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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO -- CENTRAL DIVISION

KODY HORNBURG, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

PACIFICA COMPANIES, LLC;
PROSPECT HOSPITALITY, LP; and
DOES 1 through 20,

Defendants.

Lead Case No. 37-2023-00002433-CU-OE-CTL
[Consolidated with Case No. 37-2023-00020893-
CU-OE-CTL][Related to Case No. 37-2023-
00023685]

**DECLARATION OF GEOFFREY C.
CHACKEL IN SUPPORT OF
PLAINTIFF'S MOTION FOR APPROVAL
OF PAGA SETTLEMENT**

Date: January 10, 2025
Time: 9:30 a.m.
Dept: C-66
Judge: Hon. Wendy H. Behan

Complaint Filed: January 19, 2023
Trial Date: Not Set

1 I, Geoffrey C. Chackel, hereby declare as follows:

2 1. I am an attorney of record for Plaintiff Mina Lally in the above referenced Lead
3 Case of *Kody Hornburg v. Pacifica Companies, LLC, et. al*, San Diego Superior Court Case No.
4 37-2023-00002433-CU-OE-CTL filed on January 19, 2023 (the “Hornburg Action”) and the
5 consolidated case known as *Mina Lally v. Pacifica Companies, LLC, et. al.*, San Diego County
6 Superior Court Case Number 37-2023-00020893-CU-OE-CTL filed on May 16, 2023 (the “Lally
7 Action”). I have been primarily responsible for the maintenance of the file in this matter and have
8 been involved in all aspects of this litigation since its inception including the filing of all documents
9 and appearing at all court proceedings.

10 2. I am also attorney of record for Plaintiff Julian Saycocie, by and through his
11 Guardian Ad Litem, Kayla Saycocie, who is the lawful successor in interest to the individual claims
12 asserted by Kody Hornburg in the above entitled Hornburg Action. I make this declaration based
13 upon my own personal knowledge and, if called to testify to the contents hereof, I would and could
14 do so competently.

15 3. Attached as **EXHIBIT 2** to the Notice Of Lodgment Of Exhibits Filed In Support
16 Of The Motion For Approval Of PAGA Settlement (“NOL”) is a true and correct copy of the
17 parties’ Joint Stipulation Requesting PAGA Settlement Approval and [Proposed] Order Approving
18 PAGA Settlement And Entering Judgment.

19 4. On January 19, 2023, Kody Hornburg filed a Class Action Complaint against
20 Defendants alleging eight claims for: (1) Failure to Pay All Overtime, (2) Meal Period Violations,
21 (3) Rest Period Violations, (4) Failure to Pay All Sick Leave Wages, (5) Untimely Payment of
22 Wages, (6) Wage Statement Violations, (7) Waiting Time Penalties, and (8) Unfair Competition.

23 5. A true and correct copy of the January 19, 2023, Class Action Complaint is lodged
24 as **Exhibit 7** to the NOL.

25 6. On March 22, 2023, after expiration of the 65-day statutorily prescribed LWDA
26 waiting period under Labor Code section 2699.3, Plaintiff Hornburg filed and served his First
27 Amended Class Action Complaint, adding a Ninth Cause of Action under for Civil Penalties under
28 PAGA.

7. A true and correct copy of the First Amended Class Action Complaint is lodged as

1 **Exhibit 8** to the NOL.

2 8. Like Plaintiff Hornburg, Plaintiff Mina Lally was employed with Defendants in
3 various non-exempt positions such as bartender, host, server, or busser from 2016 through July 15,
4 2022—thus their employment overlapped to the day.

5 9. On May 16, 2023, Plaintiff Lally filed an individual Complaint against Defendants
6 entitled *Mina Lally v. Pacifica Companies, LLC, et. al.*, San Diego County Superior Court Case
7 No. 37-2023-00020893-CU-OE-CTL (the “Lally Action”). The Lally Action asserted claims
8 against Defendants for: (1) Failure to Provide Meal and Rest Periods, (2) Failure to Pay Overtime,
9 (3) Failure to Pay Minimum Wage, (4) Failure to Provide Accurate Itemized Wage Statements, (5)
10 Failure to Pay Timely Wages under Labor Code sections 202 and 203, (6) Violation of Business &
11 Professions Code section 17200.

12 10. A true and correct copy of the May 16, 2023, Complaint filed in the Lally Action is
13 lodged as **Exhibit 9** to the NOL.

14 11. On July 20, 2023, Defendants filed a Notice of Related Case, deeming the Hornburg
15 Action and the Lally Action as “related” because they (1) involve the same parties and is based on
16 the same or similar claims, (2) arise from the same or substantially identical transactions, incidents
17 or events requiring the determination of the same or substantially identical questions of law or fact,
18 (3) involve claims against, or damages to the same property, and (4) are likely for other reasons to
19 require substantial duplication of judicial resources if heard by different judges.

20 12. A true and correct copy of the Notice of Related Case filed by Defendants on July
21 20, 2023, is lodged as **Exhibit 10** to the NOL.

22 13. In late July or early August, 2023, I discovered that Plaintiff Kody Hornburg had
23 died in San Diego County on or about May 30, 2023. It took several months to subsequently work
24 with Mr. Hornburg’s counsel and then to identify individuals with authority to act on Mr.
25 Hornburg’s behalf. On August 18, 2023, Plaintiff’s counsel filed a Notice of Death in this Action.

26 14. On September 14, 2023, Plaintiff Mina Lally and The Estate of Kody Hornburg filed
27 and served on Defendants an Amended Notice Of Labor Code Violations with the LWDA.

28 15. A true and correct copy of the September 14, 2023, Amended LWDA Letter is
lodged as **Exhibit 11** to the NOL.

1 16. The 65-day LWDA statutory waiting period expired on November 18, 2024,
2 therefore allowing Ms. Lally to become deputized as a PAGA representative on behalf of the
3 LWDA.

4 17. Also on September 14, 2023, Defendants filed another Notice of Related Case in the
5 Lally Action, repeating the same factual basis underpinning the near identical nature of the
6 Hornburg and Lally Actions.

7 18. A true and correct copy of the Notice of Related Case filed by Defendants in the
8 Lally Action on September 14, 2023, is lodged as **Exhibit 12** to the NOL.

9 19. On November 30, 2023, this Court duly appointed Kayla Saycocie to act as the
10 Guardian Ad Litem of Julian Saycocie, a minor child and the lawful successor-in-interest to the
11 individual claims of the decedent, Kody Hornburg. At the same time, this Court entered an order
12 duly granting Kayla Saycocie authority to prosecute any individual claims against the Defendants
13 that Mr. Hornburg owned at the time of death.

14 20. On December 13, 2023, Plaintiff Mina Lally filed a First Amended Complaint in the
15 Lally Action (then pending before Judge Katz in Department C-74). The Lally FAC added a
16 Seventh Cause of Action for Civil Penalties under PAGA.

17 21. A true and correct copy of the First Amended Complaint filed in the Lally Action is
18 lodged as **Exhibit 13** to the NOL.

19 22. In the Lally FAC, it alleged the same claims against Defendants in a PAGA
20 representative capacity as are alleged in the Hornburg FAC. In addition, the Lally FAC incorporated
21 the same PAGA class definition and LWDA Notice letter of January 9, 2023 and the same Amended
22 LWDA Notice Letter of September 14, 2023, that was jointly filed in her representative capacity
23 as an aggrieved employee. Thus, Ms. Lally was acting as a PAGA representative in the Lally
24 Action based upon the identical general facts, circumstances, last day of employment, injuries and
25 claims under PAGA that were originally asserted by the decedent Kody Hornburg on behalf of the
26 LWDA and putative class members.

27 23. On February 23, 2024, this Court granted the motion of Plaintiff Lally to intervene
28 in the Hornburg Action as the Class and PAGA Representative Action in place of the decedent
Kody Hornburg and to prosecute the Hornburg Action in his place.

1 24. On February 23, 2024, this Court granted the motion of Plaintiff Mina Lally to
2 consolidate the Hornburg Action formally with the Lally Action, with the Hornburg Action
3 designated as the Lead Action. The Court also granted Plaintiff Lally leave to file a Second
4 Amended Class and Representative Action Complaint (“SAC”) in the Hornburg Action and further
5 ordered the allegations in the SAC are deemed to relate back to January 19, 2023, the date of filing
6 of the original Complaint in the Hornburg Action.

7 25. On March 4, 2023, Plaintiff Mina Lally, filed the SAC in the Hornburg Action as
8 directed by the Court. The filing was rejected by the Court due to the Court clerk’s clerical error
9 that incorrectly caused the Lally Action to be designated as the “Lead Action” rather than the
10 Hornburg Action. On or about April 10, 2024, Plaintiff Lally re-filed the SAC notifying the Court
11 clerk of the error in designating the Lally Action as the “Lead Action.” Ultimately, and for reasons
12 I am unaware, the clerk did not accept the SAC for filing until October 10, 2024.

13 26. A true and correct copy of the Second Amended Class And Representative Action
14 Complaint is attached as **Exhibit 14** to the NOL.

15 27. On June 18, 2024, the Court served an Amended Order dated April 19, 2024,
16 confirming the prior Court rulings of February 23, 2024, acknowledging the clerical error in
17 designating the Lally Action as the Lead Action and correctly ordering the Hornburg Action as the
18 Lead Action and further ordering the SAC be deemed filed as of April 10, 2024.

19 28. Attached as **Exhibit 15** to the NOL is a true and correct copy of this Court’s April
20 19, 2024, Amended Order.

21 29. As counsel for Plaintiff, I attended the mediation in this matter on September 11,
22 2024, with Tagore Subramaniam. The mediation consisted of a full day of arm’s length negotiations
23 that resulted in a good faith settlement based upon the facts and circumstances underlying Plaintiff’s
24 case. Thereafter, the parties entered a Private Attorneys General Act Settlement Agreement and
25 Release (the “Settlement Agreement”) that, based upon my experience, is a fair, just and reasonable
26 settlement that achieves the objectives of the LWDA underlying policy goals of wage / hour law
27 enforcement and deterrence through PAGA penalties. Attached as **EXHIBIT 1** to the NOL is a
28 true and correct copy of the Private Attorneys General Act Settlement Agreement.

 30. On September 26, 2024, Plaintiff filed with the LWDA a Second Amended Notice

1 Of Labor Code Violations.

2 31. Attached as **EXHIBIT 16** to the NOL is a true and correct copy of the September
3 26, 2024, Second Amended Notice of Labor Code Violations filed with the LWDA.

4 32. Attached as **EXHIBIT 17** to the NOL is a true and correct copy of the Declaration
5 of Plaintiff Mina Lally filed in support of the Joint Stipulation Requesting PAGA Settlement
6 Approval.

7 33. My firm has incurred \$5,297.51 in costs prosecuting this matter on behalf of Plaintiff
8 Lally in both the consolidated Hornburg Action and the Lally Action. Of this amount, \$4,250.00
9 was incurred for a mediation fee with the mediator, Tagore Subramaniam. The remaining balance
10 of \$1,047.51 was incurred for the initial filing fee of the Lally Action (\$461.16) service fees of the
11 Lally Complaint on the Defendants (\$167.50), jury fees (\$150) and various miscellaneous filing
12 fees (\$268.85) for the significant motion work involved in this matter including the motion to
13 intervene, the opposition to Defendants' motion to compel arbitration and filing fees for various
14 smaller items such as the amended complaints.

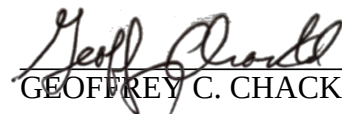
15 34. My current hourly rate is \$625. In 2000 I graduated from Pepperdine University
16 School of Law. After graduation I clerked for the Honorable Michael R. Hogan, Chief Judge for
17 the United States District Court for the District of Oregon. I have been practicing law in San Diego
18 County, Los Angeles County and Orange County since 2001. I have been a partner at the firms of
19 Duckor Spradling Metzger & Wynne, PC, Gordon Rees Scully Mansukhani, LLP and Higgs
20 Fletcher & Mack, LLP where my practice focused primarily in defending employment and
21 consumer law litigation. In January 2014, I started Chackel Law, PC and since that time have
22 developed a practice focusing exclusively on representing employees in a wide variety of wage /
23 hour, sexual harassment, whistleblower retaliation and wrongful termination matters. I believe my
24 hourly rate of \$625 is reasonable in light of my experience compared to attorneys with similar
25 experience in employment law matters.

26 35. To date, I have incurred over \$61,687.50 in attorneys' fees prosecuting this action,
27 which represents a total of 98.70 hours through October 4, 2024. This time does not include
28 additional work necessary to finalize the PAGA settlement, prepare this motion for PAGA
settlement approval, or the oversight and its administration of the settlement with my co-counsel.

1 The attorneys' fees incurred were devoted both to the Lally Action and the consolidated Hornburg
2 Action and included time spent addressing numerous procedural and substantive matters that arose
3 after Mr. Hornburg's death but were critical towards protecting the rights of aggrieved employees
4 under the PAGA statute by coordinating and then executing the substitution of Ms. Lally in place
5 of the Decedent Hornburg so the aggrieved employees represented in the Hornburg Action were
6 protected through the prosecution of their action by Ms. Lally. As the Court's docket reflects, this
7 required several motions, hearings and subsequent amended orders to achieve the end result which
8 allowed for the Hornburg Action aggrieved employees to remain protected under the consolidated
9 Second Amended Complaint and have the opportunity to obtain a financial recovery.

10 36. After the Court granted Plaintiffs' motions seeking leave to intervene and
11 consolidate the Hornburg Action with the Lally Action, I spent additional time opposing motions
12 to compel arbitration and then further prosecuting the PAGA claims through limited discovery
13 designed to facilitate the parties' efforts to settle their disputes. I also attended the mediation and
14 have been actively involved in finalizing the parties' settlement.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct to the best of my knowledge, information and belief executed on the 12th day of
17 December, 2024 at San Diego, California.

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19 _____
20 GEOFFREY C. CHACKEL
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Kody Hornburg v. Pacific Companies, LLC, et. al.
Superior Court of San Diego—Central Division
LEAD CASE NO. 37-2023-00002433-CU-OE-CTL

Consolidated for all purposes with: Mina Lally v. Pacifica Companies, LLC, et. al.
Superior Court of San Diego – Central Division
CASE NO. 37-2023-00020893-CU-OE-CTL

Related to: Amanda Rogers v. Pacifica Companies LLC, et. al.
Superior Court of San Diego – Central Division
CASE NO. 37-2023-00023685-CU-OE-CTL

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within-entitled action. My business address is 11440 West Bernardo Court, Suite 300, San Diego, California 92127. On December 12, 2024, I served the within documents, with all exhibits (if any):

**DECLARATION OF GEOFFREY C. CHACKEL IN SUPPORT OF PLAINTIFF'S
MOTION FOR APPROVAL OF PAGA SETTLEMENT**

☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Bend, Oregon on this day and addressed to parties listed below.

☐ BY ELECTRONIC COURT FILING AND SERVICE: via One Legal Online Court Services: I served upon the designated recipients via electronic transmission through the One Legal system. Upon completion of said transmission of said documents, a certified receipt is issued to the filing party acknowledging receipt of One Legal's system. Once One Legal has served all designated recipients, proof of electronic service is returned to the filing party

☒ by transmitting via e-mail or electronic transmission the document(s) listed above to the individual(s) below at the e-mail address(es) set forth below.

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 6:00 p.m. A copy of the transmission report issued by the transmitting facsimile machine is attached hereto.

☐ by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill for standard overnight delivery to, and causing the envelope to be delivered to an agent for delivery.

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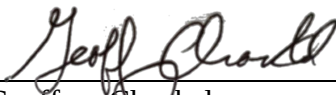
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in this affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 12, 2024, at San Diego, California.



Geoffrey Chackel