santa Clara County
19 Superior Court, Case No. 22CV397541 (order and judgment approving PAGA settlement by
20 the court)

21 s) *Manuel Melendrez v. Clean Auto Inc., et al.*, San Mateo County Superior
22 Court, Case No. 22CIV01967 (order and judgment approving PAGA settlement by the court)

23 t) *Arturo Vera Lopez v. Green Valley Landscape, et al.*, Monterey County
24 Superior Court, Case No. 22CV003751 (order and judgment approving PAGA settlement by
25 the court)

26 u) *Erasmus Gomez v. A-I Jay's Machining, Inc., et al.*, Santa Clara County
27 Superior Court, Case No. 22CV394795 (order and judgment approving PAGA settlement by
28 the court)

1 v) *Iris Rodriguez v. Facility Masters, Inc.*, Santa Clara County Superior Court,
2 Case No. 23CV423999 (order and judgment approving PAGA settlement by the court)

3 w) *Mariana Ruelas v. Vista La Mesa Senior Living, Inc., et al.*, San Diego
4 Superior Court, Case No. 37-2023-00050755-CU-OE-CTL (order and judgment approving
5 PAGA settlement by the court).

6 8. The hourly rate for my time is \$500.00 per hour which is my usual and customary
7 hourly rate charged for my services in similar PAGA and complex class actions.

8 9. The total number of hours spent by me on this litigation is approximately 15
9 hours through June 27, 2024, including preparing for and participating in the full day mediation,
10 reviewing the settlement agreements, and drafting the motion for PAGA approval.

11 10. My total lodestar amount through June 27, 2024 is \$7,500.00.

12 11. I believe that the Settlement is fair, adequate, and reasonable. The Settlement
13 provides substantial monetary benefits to the Aggrieved Employees and is a product of diligent
14 efforts of PAGA Counsel to obtain the best possible result for the Aggrieved Employees. This
15 Settlement was reached following thorough legal and factual research and analysis, thorough
16 review of extensive data relative to the claims in the action, arduous settlement negotiations,
17 and thorough investigation of the underlying facts by the respective parties and review of
18 records. The settlement negotiations were, at all times, adversarial and non-collusive in nature.
19 The proposed Settlement is within the range of reasonableness, and Aggrieved Employees have
20 supported the Settlement.

21 I declare under the penalty of perjury of the laws of the State of California that the
22 foregoing is true and correct to the best of my knowledge.

23 Executed on June 27, 2024 at Glendale, California.

24
25 
26 Maralle Messrelian,
27 Declarant
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