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Attorney for Hector Estrada individually and on behalf of all others similarly situated.

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN

HECTOR ESTRADA, individually and on
behalf of others similarly situated
Plaintiff,

vs.

GLASSFAB TEMPERING SERVICES INC.;;
and DOES 1 through 100, inclusive,
Defendants.

Case No: STK-CV-UOE-2021-8051

**DECLARATION OF DANIEL
MARTINEZ DE LA VEGA IN
SUPPORT PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, ATTORNEY
FEE AWARD, COST AWARD, CLASS
REPRESENTATIVE ENHANCEMENT
PAYMENT, AND REPRESENTATIVE
PLAINTIFF ENHANCEMENT
PAYMENT**

**Hearing Date: March 13, 2024
Hearing Time: 9 am
Department: 10A**

I, Daniel Martinez de la Vega, declare:

1. I am attorney at law duly licensed to practice before all state and federal courts in California and the United States Supreme Court. This declaration is submitted in support of Plaintiff's Unopposed Motion for Approval of Settlement Agreement.

2. I am a member of the State Bar of California. I am one of the attorneys of record for name plaintiff HECTOR ESTRADA (“Plaintiff” or “Class Representatives”).

3. I was admitted to the State Bar in 2008. I submit this motion in support of the Motion for Preliminary Approval of the Class Settlement. The facts set forth below are within my personal knowledge, and if called before the Court to testify to these facts I could and would do so competently.

4. On August 27, 2021, Plaintiff filed a putative class action against Defendant, entitled *Hector Estrada v. GLASSFAB TEMPERING SERVICES INC.*, in SAN JOAQUIN County Superior Court, Case No. STK-CV-UOE-2021-8051 (the “Action”) seeking to represent a class consisting of the “current” and former drivers of Defendant for claims related to alleged unpaid overtime wages, meal and rest breaks, specifically, (1) Violations of the Fair Labor Standards Act (failure to pay regular and overtime wages); (2) Violation of California Labor Code section 226.7 (failure to provide meal and rest breaks); (3) Violation of Labor Code section 226 (failure to provide accurate itemized wage statements); (4) Violation of Labor Code section 510 and 204 (failure to pay all wages and overtime wages); (5) Violation of Labor Code section 201, 202, 203, and 203.1 (waiting time penalties); (6) Unfair Competition in Violation of Cal. Business and Professions Code §17200; (7) Unjust Enrichment; and (8) Declaratory relief behalf of himself and other employees of the Company. Plaintiff claims that he should be able to seek damages and penalties for allegations going back to August 27, 2017. (The “Class Action Members”).

5. In addition to interviewing our clients and reviewing all relevant documents in their possession (time sheets, schedules, pay stubs), we conducted significant relevant written discovery in this matter, including serving Special Interrogatories, Form Interrogatories – Employment Law, a PMK deposition and Requests for Production of Documents.

Declarant's Background

1 6. I am the principle of the Law Offices of Daniel Vega, a law firm established in
2 March of 2009.

3 7. I have been practicing in the area of plaintiff's employment litigation since June
4 2008, and have represented Plaintiffs in cases involving discrimination, harassment, retaliation,
5 wage and hour violations, wrongful termination and fraudulent business practices.

6 8. I have substantial experience in Employment Law, and Class Actions. Since my
7 admission to the bar, I have represented numerous parties in civil actions of various types and
8 degrees of complexity. I have handled actions relating to employment law and unpaid wages over
9 the last 10 years. Additionally, I have served as class counsel in wage and hour class action cases.

10 9. From 2012 to 2013, I co-represented with the Ladva Law Firm, over twenty-five
11 former employers in a wage and hour class action entitled *Ortiz v. All West Container Co.*, San
12 Mateo County Superior Court Case No. CIV 502267. We successfully litigated a class-wide and
13 court approved settlement pre-class certification that included payments for miss-meal breaks.
14

15 10. In 2017, I co-represented with the Ladva Law Firm, over thirty-four former
16 employers in a wage and hour PAGA action in *Carrillo v. Fante*, San Mateo County Superior
17 Court Case No. CIV CIV505477. We successfully litigated a class-wide and court approved
18 settlement pre-class certification that included payments for miss-meal breaks.
19

20 11. In 2015, I co-represented with the Ladva Law Firm, over seventy-five former
21 employees in a wage and hour class action entitled *Mineo v. Citysightseeing*, San Francisco
22 County Superior Court Case No. CGC-10-504804. We successfully litigated and certified a class-
23 wide and court approved settlement pre-class certification that included payments for owed
24 overtime.
25

26 12. In 2023, I co-represented with the Ladva Law Firm, over one hundred and sixty-
27 five former employees in a wage and hour class action entitled *Pena v. JB Critchley*, Fresno
28

1 County Superior Court Case No. 17CECG03274. We successfully litigated and certified a class-
2 wide and court approved settlement pre-class certification that included payments for owed
3 overtime. The total amount of the settlement was in excess of \$300,000.00.

4 13. I graduated in 2008 from the Golden Gate School of Law.

5 14. In my last request for attorney fees in California Superior Court, the Court
6 approved a rate of \$500.00 per hour.
7

8 **Class Counsel Fees and Costs**

9 15. My total lodestar is \$64,000 plus, reflecting over 128 attorney hours at a rate of
10 \$450 per hour, in addition to litigation costs of \$17,000.

11 16. The Ladva Law firm expended over 167 hours between Mr. Ashwin Ladva and Mr.
12 Scott Nakama. Mr. Ladva expended over 55 hours on this matter at a rate of \$700 per hour
13 (\$38,500) and Mr. Nakama expended over 142.2 hours on this matter at a rate of \$400 per hour
14 (\$56,880).
15

16 17. Class Counsel's total lodestar is \$159,380.00 plus, reflecting over 325.2 attorney
17 hours, in addition to litigation costs of \$17,000.

18 18. Class Counsel expects to incur additional costs through the conclusion of this
19 matter.
20

21 19. The requested fee award is only 75.7% of Class Counsel's lodestar of \$159,380.00
22 or a "negative" multiplier of .75.

23 20. Class Counsel expects to incur additional costs through the conclusion of this
24 matter.

25 21. The common fund provides substantial monetary relief to Settlement

26 22. Class Members, especially given the significant risks to Plaintiffs obtaining a
27 classwide recovery.
28

1 23. During the litigation, Class Counsel conducted extensive discovery, including
2 many discovery disputes and review of over 10,000 pages of documents and substantial data
3 relevant to the claims, conducted extensive legal and factual research, including interviews with
4 Plaintiff and declarants.

5 24. Class Counsel took on the risk of recovering nothing and the reality of nonpayment
6 for years. Class Counsel accepted this case on a pure contingency basis and have received no
7 compensation for their time or expenses.
8

9 25. Performing this work for the benefit of the Class precluded Class Counsel from
10 accepting other work.

11 26. Class Counsel's lodestar will continue to increase as Class Counsel continues to
12 perform work for the Class overseeing the settlement.
13

14 27. Class Counsel managed the work by efficiently allocating tasks to individuals and
15 avoiding duplication of effort.

16 28. Our rates are consistent with the market for attorneys with comparable experience
17 in Fresno.

18 29. Class Counsel have also been awarded attorneys' fees at or near the rates they
19 request here.
20

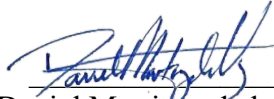
21 30. The hourly rates of Class Counsel at Law Offices of Daniel Vega are rates that
22 comparable attorneys at charge paying clients.

23 31. We incurred litigation costs and expenses for legal research, filing, printing and
24 photocopying, postage for client documents, document management, and transcript services.

25 32. All of these costs were necessary in connection with the prosecution of this
26 litigation and were incurred for the benefit of the Class.
27

28 33. To date, no Class Member has objected to Class Counsel's request for costs

1 I declare under penalty of perjury that the foregoing is true and correct, that I could testify
2 competently thereto if called upon to do so, and that I executed this Declaration on the
3 _____14_____ day of ____February_____, 2023, in the City and County of San Francisco,
4 California.

5
6 
7 Daniel Martinez de la Vega