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Attorneys for MANUEL BALUX OCH and PEDRO GARCIA ALFEREZ, on behalf of themselves, all others similarly situated, and on behalf of the general public

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA**

MANUEL BALUX OCH and PEDRO
GARCIA ALFEREZ on behalf of
themselves, all others similarly situated, and
on behalf of the general public,

Plaintiffs,

v.

SAC PROFLOORS; and DOES 1-100,
Defendants.

Case No. 23CV031860
(Consolidated with Case No. 23CV039543)

*[Assigned for All Purposes to the
Hon. Michael Markman; Dept. 23]*

**DECLARATION OF PETER J. HORTON,
ESQ., IN SUPPORT OF PLAINTIFF'S
MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND PAGA
ACTION SETTLEMENT, CONDITIONAL
CERTIFICATION, APPROVAL OF CLASS
NOTICE, SETTING OF FINAL
APPROVAL HEARING DATE**

Date: September 12, 2024
Time: 10:30 a.m.
Reservation ID: A-31860-001

Action File: April 25, 2023
Trial Date: None Set

1 I, PETER J. HORTON, declare as follows:

- 2 1. I am the managing litigation attorney at the law firm of Lawyers for Employee and
3 Consumer Rights and counsel of record for Plaintiff and the aggrieved employees in this
4 matter. I am duly admitted to practice before all the courts of the state of California. The
5 following facts are within my personal knowledge and, if called to testify, I could and
6 would competently testify thereto.
- 7 2. I graduated from California Western School of Law.
- 8 3. I was admitted to practice law in California in December 2003.
- 9 4. My firm and I handle employment cases which involve violations of the California Labor
10 Code and Industrial Welfare Commission Wage Orders, such as wage and hour class
11 actions and cases alleging violations of the Private Attorneys General Act of 2004
12 (“PAGA”). We are currently involved in litigation in over fifty (50) PAGA cases.
- 13 5. My firm has been granted class certification in both state and federal courts.
- 14 6. Class Counsel at Lawyers for Employee and Consumer Rights, PC, have worked 18.1
15 hours to date on this case and have calculated the lodestar fee on those hours at \$12,036.50
16 at rates reflecting those currently earned in the marketplace.
- 17 7. All of the work and tasks performed by Class Counsel were reasonable and necessary to
18 the prosecution of this case and are reflected in the result achieved.
- 19 8. All services were performed by Plaintiff’s Counsel on a contingent basis with no guarantee
20 of any payment. Had the litigation continued, Defendants would undoubtedly have
21 mounted an aggressive defense. A defeat on the merits would have foreclosed the
22 possibility of recovering any remuneration for Plaintiff’s Counsel’s time and effort.
- 23 9. This was a highly contested matter which required a significant amount of time and labor.
24 Class Counsel had to investigate and analyze documents and data for Plaintiff and a
25 sampling of Class Members. In addition, as part of the above investigation and analysis,
26 Plaintiff had to marshal the evidence in a manner in which it could be adjudicated on a
27 class-wide basis. So often, lawyers unskilled in the class action aspect of wage and hour
28 cases do not pay attention to or put the work into how the evidence must be presented for

1 class-wide adjudication. Strong class-wide cases perish in the hands of inexperienced
2 counsel because the case has not been worked up to succeed at certification. Class Counsel
3 here has considerable experience in class litigation and, from the beginning of the case, is
4 marshaling the evidence with a sharp focus on class-wide proof needed for the matter to
5 get certified. This case was no different. This filtering of voluminous evidence into class-
6 wide proof while keeping an eye on the merits of the litigation required a considerable
7 amount of attorney time and skill.

8 10. Class Counsel performed all services on a contingent basis.

9 11. Class Counsel's hourly rates are between \$600 and \$800 and are in line with rates typically
10 approved in wage and hour class action litigation and which rates have been approved by
11 Courts in California in the Los Angeles, Sacramento, San Francisco, Alameda, Orange,
12 and San Diego County Superior Courts.

13 12. I devoted 18.1 hours to this case. The following is a summary of my tasks and activities
14 performed in the litigation of this matter: analyzing records produced by Defendant relating
15 to its policies, pay structures and timekeeping; reviewing and revising mediation brief and
16 mediation damage and exposure model; preparing for and attending mediation; reviewing
17 and revising the settlement agreement and the Notice to the Class; reviewing and revising
18 preliminary approval motion and supporting papers; drafting declaration in support of
19 preliminary approval; reviewing weekly status reports from the Settlement Administrator
20 regarding Class participation; drafting declaration in support of final approval; and
21 reviewing and revising final approval motion and supporting documents.

22 13. My hourly rate is \$665. Based on my hourly rate and the hours expended 18.1, my fee is
23 \$12,036.50 , which is reasonable and necessary to the successful litigation of this matter.

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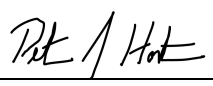
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I declare under penalty of perjury under the laws of the State of California that all the foregoing is true and correct.

Dated: August 19, 2024

**LAWYERS FOR EMPLOYEE AND CONSUMER
RIGHTS**



Peter J. Horton, Esq.
Attorney for Manuel Balux Och, on behalf of
himself, all others similarly situated, and on behalf
of the general public.