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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 MARK
FRANKLIN'S MOTION FOR FINAL
APPROVAL OF CLASS AND PAGA
ACTION SETTLEMENT**

Date: October 30, 2024

Time: 8:30 a.m.

Division: J

Location: 1215 Truxton Avenue
Bakersfield, California 93301

Complaint Filed: April 13, 2023
Trial Date: None Set

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

- 3 1. I am the managing litigation attorney at the law firm of Lawyers for Employee and
4 Consumer Rights and counsel of record for Plaintiff and the aggrieved employees in this
5 matter. I am duly admitted to practice before all the courts of the state of California. The
6 following facts are within my personal knowledge and, if called to testify, I could and
7 would competently testify thereto.
- 8 2. I graduated from California Western School of Law.
- 9 3. I was admitted to practice law in California in December 2003.
- 10 4. My firm and I handle employment cases which involve violations of the California Labor
11 Code and Industrial Welfare Commission Wage Orders, such as wage and hour class
12 actions and cases alleging violations of the Private Attorneys General Act of 2004
13 (“PAGA”). We are currently involved in litigation in over fifty (50) PAGA cases.
- 14 5. My firm has been granted class certification in both state and federal courts.
- 15 6. Class Counsel at Lawyers for Employee and Consumer Rights, PC, have worked 115 hours
16 to date on this case and have calculated the lodestar fee on those hours at \$76,475 at rates
17 reflecting those currently earned in the marketplace.
- 18 7. All of the work and tasks performed by Class Counsel were reasonable and necessary to
19 the prosecution of this case and are reflected in the result achieved.
- 20 8. All services were performed by Plaintiff’s Counsel on a contingent basis with no guarantee
21 of any payment. Had the litigation continued, Defendants would undoubtedly have
22 mounted an aggressive defense. A defeat on the merits would have foreclosed the
23 possibility of recovering any remuneration for Plaintiff’s Counsel’s time and effort.
- 24 9. This was a highly contested matter which required a significant amount of time and labor.
25 Class Counsel had to investigate and analyze documents and data for Plaintiff and a
26 sampling of Class Members. In addition, as part of the above investigation and analysis,
27 Plaintiff had to marshal the evidence in a manner in which it could be adjudicated on a
28 class-wide basis. So often, lawyers unskilled in the class action aspect of wage and hour

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

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

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

14 12. I devoted 115 hours to this case. The following is a summary of my tasks and activities
15 performed in the litigation of this matter: analyzing records produced by Defendant relating
16 to its policies, pay structures and timekeeping; reviewing and revising mediation brief and
17 mediation damage and exposure model; preparing for and attending mediation; reviewing
18 and revising the settlement agreement and the Notice to the Class; reviewing and revising
19 preliminary approval motion and supporting papers; drafting declaration in support of
20 preliminary approval; reviewing weekly status reports from the Settlement Administrator
21 regarding Class participation; drafting declaration in support of final approval; and
22 reviewing and revising final approval motion and supporting documents.

23 13. My hourly rate is \$665. Based on my hourly rate and the hours expended 115, my fee is
24 \$76,475, which is reasonable and necessary to the successful litigation of this matter.

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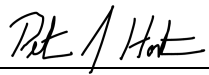
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I declare under penalty of perjury under the laws of the State of California that all the foregoing is true and correct.

Dated: October 8, 2024

**LAWYERS FOR EMPLOYEE AND CONSUMER
RIGHTS**



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