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Attorneys for MARK FRANKLIN, on behalf of himself,
all others similarly situated, and on behalf of the general public

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KERN

MARK FRANKLIN on behalf of himself,
all others similarly situated, and on behalf
of the general public,

Plaintiffs,

v.

DESERT HAVEN ENTERPRISES; and
DOES 1-100,

Defendants.

Case No. BCV-23-101153
(Consolidated with Case No. BCV-23-101829)

*[Assigned for All Purposes to the
Honorable Gregory A. Pulskamp; Div. J]*

**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: June 26, 2024

Time: 8:30 a.m.

Division: J

Location: 1215 Truxton Avenue
Bakersfield, California 93301

Complaint Filed: April 13, 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 have been practicing law in California since 2004.
- 8 3. My firm and I handle employment cases which involve violations of the California Labor
9 Code and Industrial Welfare Commission Wage Orders, such as wage and hour class
10 actions and cases alleging violations of the Private Attorneys General Act of 2004
11 (“PAGA”). We are currently involved in litigation in over fifty (50) PAGA cases.
- 12 4. My firm has been granted class certification in both state and federal courts.
- 13 5. All services were performed by Plaintiff’s Counsel on a contingent basis with no
14 guarantee of any payment. Had the litigation continued, Defendants would undoubtedly
15 have mounted an aggressive defense. A defeat on the merits would have foreclosed the
16 possibility of recovering any remuneration for Plaintiff’s Counsel’s time and effort.
- 17 6. I believe that the settlement amount of \$1,7500,000 – with an average settlement share
18 amount estimated at \$1,580 – is a reasonable and fair settlement amount.

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

21
22 Dated: May 29, 2024

LAWYERS FOR EMPLOYEE AND CONSUMER RIGHTS

23 
24 _____
25 Peter J. Horton, Esq.
26 Attorney for Mark Franklin, on behalf of himself,
27 all others similarly situated, and on behalf of the
28 general public.