

B. James Fitzpatrick (SBN: 129056)
Alison L. Baker (SBN: 193601)
FITZPATRICK & SWANSTON
555 South Main Street
Salinas, CA 93901
Telephone: (831) 755-1311
Facsimile: (831) 755-1319

Larry W. Lee (SBN: 228175)
Kristen M. Agnew (SBN 247656)
DIVERSITY LAW GROUP, P.C.
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile (213) 488-6554

Attorneys for Plaintiffs,
SIMON EDEZA CAMPANA, MAGDALENA ADAME QUEZADA, and
MARIA ISABEL PEREZ GOMEZ

Justin Lo (SBN: 280102)
WORK LAWYERS, PC
22939 Hawthorne Blvd, Suite 202
Torrance, CA 90505
Telephone: (424) 355-8535
Facsimile: (424) 355-8335

Attorneys for Plaintiffs,
PABLO ORTIZ GARCIA and CARINA MERINO RAMIREZ

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

SIMON EDEZA CAMPANA,

Plaintiff,

v.

VISTA VERDE LABOR, INC.; and DOES 1
through 50, inclusive,

Defendants.

Case No. 23CV000638

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

Date: March 13, 2026

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. I have
4 personal knowledge of the facts set forth below and if called to testify I could and would do so
5 competently.

6 2. The proposed settlement meets the criteria for this Court to grant final approval
7 of this matter on a class-wide basis, as the settlement is fair, adequate, and reasonable.

8 3. Class Counsel support the settlement as fair, reasonable, and adequate, and in the
9 best interest of the Settlement Class Members as a whole.

10 4. The Joint Stipulation of Class and Representative Action Settlement
11 (“Settlement Agreement”) was the product of negotiations between highly able and
12 experienced attorneys on both sides, each of whom possessed and analyzed substantial data
13 and information relevant to liability, class certification, damages and settlement valuation.
14 Before and during negotiations, the Parties engaged in extensive investigation and discovery,
15 including a review of Defendant’s written policies and practices, analysis of class data,
16 sampling and analysis of time and payroll records, and evaluation of potential exposure. In
17 addition, Class Counsel conducted interviews with employees regarding their work
18 experiences and timekeeping practices. Class Counsel also expended a substantial amount of
19 time identifying Vista Verde’s grower clients, investigating the practices at the worksites
20 where Class Members performed labor, and evaluating the ability of Vista Verde and the
21 grower clients to satisfy a large judgment.

22 5. On October 25, 2024, the Parties participated in a full-day private mediation
23 before experienced neutral Christopher Panetta, Esq. With Mr. Panetta’s assistance, the Parties
24 engaged in extensive arm’s-length negotiations concerning liability, damages, certification
25 risks, and exposure. Although the matter did not resolve at the mediation session itself, the
26 Parties continued negotiations thereafter, including the exchange of additional information and
27 further analysis of damages. Following extended negotiations, the Parties ultimately reached
28 the present settlement.

1 6. After the Parties reached a tentative resolution, substantial work remained to
2 prepare the Motion for Preliminary Approval and, following preliminary approval, to ensure
3 that the proposed notice plan would adequately reach Settlement Class Members. This work
4 included evaluating alternative notice methods for class members with incomplete or missing
5 contact information. Based on my experience handling more than 100 class action matters, the
6 post-mediation work in this case required an unusual degree of attention to detail.

7 7. The Court preliminarily approved this settlement on May 19, 2025, directing
8 distribution of Notice of Pendency of Class Action and Proposed Settlement (“Class Notice”)
9 and scheduling the hearing for final approval of the settlement (the “Preliminary Approval
10 Order”).

11 8. Plaintiffs’ Counsel seeks an award of attorneys’ fees of one-third of the Gross
12 Settlement Amount of \$2,200,000.00, or \$733,333.33, and reimbursement of actual litigation
13 costs in the amount of \$ 8,574.29.

14 9. There were no objections by Settlement Class Members to the amount of
15 attorneys’ fees or litigation costs as stated in the Class Notice.

16 10. Furthermore, of the 12,509 Settlement Class Members, only 28 valid requests for
17 exclusion were submitted. In light of this overwhelmingly positive response from Settlement
18 Class Members, an inference can be made that the Settlement Class supports the Court’s
19 Preliminary Approval Order finding that the Settlement Agreement is fair and reasonable.

20 11. Any remaining monies from uncashed settlement checks will be distributed to
21 the *cy pres* recipient, Watsonville Law Center. I do not have any relationship with the
22 Watsonville Law Center that would create an actual or potential conflict of interest. The
23 Parties further agree that proposed *cy pres* satisfies the legislative intent set out in Code of
24 Civil Procedure § 384(a), in that the organization helps further the purposes of the underlying
25 action and promote justice for all Californians.

26 12. I am familiar with all aspects of this case and all tasks undertaken by the various
27 members of this firm in litigating this case. I have spent significant time pursuing the claims
28 that have been alleged in this action since the commencement of the case. I have been assisted

1 by several attorneys and paralegals in my office. As a result of my firm's diligence in pursuing
2 the factual and legal issues presented by this case, we were able to realistically assess the Class
3 Members' claims, evaluate their damages, and Defendant's exposure. All work performed by
4 our office is done on a contingency basis. Our firm has received no compensation for the time
5 invested or expenses incurred in litigating this case. We have prosecuted this litigation to this
6 point, taking the risk that we would ultimately not receive any compensation for our work.
7 My office will have invested 270.9 hours (252.5 attorney hours + 18.4 paralegal hours) in this
8 case, which includes anticipated future time. Attached hereto as **Exhibit A** is a detailed
9 summary of tasks and hours spent by this firm in litigating this case.

10 13. The hourly rate for attorneys in this firm is \$800.00, and the hourly rate for
11 paralegals is \$185.00. Since at least 2020, I have been approved at hourly rates of \$750.00
12 and \$800.00 per hour by various Courts, in several matters, including, in the matters entitled:
13 *Jose Antonio Ortiz Arrellano v. Rocha Brothers Farms, LLC*, Santa Cruz County Superior
14 Court, Case No. 21CV01286; *Sione Fuapau v. LHOIST North America of Arizona, Inc.*,
15 United States District Court, Northern District of California, Case No. 20-CV-04404-VKD;
16 *Sandra Lopez v. Motel 6 Operating, L.P.*, Ventura County Superior Court Case No. 56-2020-
17 00542312-CU-OE-VTA; *Christina Mendoza v. Planned Parenthood Mar Monte, Inc.*, Santa
18 Clara Superior Court, Case No. 18CV329544; *Javier Mendoza v. National Vision, Inc.*, United
19 States District Court, Northern District of California, Case No. 19-CV-01485-SVK; *Valarie*
20 *Murray v. Granite Wellness Centers*, Nevada County Superior Court, Case No. CU20-084680;
21 *Nicolas Serafica v. HGST, Inc.*, Santa Clara County Superior Court Case No. 21CV386574;
22 and *Curtis White v. Cortech West Staffing, LLC*, San Joaquin County Superior Cort, Case No.
23 STK-CV-UOE-2023-0000029.

24 14. **In this motion, I request a reduced hourly rate of \$595.00.** Accordingly, the
25 total lodestar for my hours will be approximately **\$150,237.50** based on the reduced hourly
26 rate of \$595.00 per hour [\$595.00 x 252.5 attorney hours]. This has been the approved hourly
27 rate by this Court for the past three years without any adjustment for inflation.
28

1 15. Having represented both employees and employers during my practice, I am
2 familiar with the contingent fee market throughout Northern California, where I primarily
3 practice law, and in other areas of the state in which my firm regularly litigates. Considering
4 our experience and my knowledge of the market, I believe that the hourly rates charged by my
5 firm, and previously approved by this Court, are fair and reasonable and less than those
6 charged by my colleagues in other areas of California and the national market for prosecuting
7 class actions.

8 16. Class Counsel risked not only a great deal of time, but also significant expense
9 to ensure the successful litigation of this action on behalf of all employees. In addition to the
10 supporting documentation and legal authority presented in Plaintiffs' moving papers, Class
11 Counsel submits that the attorneys' fees proposed are not just fair and reasonable; they are
12 necessary in order to incentivize attorneys to take on the risk of time and expense associated
13 with Class actions. Indeed, many times counsel expend enormous amounts of work and out of
14 pocket costs in the interest of aggrieved employees and/or the State of California, only to end
15 up without any recovery whatsoever. For example, Class Counsel expended significant time
16 and expenses in a wage/hour class and PAGA action, only to have the District Court grant
17 summary judgment in its entirety against plaintiff. *See Guynn-Neupane*, 2021 WL 4481661
18 (N.D. Cal. Sep. 30, 2021). There are actual risks that Plaintiffs request this Court take into
19 account when considering the requested attorneys' fees, including any multiplier to be
20 accounted into Plaintiffs' lodestar.

21 17. My firm has incurred \$5,586.50 in litigation costs to date. All costs were
22 reasonable and necessary for the effective prosecution of this matter. Counsel advanced costs
23 without guarantee that any of the advanced costs would be recovered. Attached as **Exhibit B**
24 is a copy of the litigation costs incurred by my firm as of the filing of this motion related to
25 this lawsuit.

26 18. I received my bachelor's degree from the University of California, Santa Barbara
27 and my Juris Doctor degree from the University of Santa Clara School of Law. I have
28 practiced law since 1987. The primary emphasis of my practice is employment litigation. I

1 have represented both employers and employees. Over 15 years ago, my office commenced
2 handling plaintiff class action wage and hour cases. Since then, my office has handled
3 hundreds of wage and hour cases to conclusion and has been class counsel and/or co-counsel
4 in over 100 class actions. My firm currently has wage and hour cases in Alameda County
5 Superior Court, Monterey County Superior Court, Nevada County Superior Court, Santa Clara
6 Superior Court, San Benito Superior Court, San Bernardino County Superior Court, San
7 Joaquin County Superior Court Santa Cruz Superior Court, Ventura County Superior Court,
8 and the United States District Courts for the Eastern and Northern District of California.

9 19. I do not have a conflict of interest with Plaintiffs or the Class Members. I will
10 adequately represent the Class. I have and will zealously represent Plaintiffs and the Class
11 Members and pursue this lawsuit to its conclusion.

12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct and if called as a witness I could and would competently testify to
14 each of the matters stated herein, and I state that these matters are based upon my own
15 personal knowledge acquired through first-hand observation, except where stated otherwise.
16 This declaration was executed by me on February 19, 2026, in Salinas, California.

17
18 /s/ B. James Fitzpatrick
19 B. James Fitzpatrick
20
21
22
23
24
25
26
27
28

EXHIBIT A

TASKS AND HOURS

The tasks referenced below involved work by attorneys and paralegals. The amount of time each spent is detailed below.

I. INVESTIGATION/DEVELOPMENT

Task

- Telephonic conferences with clients regarding his employment and alleged violations;
- Numerous in-person meetings with clients; related travel;
- Telephonic conferences with former employees regarding their employment and alleged violations;
- Numerous in-person meetings with former clients; related travel;
- Review of documents provided by clients and former employees;
- Request, receive, and review personnel file;
- Numerous intra-office meetings/conferences regarding planning, results and details of investigations;
- Research for other lawsuits;
- Research for other LWDA notices;
- Legal research regarding IWC Wage Orders;
- Legal research regarding claims that would be alleged in the complaint;
- Analysis of potential certification issues and representative standing;
- Prepare and file LWDA Notice; Serve Employer
- Review and analysis of pleadings in *Pablo Garcia v. Vista Verde Labor, Inc.*, Case No. 23CV000632
- Review and analysis of pleadings in *Luis Santiago Aparicio v. Vista Verde Labor, Inc.*, Case No. 24CV000871
- Review and analysis of pleadings in *Gerardo Victoria v. Vista Verde Labor, Inc.*, Case No. 24CV000827
- Review and analysis of pleadings in *Jardiel Ramos Mauricio v. Vista Verde Labor, Inc.*, Case No. 24CV000829
- Review and analysis of pleadings in *Roman Perez Vargas v. Vista Verde Labor, Inc.*, Case No. 24CV000859
- Legal research and analysis regarding potential overlap of class and PAGA claims, representative standing, claim preclusion, and risk of duplicative recovery;

Attorney Hours: 98

Paralegal Hours: 5

II. PLEADINGS / CASE MANAGEMENT

Task

- Prepare and file Civil Case Cover Sheet, Summons, and Complaint in Monterey County;
- Receive and review Monterey County Court's 3/2/23 Notice of Judicial Assignment & CMC;
- Prepare and file First Amended Complaint 6/27/23;
- File Proof of Service;
- Prepare and file Notice of Association;
- Receive and review Answer to FAC;
- Prepare, file, and serve Joint CMC 10/6/23;
- Prepare and file Second Amended Complaint 2/6/24;
- Receive and review Answer to SAC;
- Receive, review, and revise Joint CMC 3/19/24;
- Prepare and file Third Amended Complaint 5/3/24;
- Receive and review Answer to TAC;
- Receive and review Def's Substitution of Atty;
- Receive and review Stip to Continue Deadline to Serve TAC;

- Receive, review, and revise Joint CMC 9/18/24;
- Receive, review, and revise Joint CMC 1/7/25;
- Prepare for and attend 1/21/25 CMC;
- Prepare for and attend 3/18/25 CMC;

Attorney Hours: 4.5

Paralegal Hours: 0.4

III. DISCOVERY / DOCUMENTS

Task

- Numerous intra-office meetings/conferences;
- Receive, review, and revise special interrogatories, and RPD, S1;
- Received and organized 58 PDF files totaling approximately 5,302 pages;
- Reviewed payroll journals and labor analysis reports to identify regular hours, piece-rate entries, and overtime discrepancies;
- Analyzed crew labor reports to evaluate job codes, crop assignments, and rates;
- Reviewed daily crew time sheets and handwritten logs to compare recorded hours against payroll journal totals;
- Cross-referenced payroll data to calculate estimated unpaid wage exposure and derivative penalty risk;
- Prepared summary spreadsheets and damages models to support mediation and settlement evaluation.

Attorney Hours: 45

Paralegal Hours: 6

IV. MEDIATION

Task

- Numerous intra-office meetings/conferences regarding liability exposure, class certification risks, and settlement valuation;
- Multiple meet & confer with defense counsel regarding the number of class members, aggrieved employees, workweeks, and employee handbooks;
- Follow-up conferences with plaintiffs regarding factual development, damages exposure, and mediation;
- Prepare class-wide damages models based on payroll production and workweek data;
- Further legal research regarding certification risk, PAGA exposure, derivative penalties, and trial risk assessment;
- Prepare multiple drafts of mediation brief;
- Pre-mediation strategy sessions regarding negotiation parameters and settlement structure;
- Prepare for and attend mediation.
- Real-time evaluation of mediator proposals and counteroffers; and
- Post-session follow-up communications to finalize material settlement terms.

Attorney Hours: 55

Paralegal Hours: 5.5

V. MATTERS RELATING TO MOTION FOR PRELIMINARY APPROVAL

Task

- Numerous intra-office meetings/conferences regarding the stipulation for settlement, notice materials and motion for preliminary approval;
- Review and revise settlement stipulation;
- Meet with plaintiffs to review the settlement stipulation;
- Receive and revise drafts of the notice materials;
- Receive and revise drafts of the motion for preliminary approval;
- Prepare for hearing;
- Receive and review Order;
- Send Order to Settlement Administrator;
- Receive communications from the Settlement Administrator regarding class data;
- Numerous intra-office meetings/conferences regarding incomplete class data;

- Numerous meetings/conferences with defense counsel regarding class data;
- Prepare, file and serve Joint Stipulation to Continue MFA Hearing Date;
- Request cost estimates and advertising specifications from radio stations to determine feasibility and cost of broadcast notice;
- Request rate quotes and publication requirements from newspapers to assess the cost of print notice;
- Review and compare radio and newspaper advertising options, circulation reach, frequency, and cost-effectiveness.
- Receive, review, and revise drafts of Ex Parte Application for an Order Determining Notice Method for Class Members w/ Missing/Incomplete Contact Information and Continue MFA Hearing Date;

Attorney Hours: 40.5

Paralegal Hours: 1.9

VI. MATTERS RELATING TO MOTION FOR FINAL APPROVAL

Task

- Meetings/telephonic conferences with clients regarding declaration in support of service award;
- Review Settlement Administrator's declaration;
- Prepare multiple drafts of motion and declarations;
- Anticipated time preparing for and attending hearing;
- Anticipated multiple communications with defense counsel, claims administrator, and Class/PAGA Settlement Members

Attorney Hours: 9.5

Paralegal Hours: 0.6

Total Attorney Hours: 252.5

Total Paralegal Hours: 19.4

EXHIBIT B

Cost/Expense Detail

Date	Code	Check #	Type	Units	Amount	Description	Date Billed	Amount Billed
C0077 Campana, Simon Edeza								
600 Labor & Employment								
3/2/23	102		Cost		1,478.06	Odyssey Efile - Complaint & Complex Fees		
6/27/23	102		Cost		3.60	Odyssey Efile		
7/6/23	102		Cost		24.15	Stipulation & eFiling Fees		
7/11/23	102		Cost		3.60	Odyssey Efile		
7/28/23	102		Cost		3.60	Odyssey Efile		
8/3/23	01	60574	Exp.		102.75	Sayler Legal Service, Inc. Court Messenger Service - Completed on 07/07/23		
8/7/23	102		Cost		3.60	Odyssey Efile		
10/6/23	102		Cost		3.60	Odyssey Efile		
2/6/24	102		Cost		3.60	Odyssey Efile		
5/3/24	102		Cost		3.60	Odyssey Efile		
8/12/24	102		Cost		24.15	Stipulation		
10/21/24	15	1394	Exp.		3,500.00	Fenton & Keller Mediation Fee		
10/29/24	15	1397	Exp.		250.00	Fenton & Keller Mediation Fee Balance		
12/11/24	01	60786	Exp.		107.94	Sayler Legal Service, Inc. Court Messenger Service		
4/17/25	102		Cost		65.25	Odyssey Efile - Motion		
5/14/25	102		Cost		4.50	Odyssey Efile		
10/2/25	102		Cost		4.50	Odyssey Efile		
Matter Total					5,586.50			.00
Client Total					5,586.50			.00
Report Total:								
Total					5,586.50			.00

Types: Unbilled Costs, Unbilled Expenses, Billed Costs, Billed Expenses
Selection criteria: Client: C0077 Matter: 600
Sorted by: Client Number / Matter Number