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9 Attorneys for Plaintiff

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF MONTEREY**

12 JASMIN JIMENEZ, on behalf of herself and all
similarly aggrieved employees,

13 Plaintiff,

14 vs.

15 SEA HOUSE SALINAS, LLC; OMAR
16 CAMPOS; SHAN BAO GUO; BAG O'CRAB,
INC.; SEA HOUSE SL LLC; BAG O CRAB MC
17 LLC; and DOES 3 through 50, inclusive,

18 Defendants.

Case No. 23CV000504

[Assigned to Hon. Thomas W. Wills, Dept. 15]

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

Date: June 27, 2025
Time: 8:30 a.m.
Department: 15

Complaint Filed: February 16, 2023
FAC Filed: June 5, 2023
SAC Filed: November 8, 2024

1 I, B. James Fitzpatrick, hereby declare and state as follows:

2 1. I am an attorney duly admitted to practice in the State of California and am the owner of
3 the law firm of Fitzpatrick & Swanston, counsel of record for Plaintiff Jasmin Jimenez ("Plaintiff"). I
4 have personal knowledge of the facts set forth below and if called to testify I could and would do so
5 competently.

6 2. Class Counsel support the settlement as fair, reasonable, and adequate, and in the best
7 interest of the Settlement Class Members as a whole.

8 3. Class Counsel's application for an award of attorneys' fees in the amount of \$117,707.71
9 and reimbursement of litigation costs in the amount of \$10,809.80¹ is reasonable and fair. These
10 amounts are well within what is reasonable and customary in both wage and hour settlements and class
11 action settlements in general and is based on the skill displayed by Class Counsel, the effort and
12 resources invested in this case by Class Counsel, the factual and legal complexities of this case, the
13 importance of the interests which are the subject of this litigation, the risks undertaken by Class Counsel,
14 and the degree of success achieved by Class Counsel.

15 4. The Settlement Agreement was the product of negotiations between highly able and
16 experienced attorneys on both sides who possessed the relevant data and extensive information which
17 they had carefully analyzed. Over many years in highly contested litigation the Parties engaged in
18 extensive investigation and discovery, involving formal and informal discovery, and in arm's length
19 negotiations at mediation with an experienced neutral that resulted in the settlement.

20 5. There were no objections by Settlement Class Members to the amount of attorneys' fees
21 or litigation costs. Furthermore, zero opt-outs were submitted. In light of this overwhelmingly positive
22 response from Settlement Class Members, an inference can be made that the Settlement Class supports
23 the Court's Preliminary Approval Order finding that the Settlement Agreement is fair and reasonable.

24 6. The Settlement Agreement authorized Plaintiff to request a Class Representative Service
25 Award for serving as the Class Representative. Plaintiff provided significant assistance with the lawsuit,
26

27 _____
28 ¹ This amount includes costs incurred by my firm and DLG, as well as the filing fee for the instant motion.

1 including providing information and documents, discussing the lawsuit on multiple occasions, remaining
2 available during mediation, reviewing various documents, including the complaint, PAGA letter,
3 declarations, and the Settlement Agreement.

4 7. Plaintiff has no interests adverse to the Settlement Class, nor have any such issues been
5 raised or presented. Plaintiff has taken all necessary steps to represent the interests of the Settlement
6 Class.

7 8. I am familiar with all aspects of this case and all tasks undertaken by the various
8 members of this firm in litigating this case. I have spent significant time pursuing the claims that have
9 been alleged in this action since the commencement of the case. I have been assisted by attorney Laura
10 L. Franklin and several paralegals in my office. As a result of my firm's diligence in pursuing the factual
11 and legal issues presented by this case, we were able to realistically assess the Class Members' claims,
12 evaluate their damages, and Defendant's exposure. All work performed by our office is done on a
13 contingency basis. Our firm has received no compensation for the time invested or expenses incurred in
14 litigating this case. We have prosecuted this litigation up to this point, taking the risk that we ultimately
15 would not receive any compensation for our work. My office will have invested 215.7 hours (197
16 attorney hours + 18.7 paralegal hours) in this case, which includes anticipated future time. Attached
17 hereto as **Exhibit A** is a detailed summary of tasks and hours spent by this firm in litigating this case.

18 9. The hourly rate for attorneys in this firm is \$800.00, and the hourly rate for paralegals is
19 \$185.00. Since at least 2020, I have been approved at hourly rates of \$750.00 and \$800.00 per hour by
20 various Courts, in several matters, including, in the matters entitled: *Jose Antonio Ortiz Arrellano v.*
21 *Rocha Brothers Farms, LLC*, Santa Cruz County Superior Court, Case No. 21CV01286; *Sione Fuapau*
22 *v. LHOIST North America of Arizona, Inc.*, United States District Court, Northern District of California,
23 Case No. 20-CV-04404-VKD; *Sandra Lopez v. Motel 6 Operating, L.P.*, Ventura County Superior Court
24 Case No. 56-2020-00542312-CU-OE-VTA; *Christina Mendoza v. Planned Parenthood Mar Monte,*
25 *Inc.*, Santa Clara Superior Court, Case No. 18CV329544; *Javier Mendoza v. National Vision, Inc.*,
26 United States District Court, Northern District of California, Case No. 19-CV-01485-SVK; *Valarie*
27 *Murray v. Granite Wellness Centers*, Nevada County Superior Court, Case No. CU20-084680; *Nicolas*
28

1 *Serafica v. HGST, Inc.*, Santa Clara County Superior Court Case No. 21CV386574; and *Curtis White v.*
2 *Cortech West Staffing, LLC*, San Joaquin County Superior Court, Case No. STK-CV-UOE-2023-
3 0000029.

4 10. In this motion, I request an attorney hourly rate of \$595.00. Accordingly, the total
5 lodestar for attorney hours will be approximately \$117,215.00 [\$595.00 x 197 attorney hours].

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

12 12. I received my bachelor's degree from the University of California, Santa Barbara and my
13 Juris Doctor degree from the University of Santa Clara School of Law. I have practiced law since 1987.
14 The primary emphasis of my practice is employment litigation. I have represented both employers and
15 employees. Over 15 years ago, my office commenced handling plaintiff class action wage and hour
16 cases. Since then, my office has handled hundreds of wage and hour cases to conclusion and has been
17 class counsel and/or co-counsel in over 100 class actions. My firm currently has wage and hour cases in
18 Alameda County Superior Court, Monterey County Superior Court, Nevada County Superior Court,
19 Santa Clara Superior Court, San Benito Superior Court, San Bernardino County Superior Court, San
20 Joaquin County Superior Court Santa Cruz Superior Court, Ventura County Superior Court, and the
21 United States District Courts for the Eastern and Northern District of California.

22 13. Class Counsel risked not only a great deal of time, but also significant expense to ensure
23 the successful litigation of this action on behalf of all employees. In addition to the supporting
24 documentation and legal authority presented in Plaintiff's moving papers, Class Counsel submits that the
25 attorneys' fees proposed are not just fair and reasonable; they are necessary in order to incentivize
26 attorneys to take on the risk of time and expense associated with Class actions. Indeed, many times
27 counsel expend enormous amounts of work and out of pocket costs in the interest of aggrieved
28

1 employees and/or the State of California, only to end up without any recovery whatsoever. For
2 example, Class Counsel expended significant time and expenses in a wage/hour class and PAGA action,
3 only to have the District Court grant summary judgment in its entirety against plaintiff. See *Guynn-*
4 *Neupane*, 2021 WL 4481661 (N.D. Cal. Sep. 30, 2021). There are actual risks that Plaintiff requests this
5 Court take into account when considering the requested attorneys' fees, including any multiplier to be
6 accounted into Plaintiff's lodestar.

7 14. To date, my firm has incurred \$10,609.55 in litigation costs. The costs are all litigation-
8 related costs. All costs were reasonable and necessary to the effective prosecution of this matter.
9 Counsel advanced costs without guarantee that any of the advanced costs would be recovered. *Berkeley*
10 *Cement, Inc. v. Regents of the University of California*, (2019) 30 Cal. App. 5th 1133, explains that
11 mediation-related expenses are recoverable under the circumstances of this case. Attached hereto as
12 **Exhibit B** is a copy of the litigation costs my firm has incurred in connection with the prosecution of
13 this lawsuit.

14 15. I do not have a conflict of interest with Plaintiff or the Class Members. My co-counsel
15 and I have and will zealously represent Plaintiff and the Class and pursue this lawsuit to its conclusion.

16 16. Neither counsel nor their respective firms have any relationship with the proposed *cy pres*
17 recipient that would create an actual or potential conflict of interest. Defense counsel and I further agree
18 that Legal Aid at Work satisfies the legislative intent set out in Code of Civil Procedure § 384(a).

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is
20 true and correct and if called as a witness I could and would competently testify to each of the matters
21 stated herein, and I state that these matters are based upon my own personal knowledge acquired
22 through first-hand observation, except where stated otherwise. This declaration was executed by me on
23 June 4, 2025, in Salinas, California.

24
25 
26 B. James Fitzpatrick
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. PRE-LITIGATION INVESTIGATION

Task

- Meetings/telephonic conferences with client regarding her employment and alleged violations;
- Review of documents provided by client;
- Review personnel file;
- Numerous intra-office meetings/conferences regarding planning, results and details of investigations;
- Research for other lawsuits against defendants;
- Research for other LWDA notices;
- Legal research regarding IWC Wage Orders;
- Legal research regarding claims that would be alleged in the complaint;
- Multiple meetings with employee 1 and employee 2 regarding their claims;
- Review of documents provided by employee 1 and employee 2;
- Prepare requests for employment records for employee 1;
- Receive and review personnel files for employee 1;

Attorney Hours: 32

Paralegal Hours: 5

II. PLEADINGS / CASE MANAGEMENT

Task

- Prepare and file Civil Case Cover Sheet, Summons, and Complaint;
- Receive and review Notice of CMC and Assignment Notice;
- Prepare and file Request to Continue Initial CMC;
- Receive and review Denied Order to Continue Initial CMC;
- Prepare and file Summons on First Amended Complaint and First Amended Complaint;
- Prepare and file CMC;
- Receive and review Proofs of Service of Summons;
- Receive and review 6/27/23 Minute Order;
- Receive and review 7/3/23 Notice of 9/26/23 CMC;
- Receive and review Sea House's Answer;
- Prepare, file and serve Joint CMC Statement;
- Receive and review Def Notice of Jury Deposit;
- Receive and review Def Notice of RA;
- Receive and review Defs Answer to FAC;
- Receive and review 9/26/23 Minute Order;
- Receive and review 9/28/23 Order Setting CMC & OSC;
- Prepare, file, and serve Joint CMC;
- Receive and review 1/23/24 Minute Order;
- Prepare, file and serve Notice of Jury Fee Deposit;
- Receive and review 1/24/24 Notice Re Trial & Hearing;
- Receive and review Defs Notice Change Address/Firm Name;
- Prepare, file, and serve Doe Amendment;
- Prepare, file, and serve Doe Amendment;
- Receive, file, and serve Proof of Service Summons Re Doe 1;
- Receive, file, and serve Proof of Service Summons Re Doe 2;
- Prepare, file, and serve Notice of Association;
- Prepare, file and serve Partial Request for Dismissal;
- Prepare, file and serve Joint Status Conference Statement;
- Prepare, file, and serve SPO;
- Receive and review 9/10/24 Minute Order;
- Prepare, file, and serve Second Amended Complaint;
- Receive and review 11/22/24 Minute Order;
- Receive and review 11/27/24 Notice Re Hearing Approval of Class Action & PAGA SAR

Attorney Hours: 10

Paralegal Hours: 2.5

III. DISCOVERY/DOCUMENTS

Task

- Numerous intra-office meetings/conferences;
- Prepare and serve form interrogatories, special interrogatories and request for production of documents, sets 1 to Def Sea House;
- Prepare and serve special interrogatories and request for production of documents, sets 1 to Def Bag O'Crab;
- Receive and review Sea House's responses to form interrogatories, special interrogatories and request for production of documents, sets 1;
- Receive and review Sea House's supplemental responses to request for production of documents, sets 1;
- Receive and review Bag O'Crab's responses to special interrogatories and request for production of documents, sets 1;
- Receive and review Bag O'Crab's amended responses to special interrogatories and request for production of documents, sets 1;
- Receive and review documents BS 000001-001180;
- Prepare and serve meet and confer re Def Sea House' Discovery Responses;
- Prepare and serve request for production of documents, set 2 to Def Sea house;
- Prepare and serve request for production of documents, set 1 to Def Campos;
- Receive and review form interrogatories (general and employment law, special interrogatories, and request for production of documents, sets 1 served by Def Sea House);
- Prepare multiple drafts of plaintiff's responses to form interrogatories (general and employment law, special interrogatories, and request for production of documents, sets 1);
- Multiple meetings w/ Pltf regarding draft responses and document production;
- Finalize and serve plaintiff's responses to form interrogatories (general and employment law, special interrogatories, and request for production of documents, sets 1);
- Receive and review Def Meet & Confer Re Plaintiff's Discovery Responses;
- Prepare, finalize and serve plaintiff's supplemental responses to form interrogatories (general and employment law, special interrogatories, and request for production of documents, sets 1);

Attorney Hours: 45

Paralegal Hours: 5

IV. DEPOSITIONS

Task

- Numerous intra-office meetings/conferences;
- Prepare and serve NOD of Omar Campos & RPD;
- Prepare and serve NOD of Shan Guo;
- Prepare and serve NOD of Sea House's PMQ;
- Prepare and serve Amended NOD of Omar Campos & RPD;
- Receive and review Objection to Amended NOD of Omar Campos & RPD;
- Prepare and serve Amended NOD of Sea House's PMQ;
- Prepare and serve Second Amended NOD of Omar Campos & RPD;
- Receive and review Objection to Second Amended NOD of Omar Campos & RPD;
- Prepare and serve Second Amended NOD of Sea House's PMQ;
- Meet w/ client re Deposition of Omar Campos
- Prepare for and attend Deposition of Omar Campos;
- Receive and review transcript of Deposition of Omar Campos;

Attorney Hours: 25.5

Paralegal Hours: 0.7

V. MOTIONS

Task

Motion to Compel Further Responses to RPD, Set 1

- Prepare, file and serve motion, declaration, separate statement, and proposed order;
- Receive and review opposition;
- Prepare, file, and serve reply;
- Prepare, file, and serve amended notice;
- Prepare for and attend hearing;
- Receive and review 8/23/24 Minute Order

Ex Parte Application Advancing MTC Hrg Date

- Prepare, file, and serve application and declaration;
- Receive and review opposition and declaration in support thereof;
- Prepare for and attend hearing; and
- Receive and review 7/16/24 Minute Order.

Ex Parte Application for an Order Compelling Setting of PMQ Deposition

- Prepare, file, and serve application and declaration
- Receive and review opposition and declaration in support thereof;
- Prepare for and attend hearing; and
- Receive and review 8/6/24 Minute Order.
- Receive and review 8/19/24 Order

Demurrer

- Receive and review declaration re meet & confer
- Receive and review demurrer, declaration, and memorandum of points and authorities
- Legal research regarding case law;
- Prepare, file and serve opposition
- Attend 11/22/24 Hearing; Inform Court of settlement.

Attorney Hours: 38

Paralegal Hours: 5

VI. MEDIATION

Task

- Numerous intra-office meetings/conferences;
- Receive and review mediation data;
- Review damages summary.
- Analysis and revision of damage models calculating damages, interest and penalties;
- Intra-office meetings/conferences regarding claims, damages, and settlement;
- Follow-up meetings/conferences with client regarding claims;
- Follow-up meetings/conferences with employee 1;
- Legal research;
- Review and revise mediation brief;
- Prepare for and attend mediation;

Attorney Hours: 36.5

Paralegal Hours: 1.5

VII. 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 Plaintiff to review the settlement stipulation;
- Receive and revise drafts of the notice materials;
- Receive and revise drafts of the motion for preliminary approval;
- Receive and review non-opposition; and
- Receive and review Order;
- Receive and review Notice of Hearing Re Motion for Final Approval

Attorney Hours: 6.5

Paralegal Hours: 0.5

VIII. MATTERS RELATING TO MOTION FOR FINAL APPROVAL

Task

- Meetings/telephonic conferences with client regarding declaration in support of service award;
- Receive and revise drafts of motion for final approval;
- Anticipated multiple communications regarding the status of the final approval hearing and distribution of payment.

Attorney Hours: 3.5

Paralegal Hours: 0.5

Total Attorney Hours: 197
Total Paralegal Hours: 18.7
Total Hours: 215.7

EXHIBIT B

Fitzpatrick and Swanston
Cost/Expense Detail

Date	Code	Check #	Type	Units	Amount	Description	Date Billed	Amount Billed
J0024 Jimenez, Jasmin								
1/10/2023	102				75.00	LWDA Filing Fee		
2/16/2023	102				1478.06	Monterey County Sup. Ct. Complaint		
6/1/2023	102				24.15	Monterey County Sup. Ct. Stip		
6/5/2023	102				3.60	Monterey County Sup. Ct. eFiling Fee		
6/7/2023	102				3.60	Monterey County Sup. Ct. eFiling Fee		
6/15/2023	102				3.60	Monterey County Sup. Ct. eFiling Fee		
6/26/2023	102				3.60	Monterey County Sup. Ct. eFiling Fee		
9/20/2023	102				3.60	Monterey County Sup. Ct. eFiling Fee		
1/18/2024	102				3.60	Monterey County Sup. Ct. eFiling Fee		
1/24/2024	102				157.72	Monterey County Sup. Ct. Adv. Jury Fee		
4/4/2024	102				3.60	Monterey County Sup. Ct. eFiling Fee		
5/23/2024	102				3.60	Monterey County Sup. Ct. eFiling Fee		
6/6/2024	102				3.60	Monterey County Sup. Ct. eFiling Fee		
6/10/2024	102				3.60	Monterey County Sup. Ct. eFiling Fee		
6/25/2024	102				3.60	Monterey County Sup. Ct. eFiling Fee		
7/3/2024	102				65.25	Monterey County Sup. Ct. Motion		
7/5/2024	102				3.60	Monterey County Sup. Ct. eFiling Fee		
7/12/2024	102				65.25	Monterey County Sup. Ct. Motion		
8/14/2024	102				3.60	Monterey County Sup. Ct. eFiling Fee		
8/16/2024	102				3.60	Monterey County Sup. Ct. eFiling Fee		
8/20/2024	102				3.60	Monterey County Sup. Ct. eFiling Fee		
8/28/2024	102				24.15	Monterey County Sup. Ct. Stip		
9/5/2024	102				2152.97	US Legal Campos Depo TX		
9/6/2024	102				4.50	Monterey County Sup. Ct. eFiling Fee		
10/3/2024	102				6495.00	Signature Resolution Mediation		
11/8/2024	102				4.50	Monterey County Sup. Ct. eFiling Fee		
1/31/2025	102				4.50	Monterey County Sup. Ct. eFiling Fee		
2/20/2025	102				4.50	Monterey County Sup. Ct. eFiling Fee		
Matter Total					\$ 10,609.55			0.00
Client Total					\$ 10,609.55			0.00
Report Total								
Total					\$ 10,609.55			0.00