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7 Attorneys for Plaintiff,

8 OLGA SOTELO, and all others similarly situated

9 (Additional attorneys for Plaintiff(s) on following page)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF LOS ANGELES**

12 **(UNLIMITED JURISDICTION)**

13 OLGA SOTELO, on behalf of herself and all
14 others similarly situated, and the general public,
15 and an “aggrieved employee” on behalf of other
16 “aggrieved employees” and the State of
17 California under the Labor Code Private
Attorneys General Act of 2004,

18 *Plaintiff(s),*

19 vs.

20 FAR WEST RESTAURANT GROUP, LLC
21 (D/B/A WINGSTOP), a California limited
22 liability company; ZION RESTAURANT
23 GROUP, LLC (D/B/A WINGSTOP), a
California limited liability company; and DOES
2-50, inclusive,

24 *Defendant(s).*

Case No. 23STCV12284

**DECLARATION OF BENJAMIN J.
SMITH IN SUPPORT OF PLAINTIFF
OLGA SOTELO’S MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: January 13, 2025

Hearing Time: 9:00 a.m.

Hearing Dept.: 17, The Honorable Laura
A. Seigle

Action filed: May 31, 2023

Trial Date: Not set



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1 **DECLARATION OF BENJAMIN J. SMITH IN SUPPORT OF MOTION FOR**
2 **PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

3 I, BENJAMIN J. SMITH, declare as follows:

4 1. I am an attorney duly licensed to practice law in the State of California and am an
5 attorney of record for Plaintiff Olga Sotelo (“Plaintiff”) in her lawsuit against Defendant Far West
6 Restaurant Group, LLC (D/B/A WingStop) (“Defendant”). I am a member in good standing of
7 the State Bar of California. I make this Declaration in support of Plaintiff’s Motion for
8 Preliminary Approval of Class Action Settlement. I make this Declaration based on my personal
9 knowledge and if called to testify I could and would competently testify to the matters contained
10 in this Declaration.

11 2. I have extensive experience in plaintiff-side employment and wage and hour
12 litigation. I completed my undergraduate studies at the University of Southern California. I
13 completed my legal studies at Loyola Law School in Los Angeles, California, where I received a
14 Juris Doctor degree in May of 2008.

15 3. Since being admitted to the State Bars of New York and California 2008 and 2009,
16 respectively, after passing both Bar Examinations on my first attempt, I have almost exclusively
17 practiced in the area of civil litigation, including in the fields of employment law and wage and
18 hour litigation.

19 4. During my career, I have been involved as counsel in numerous successfully
20 resolved class and PAGA actions for Labor Code violations including the following:

21 A. *Francheska Lewis v. McManga Foods, Inc., et al.*, Riverside Superior Court, Case
22 No.: RIC1904964;

23 B. *Gabriela Escriba v. Communications Test Design, Inc., et al.*, United States
24 District Court, Central District of California, Case No.: 5:21-cv-1326;

25 C. *Maria Perez and Cristal Perez v. ODW Logistics, Inc.*, San Bernardino Superior
26 Court, Case No.: CIVDS2001904;

27 D. *Tia Bundley v. Venderlande Industries, Inc.*, Los Angeles Superior Court, Case
28



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No.: 20STCV37685;

E. *Salvador Corona v. Southwest Protective Services, Inc.*, Imperial Superior Court, Case No. ECU001195; and

F. *Eddie Hernandez v. New Image Pool Interiors, Inc.*, Tulare Superior Court, Case No.: VCU293400.

5. In addition to class and PAGA actions for Labor Code violations, below is some of my notable work:

A. Assisted trial counsel in a well-publicized trial obtaining a judgment in excess of \$100 million involving breach of fiduciary duty in a commercial/probate case through appeal to the California Supreme Court.

B. Assisted trial counsel in obtaining a jury verdict in excess of \$65 million involving a dispute concerning a partnership agreement for the acquisition, management and financing of a real estate business.

C. Assisted trial counsel in obtaining a jury verdict for fraud, breach of fiduciary duty and breach of contract in excess of \$9 million involving a medical practice partnership.

D. Lead counsel in obtaining settlement of \$418,000 for clients involved in a dog attack.

E. Co-trial counsel in a case against a security company for misappropriation of a rare diamond in which judgment was obtained after trial

F. Co-trial counsel in obtaining a \$200,000 judgment after trial for breach of contract against a luxury automobile dealership involving a celebrity-owned exotic automobile, including \$138,000 in attorneys' fees and costs of \$130,000.

6. I have also done work as:

A. Counsel of the owner of famous trademark "Honey Badger Don't Care" in trademark infringement actions throughout the country, achieving significant settlements for the client.



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- 1 B. Counsel for a seller of a business in an action against a buyer who refused to pay
2 a substantial portion of the purchase price. On the eve of trial, the case settled with
3 the client obtaining a several hundred-thousand-dollar stipulated judgment.
- 4 C. Defense counsel for a real estate property manager against multi-million dollar
5 claim for mismanagement, successfully resolving the claim for cents on the dollar.
- 6 D. Counsel for a client who improperly had a judgment entered against him. By
7 applying pressure to Plaintiff and third-party national bank, I obtained a
8 satisfaction of judgment ruling and a reimbursement of all the attorneys' fees and
9 costs paid by the client.
- 10 E. Lead trial counsel in achieving a complete defense of all claims against a
11 prominent real estate broker in a five-week trial for fraud and breach of contract.
- 12 F. Lead counsel in successfully obtaining the identities of anonymous authors of
13 harmful internet statements on the internet and thereafter initiating litigation
14 against said authors, and successfully had the website containing false and
15 damaging information about our client removed from the internet, and defeated a
16 hotly contested anti-SLAPP motion.
- 17 G. Counsel in successfully obtaining a \$187,500 settlement against a property
18 management company in a case for wrongful termination, discrimination,
19 harassment, and retaliation against one of their property managers.
- 20 H. Counsel in successfully obtaining a \$159,500 settlement against a private college
21 in a case for wrongful termination, discrimination, harassment, and retaliation
22 against one of their administrative staff.
- 23 I. Counsel in successfully obtaining a \$310,000 settlement against a health
24 insurance provider in a case for wrongful termination, discrimination, harassment,
25 and retaliation against one of their senior managers.
- 26 J. Counsel in successfully obtaining a \$169,200 settlement against a high-profile
27 individual in a case for wrongful termination, discrimination, harassment, and
28

1 retaliation of one of their nannies.

2 K. Counsel in successfully obtaining a \$144,000 settlement against a rehab facility
3 in a case for wrongful termination, discrimination, harassment, and retaliation of
4 against of their managers.

5 7. I have no conflicts of interest with the class or with the Class Representative. I am
6 not related to the Class Representative. I have not previously represented Defendants in any
7 matter. I do not represent opposing factions within the class in that all claims are predicated upon
8 the same theories of liability and benefit all class members equally. In sum, I am well-suited to
9 act as Class Counsel and will continue to vigorously represent the interests of the class.

10 8. I am not aware of any class, representative, or other collective action in any
11 other court, in this, or any other jurisdiction, that asserts claims similar to those asserted in
12 this action, on behalf of the class or group of individuals, some or all of whom would also be
13 members of the class to find in this action. I have made a reasonable inquiry of the other
14 members of my law firm to determine whether they are aware of any such similar actions.
15 Based on these inquiries, I am aware of no such similar actions.

16 9. There exists no relationship between the proposed *cy pres* recipient, Court
17 Appointed Special Advocates of Los Angeles (“CASA/LA”), and my law firm.

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

20 Executed on 10 / 28 / 2024 at Los Angeles, California.

21 

22 BENJAMIN J. SMITH,
23 Declarant



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