

Lilit Tunyan (SBN 329351)
ltunyan@tunyanlaw.com
Artur Tunyan (SBN 349174)
atunyan@tunyanlaw.com
TUNYAN LAW, APC
535 N. Brand Blvd., Suite 285
Glendale, California 91203
Telephone: (323) 410-5050

Attorneys for Plaintiff SEAN W POWERS,
as an individual and on behalf of all
employees similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

SEAN W POWERS, as an individual and on
behalf of all employees similarly situated,

Plaintiff,

v.

MARIO'S PLACE, INC., a California
Corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No.: CVRI2301652

[Assigned for all purposes to Hon. Harold W.
Hopp, Dept. 1]

CLASS ACTION

**DECLARATION OF NICKOLAUS E.
BUCHHOLZ IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND PAGA REPRESENTATIVE ACTION
SETTLEMENT**

Reservation ID: 984811064175
Date: May 15, 2024
Time: 8:30 a.m.
Courtroom: Dept. 1
Judge: Hon. Harold W. Hopp

Action Filed: April 3, 2023
Trial Date: Not Set

DECLARATION OF NICKOLAUS E. BUCHHOLZ

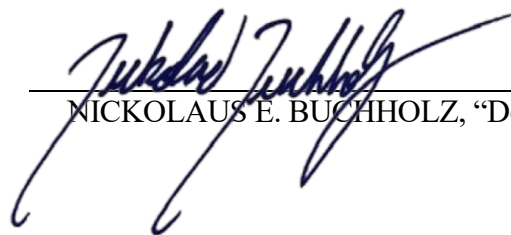
I, Nickolaus E. Buchholz, declare as follows:

1. I am an attorney at law licensed to practice before all Courts of the State of California and am an associate in the law firm Lester, Cantrell, & Kraus, LLP, counsel of record for Defendant Mario's Place, Inc. (hereinafter, "Defendant"). I make this declaration on my own personal knowledge, and if called upon to testify I could and would competently testify thereto. I further make this declaration in compliance with the Court's Case Management Order ("CMO") and in support of Plaintiff's Motion for Preliminary Approval of Class and PAGA Representative Action Settlement ("Motion").

2. In making this declaration, I have made reasonable inquiries of other members of my law firm, and know of no other associated law firm, to determine that there are no other class, representative or other collective action in any other court or any other jurisdiction that asserts claims similar to those asserted in this action on behalf of a class or group of individuals some or all of whom would be members of the Class defined in this action.

3. I confirm that the parties have selected Phoenix Settlement Administrators, Inc., dba Phoenix Class Action Administration Solutions as a Settlement Administrator with whom Defendant has no financial interest or other relationship that could create a conflict of interest.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on April 8, 2024, in Riverside, California.



NICKOLAUS E. BUCHHOLZ, "Declarant"

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
3) ss
4 COUNTY OF LOS ANGELES)

5 I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a
6 party to the within action; my business address is 535 N Brand Blvd. Suite 285, Glendale, CA 91203.

7 On the date indicated below, I served the document described as: **DECLARATION OF**
8 **NICKOLAUS E. BUCHHOLZ IN SUPPORT OF PLAINTIFF'S MOTION FOR**
9 **PRELIMINARY APPROVAL OF CLASS AND PAGA REPRESENTATIVE ACTION**
10 **SETTLEMENT** on the interested parties in this action by sending a true copy thereof to interested parties
11 as follows and as stated on the attached service list:

12 Matthew Kraus
13 mkraus@lc-lawyers.com
14 Nickolaus Buchholz
15 nbuchholz@lc-lawyers.com
16 Monique Patino
17 mpatino@lc-lawyers.com
18 Marcella Buchheit
19 mbuchheit@lc-lawyers.com

20 **LESTER, CANTRELL & KRAUS, LLP**

21 1770 Iowa Avenue, Suite 110
22 Riverside, California 92507
23 Telephone: (951) 300-2690
24 Facsimile: (951) 300-2694

25 Attorneys for Defendant MARIO'S PLACE, INC.

26 [✓] **BY E-MAIL:** I hereby certify that this document was served from Glendale, California, by e-
27 mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of
28 record in this action.

[✓] **BY ELECTRONIC SERVICE:** Based on an agreement of the parties to accept electronic
service, I caused the documents to be sent to the persons at the electronic service addresses listed
above via electronic mail. I did not receive an error message.

I declare under penalty of perjury under the laws of the State of California that the above is
true and correct.

Executed on April 22, 2024, at Glendale, California.

Lilit Tunyan

Name



Signature