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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SANTA CRUZ**

13 YVONNE LARKIN, as an individual and on
behalf of all others similarly situated, and as a
14 private attorney general,

15 Plaintiff,

16 vs.

17 PARK & KISS, INC.; and DOES 1 through 50,
inclusive,

18 Defendants.
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Case No. 26CV00361

[Hon. Syda K. Cogliati, Department 5]

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

Date: August 24, 2026
Time: 8:30 a.m.
Department: 5

Complaint Filed: February 3, 2026

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 the owner of
3 the law firm of Fitzpatrick & Swanston, counsel of record for Plaintiff Yvonne Larkin ("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. Based on their own independent investigation and evaluation, the Parties and their
7 respective counsel are of the opinion that settlement for the consideration and on the terms set forth in
8 the Joint Stipulation of Class Action and PAGA Settlement ("Settlement Agreement") is fair,
9 reasonable, and adequate and is in the best interests of the Class and Defendant in light of all known
10 facts and circumstances and the expenses and risks inherent in litigation.

11 3. I have spent significant time researching and pursuing the claims that have been alleged
12 in this action. From the inception of the case, Class Counsel have zealously represented the interests of
13 the Class. Class Counsel have engaged in significant meet and confer discussions with opposing counsel
14 to obtain informal data and documents and to discuss the merits of the claims on behalf of the Class.
15 This settlement was obtained for the benefit of the Class, as opposed to the individual Class
16 Representative. Based on my review of all the documents and information, and based on my experience
17 in class action litigation, I believe this settlement to be fair, adequate, and reasonable.

18 4. I am one of the primary attorneys on this matter. My qualifications are as follows: I
19 received my bachelor's degree from the University of California, Santa Barbara, and my Juris Doctor
20 degree from the University of Santa Clara School of Law. I have practiced law since 1987. The
21 primary emphasis of my practice is employment litigation. I have represented both employers and
22 employees. Over 20 years ago, my office commenced handling plaintiff class action wage and hour
23 cases. Since then, my office has handled hundreds of wage and hour cases to conclusion and has been
24 class counsel and/or co-counsel in over 100 class actions. My firm currently has wage and hour cases in
25 Alameda County Superior Court, Monterey County Superior Court, Nevada County Superior Court,
26 Santa Clara Superior Court, San Benito Superior Court, San Bernardino County Superior Court, San
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1 Joaquin County Superior Court, Santa Cruz Superior Court, Ventura County Superior Court, and the
2 United States District Courts for the Eastern and Northern District of California.

3 5. I do not have a conflict of interest with Plaintiff or the Class Members. My co-counsel
4 and I will adequately represent the Class Members in this action. Co-Counsel and I have and will
5 zealously represent Plaintiff and the Class and pursue this lawsuit to its conclusion.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing is
7 true and correct and if called as a witness I could and would competently testify to each of the matters
8 stated herein, and I state that these matters are based upon my own personal knowledge acquired
9 through first-hand observation, except where stated otherwise. This declaration was executed by me on
10 July 23, 2026, in Salinas, California.



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12 B. James Fitzpatrick