

**Electronically Filed
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County of Santa Clara,
on 5/14/2025 3:03 PM
Reviewed By: Y. Chavez
Case #23CV426828
Envelope: 19351737**

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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

JOSIAH BERRYHILL, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

BIG AL'S V, INC., a Washington corporation;
and DOES 1 through 10, inclusive,

Defendants.

Case No.: 23CV426828

*Assigned for all purposes to:
Hon. Charles F. Adams
Dept. 7*

**DECLARATION OF JOHN G. YSLAS IN
SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

FINAL APPROVAL HEARING

Date: June 5, 2025

Time: 1:30 p.m.

Dept: 7

DECLARATION OF JOHN G. YSLAS

I, John G. Yslas, declare as follows:

1. I am an attorney at law licensed to practice before all of the courts of the State of California. I am a Senior Partner at Wilshire Law Firm, PLC (“WLF”), counsel of record for Plaintiff Josiah Berryhill (“Plaintiff”). I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I submit this declaration in support of Plaintiff’s Motion for Final Approval of Class Action and PAGA Settlement.

3. Plaintiff is represented by WLF. The attorneys at WLF performed significant work and expended litigation costs in prosecuting this matter with no guarantee of payment.

4. WLF was selected by Best Lawyers and U.S. News & World Report as one of the nation’s Best Law Firms since 2020 and is comprised of more than 100 attorneys and over 600 employees. WLF is actively and continuously practicing in employment litigation, representing employees in both individual and class actions in both state and federal courts throughout California.

5. WLF is qualified to handle this Litigation because its attorneys are experienced in litigating Labor Code violations in individual, class action, and representative action cases. WLF has handled, and is currently handling, numerous wage and hour class action lawsuits, as well as class actions involving consumer rights and data privacy litigation.

6. I graduated from the University of California, Santa Barbara with High Honors in 1991 with Bachelor of Arts degrees in Psychology. I received my Juris Doctor from UCLA Law School in 1996.

7. Upon graduating from law school in 1996, I worked for a boutique law firm practicing general litigation which included employment law matters. Since 2000 (that is, the last 25 years) my practice has been exclusively focused on labor and employment matters including handling wage and hour class, collective and representative actions (including the California Private Attorneys General Act, or “PAGA”), including in the international law firms

1 of Morgan, Lewis & Bockius LLP (where I was a senior associate), Foley & Lardner LLP
2 (where I was a partner and a national Vice Chair of the Labor and Employment Group), Norton
3 Rose Fulbright LLP (where I was a partner) and Seyfarth Shaw LLP (where I was a partner and
4 member of the Wage and Hour Practice Group). During my time at these law firms, I was the
5 primary attorney or took a major leading role in defending employers on numerous wage and
6 hour class, collective and representative actions.

7 8. In late June 2022 I left Seyfarth Shaw LLP and joined my current firm, Wilshire
8 Law Firm, PLC, to represent plaintiff employees. I have been and am handling many wage and
9 hour class and representative actions litigating such matters on behalf of plaintiff employees in
10 numerous Superior Courts and District Courts. From matters representing both plaintiffs and
11 defendants, I have successfully mediated the resolution of many wage and hour class,
12 collective, and representative actions. Just since starting to settle cases in late April 2023 I have
13 already successfully mediated matters in which I have been counsel or co-counsel resulting in
14 **over \$100 million** in settlements which are in the process of being finalized, and with numerous
15 upcoming mediations scheduled. In those and numerous other matters, I have managed and
16 assisted with the litigation and settlement of many wage and hour PAGA and class actions. In
17 those actions, I performed similar tasks as those performed in the course of prosecuting this
18 action.

19 9. I have received numerous awards for my legal work. For example, from 2015
20 to 2018, I was listed in Los Angeles Super Lawyers for Employment Litigation (Thomson
21 Reuters). I have also served on numerous prominent boards and in other leadership positions,
22 including serving as Southern California Regional President for the Hispanic National Bar
23 Association and on the board of directors of the Mexican American Bar Foundation. I also
24 previously served on the 5-member Los Angeles Civil Service Commission, which generally
25 oversees the personnel decisions for the City of Los Angeles.

26 10. I have also published numerous blogs on labor and employment issues including
27 on wage and hour issues. For example, I published "Headline News: Wal-Mart v. Dukes-
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1 Impact on Class Action Litigation” (while a partner with Foley & Lardner LLP) and “Are You
2 Really Protected From Wage-and-Hour Successor Liability in an Asset Purchase” (while a
3 partner with Seyfarth Shaw LLP). I have also been a presenter at numerous conferences,
4 including being a presenter involving the “Employment Law Update” at a National
5 Employment Law Council conference. I currently bill at an hourly rate of \$1,500.00.

6 11. Samantha A. Smith is a Senior Attorney at WLF where her practice is focused
7 on managing wage and hour class action and PAGA settlements. Ms. Smith was admitted to
8 the California Bar in December of 2004, and received a J.D. from University of California,
9 Hastings College of the Law and a B.A. from University of California, Davis. Ms. Smith has
10 dedicated her 20-year career to plaintiffs’-side class action litigation. Her wealth of experience
11 includes successful work on all stages of class action litigation, including class action appeals,
12 class certification motions, and class settlements. See, e.g., Blue Diamond Growers Product
13 Labeling Cases, JCCP No. 4822 (Los Angeles County Superior Court) (false advertising of
14 Blue Diamond food products); Adam vs. eHealth, Inc., Case No. 17CV309050 (Santa Clara
15 County Superior Court) (employee data breach); Overton v. Armour-Eckrich Meats, LLC, Case
16 No. CIVDS1501325 (San Bernardino County Superior Court) (unpaid wages, meal period and
17 rest break claims, and PAGA violations for nonexempt employees); DeLeon et al. v. Westlake
18 Services, LLC, Case No. BC 526750 (Los Angeles County Superior Court) (unpaid overtime,
19 meal period and rest break claims for call center employees); Sawyer v. Retail Data, LLC, Case
20 No. 30-2014-00753767-CU-OE-CXC (Orange County Superior Court) (unpaid wage and rest
21 break claims for piece rate workers); Nguyen v. Pharmerica Corporation et al., Case No. 30-
22 2014-00716072-CU-OE-CXC (Orange County Superior Court) (unpaid wages and
23 unreimbursed expenses for pharmacists); Laumea v. Performance Food Group, Inc., Case No.
24 CIVDS1407509 (San Bernardino County Superior Court) (unpaid wages, meal and rest break
25 claims for non-exempt employees); Durroh v. East West Bank, Case No. BC528860 (Los
26 Angeles County Superior Court) (overtime claims for failure to include bonuses in regular rate
27 of pay for bank workers); Gonzalez et al. v. SFFI Company, Inc. et al., Case No.

1 CIVDS1504287 (San Bernardino County Superior Court) (unpaid wages, meal period and rest
2 break claims for non-exempt employees). Ms. Smith currently bills at an hourly rate of
3 \$1,000.00.

4 12. Jeffrey C. Bils is an eleventh-year Senior Attorney at WLF. He graduated from
5 the University of Wisconsin–Madison with a Bachelor of Arts in Journalism and German, and
6 received his Juris Doctor from the University of California, Los Angeles School of Law in 2014.
7 During law school, he was a Senior Editor on the UCLA Law Review and an Articles Editor
8 on the Entertainment Law Review. He served as a Judicial Extern for the Hon. Consuelo Bland
9 Marshall in United States District Court for the Central District of California, and also for the
10 Hon. Sandra R. Klein of United States Bankruptcy Court for the Central District of California.
11 He graduated ranked No. 7 in his graduating class from UCLA School of Law. He was admitted
12 to practice law in the State of California in 2014. Since graduating from law school, he has
13 focused his legal work primarily on employment matters, including wage-and-hour class action
14 and PAGA representative action litigation, and he has helped obtain dozens of settlements on
15 behalf California workers, as well as on behalf of California employers during his years on the
16 defense bar. He is a member of the Beverly Hills Bar Association (BHBA), where he serves as
17 a current member of the Board of Governors and is a past Chair of the Labor & Employment
18 Law Section Executive Committee. He is also a member of the California Employment
19 Lawyers Association (CELA). Mr. Bils currently bills at an hourly rate of \$850.00.

20 13. Aram Boyadjian is a fifth-year Associate Attorney at WLF. He was admitted to
21 practice law in the State of California in 2021. Aram graduated from the University of
22 California, Los Angeles, with a Bachelor of Arts in Political Science. He received his Juris
23 Doctor from Loyola Law School. During law school, he was a member of the student editorial
24 board for the International and Comparative Law Review. Since January 2021, his practice has
25 mainly been focused on wage and hour class action litigation. Mr. Boyadjian currently bills at
26 an hourly rate of \$600.00.

27 14. Andrew Sandoval is a third-year Associate Attorney at WLF. He was admitted
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1 to practice law in the State of California in 2022. Andrew graduated from Azusa Pacific
2 University with a Bachelor of Arts in Economics. He received his Juris Doctor from Loyola
3 Law School. During law school, he was a Vice-President of La Raza de Loyola. Since
4 graduating, his practice has mainly been focused on wage and hour class action litigation. Mr.
5 Sandoval currently bills at an hourly rate of \$500.00.

6 15. WLF's requested fees have been approved by other courts in California. *See*,
7 *e.g.*, *Matthew Veliz v. DrinkPak, LLC*, Los Angeles County Superior Court, Case No.
8 22STCV37384, *Ismael Villegas-Sanchez v. COE Orchard Equipment, Inc.*, Sutter County
9 Superior Court Case No. CVCS22-0002261; *Jessica Bronsal v. PTI Technologies Inc.*, Ventura
10 County Superior Court, Case No. 202200570361CUOE; *Miguel A. Vigil Ruiz v. The De Ruosi*
11 *Group, LLC*, San Joaquin County Superior Court, Case No. STK-CV-UOE-2022-8780;
12 *Gutierrez v. Top Drawer Merch, LLC et al*, Los Angeles County Superior Court, Case No.
13 23STCV04299; *Wing v. Road Machinery, LLC et al*, Kern County Superior Court, Case No.
14 BCV-22-102896; *Hernandez v. SGPS Showrig Los Angeles, Inc.*, Los Angeles County Superior
15 Court, Case No. 22STCV28155; *Azevedo v. Tulare Nursing & Rehabilitation Hospital, Inc.*,
16 Tulare County Superior Court, Case No. VCU293325; *Haser v. Universal Chain of California,*
17 *Inc.*, Sacramento County Superior Court, No. 34-2022-00332268; *Caldera v. Performance*
18 *Online, Inc. et al*, Riverside County Superior Court, No. CVRI2306013; *Goosby v.*
19 *CiminoCare, Inc.*, Sacramento County Superior Court, No. 34-2022-00329033; *Rooks v. Hot*
20 *Cakes Restaurant Group, Inc.*, San Joaquin County Superior Court, No. STK-CV-UOE-2022-
21 11056; *Garcia v. Compassionate Heart*, Orange County Superior Court, No. No. 30-2022-
22 01294409-CU-OE-CXC; *Parra v. Citrus Valley Management Services, Inc.*, Riverside County
23 Superior Court, No. CVRI2301768; *Torres v. HomeShield Pest Control Inc.*, Placer County
24 Superior Court, No. S-CV-0049525; *Cabrera v. Creekside Auto Group*, Santa Clara County
25 Superior Court, No. 23CV415661; *Simpson v. Arcos*, Riverside Superior Court, No.
26 CVRI2303337; *Payne v. Planned Parenthood: Shasta-Diablo, Inc.*, San Francisco County
27 Superior Court, No. CGC-23-607359. The total hours expended on this action are reasonable
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1 and in line with comparable cases.

2 16. WLF has performed significant work and incurred litigation costs in prosecuting
3 this matter with no guarantee of any payment. The efforts expended by Plaintiff's counsel to
4 achieve this result include, but are not limited to, the following:

5 a. the investigation of the matter, including meeting with Plaintiff, reviewing
6 Defendant's policies, and requesting and reviewing Plaintiff's time and pay records, personnel
7 files, and exploring the corporate structure of Defendant;

8 b. filing the Action;

9 c. attending status conferences and meeting and conferring with Defendant
10 regarding the case;

11 d. meeting and conferring with Defendant regarding mediation, exchange of
12 informal discovery beforehand, and negotiating with opposing counsel regarding the
13 parameters thereof;

14 e. selecting a mediator and mediation date;

15 f. working with opposing counsel and expert consultants for the receipt of a
16 representative sampling and analyzing the same with the aid of expert consultants and Plaintiff
17 to perform analyses of liability and exposure prior to attendance of the mediation in this matter;

18 g. reviewing policy documents from Defendant and researching applicable
19 defenses;

20 h. preparation of the mediation brief and damages model for use at mediation;

21 i. attendance at the mediations by all Parties and Counsel;

22 j. communicating with Plaintiff who requested updates or other information
23 regarding this matter;

24 k. negotiating, finalizing and fully executing the initial settlement agreement;

25 l. preparing and filing the Motion for Preliminary Approval and supporting
26 documents;

27 m. negotiating, finalizing and fully executing the amendments to the initial
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1 settlement agreement pursuant to the Court's request, which are ultimately encompassed within
2 the Settlement Agreement;

3 n. preparing the supplemental memorandum in support of the Motion for
4 Preliminary Approval and supporting documents;

5 o. attending the hearings on Motion for Preliminary Approval;

6 p. opposing Defendant's Ex Parte Application and Motion for Declaratory Relief;

7 q. communicating with class members who sought additional information
8 regarding the settlement, including answering questions regarding the settlement and obtaining
9 updated addresses from class members for purposes of receiving the class notices and
10 administering the settlement checks; and

11 r. preparing the instant Motion for Final Approval and supporting documents.

12 17. WLF's current lodestar reflects the efficiencies achieved by attorneys
13 experienced in this field with **164.6** hours of work resulting in **\$153,390.00** in fees. The chart
14 below shows the calculation of hours spent by each of WLF's attorneys on this case:

Attorney	Hours	Hourly Rate	Total
John G. Yslas	40.1	\$1,500.00	\$60,150.00
Samantha A. Smith	25	\$1,000.00	\$25,000.00
Jeffrey C. Bils	44.8	\$850.00	\$38,080.00
Aram Boyadjian	28.1	\$600.00	\$16,860.00
Andrew Sandoval	26.6	\$500.00	\$13,300.00
TOTAL	164.6		\$153,390.00

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22 18. This amount surpasses the requested fee award of \$108,333.33, resulting in a
23 negative multiplier. This amount does not include the time Class Counsel will spend at the final
24 approval hearing and assisting the Settlement Administrator following final approval. This time
25 could have been spent on other potentially lucrative cases. WLF dedicated significant resources
26 to this case by dividing the tasks required according to skill level. The hours expended by each
27 attorney were not duplicative and reflect the extensive investigation and analysis that was
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1 required to achieve this Settlement. WLF's lodestar reflects the efficiencies achieved by
2 attorneys experienced in this field.

3 19. In litigation costs, WLF has spent \$19,640.72 on items such as filing fees,
4 service fees, mediation fees, and expert fees. Since Class Counsel's costs exceeded the
5 maximum of \$15,145.00 there will be no reversion to the Net Settlement Amount. A true and
6 correct copies of WLF's cost reports in this matter are attached hereto as **Exhibit 1**. All of the
7 costs incurred were reasonable and necessary for the prosecution of this case.

8 20. Class Counsel has negotiated a settlement here that they believe is fair,
9 reasonable, and adequate based on their prior experience litigating these type of cases.

10 21. A copy of the Class Action and PAGA Settlement Agreement and Class Notice
11 was submitted to the LWDA. A true and correct copy of the confirmation of submission to the
12 LWDA is attached hereto as **Exhibit 2**.

13 22. To date, the LWDA has not responded to or objected to the Settlement in this
14 matter.

15 23. A copy of Plaintiff Josiah Berryhill's Declaration in Support of Plaintiffs'
16 Motion for Preliminary Approval of Class Action Settlement is attached hereto as **Exhibit 3**.

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed on May 14, 2025 at Los Angeles, California.

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John G. Yslas

EXHIBIT 1

Expenses Subtotals - Filtered Exp. Type

As of 2025-05-09 16:49:22 Pacific Standard Time/PST • Generated by Tara Arnold

Filtered By
Show: All matters
Matter: ID equals a0L5G00000X0M7k
Expense Type equals E127 — DTF,DTF,E108 — Postage,E102 — Printing

Display Name ↑	Expense Type ↑	Date	Expense: Expense ID	Provider Name	Note	Amount	Reduction Amount	Amount Paid	Amount Due.
Josiah Berryhill - Wage & Hour: 6/19/2022	DTF	7/23/2024	E-3226285		Docusign envelope	\$1.89			\$1.89
		5/24/2024	E-3216418		Docusign envelope	\$1.89			\$1.89
	Subtotal	Sum				\$3.78	\$0.00	\$0.00	\$3.78
		Count	2						
	E108 — Postage	5/18/2023	E-3091227			\$7.09			\$7.09
		5/18/2023	E-3091226			\$7.09			\$7.09
		5/17/2023	E-3090308			\$6.85			\$6.85
		5/17/2023	E-3090307			\$6.85			\$6.85
	Subtotal	Sum				\$27.88	\$0.00	\$0.00	\$27.88
		Count	4						
Subtotal	Sum				\$31.66	\$0.00	\$0.00	\$31.66	
	Count	6							
Total	Sum				\$31.66	\$0.00	\$0.00	\$31.66	
	Count	6							

Wilshire Law Firm, PLC
Client Costs Detailed Report
All Transactions

05/09/25

Accrual Basis

Type	Date	Num	Class	Source Name	Memo	Amount	Balance
500000 · COS							
501500 · Court Filing Fees							
Credit C...	07/17/2023	20810316	BigAlsVInc(Berryhill).W&H	One Legal LLC	20810316-S&C-Atty Svc for Court Filing-199923 BigAlsVInc(Berryhil...	1,540.87	1,540.87
Credit C...	11/14/2023	21626899	BigAlsVInc(Berryhill).W&H	One Legal LLC	21626899-CMS-Atty Svc for Court Filing-199923 Berryhill vs Big Al's...	179.91	1,720.78
Credit C...	11/15/2023	21626900	BigAlsVInc(Berryhill).W&H	One Legal LLC	21626900-CMS-Atty Svc for Court Filing-199923 Berryhill vs Big Al's...	51.48	1,772.26
Credit C...	11/27/2023	21657220	BigAlsVInc(Berryhill).W&H	One Legal LLC	21657220-Notice-Atty Svc for Court Filing-199923 Berryhill vs Big Al...	27.46	1,799.72
Credit C...	12/04/2023	21750427	BigAlsVInc(Berryhill).W&H	One Legal LLC	21750427-CCCS,Comp,Summ-Atty Svc for Court Filing-199923 Josi...	1,496.64	3,296.36
Credit C...	12/04/2023	21754508	BigAlsVInc(Berryhill).W&H	One Legal LLC	21754508-Civil Lawsuit Ntc-Atty Svc for Court Filing-199923 Josiah ...	19.22	3,315.58
Credit C...	12/06/2023	21774825	BigAlsVInc(Berryhill).W&H	One Legal LLC	21774825-POS S&C-Atty Svc for Court Filing-199923 Berryhill vs Bi...	19.22	3,334.80
Credit C...	12/13/2023	21820238	BigAlsVInc(Berryhill).W&H	One Legal LLC	21820238-Entry of Order-Atty Svc for Court Filing-199923 Berryhill v...	19.22	3,354.02
Credit C...	04/19/2024	22719237	BigAlsVInc(Berryhill).W&H	One Legal LLC	22719237-CMS-Atty Svc for Court Filing-199923 Berryhill vs Big Al's...	21.28	3,375.30
Credit C...	06/07/2024	21754733	BigAlsVInc(Berryhill).W&H	One Legal LLC	21754733-199923-Atty Svc for Court Filing-Sum & Compl-BigAlsVIn...	87.51	3,462.81
Credit C...	07/12/2024	23319072	BigAlsVInc(Berryhill).W&H	One Legal LLC	23319072-199923-Atty Svc for Court Filing-CMS-BigAlsVInc(Berryhi...	25.40	3,488.21
Credit C...	07/25/2024	23388859	BigAlsVInc(Berryhill).W&H	One Legal LLC	23388859-199923-Atty Svc for Court Filing-Moti,Prel Appv,Decla,Or...	91.37	3,579.58
Credit C...	07/25/2024	23388860	BigAlsVInc(Berryhill).W&H	One Legal LLC	23388860-199923-Atty Svc for Court Filing-Motion,Prel Appv,Decla...	77.21	3,656.79
Credit C...	11/15/2024	24151128	BigAlsVInc(Berryhill).W&H	One Legal LLC	24151128-199923-Atty Svc for Court Filing-CMS-BigAlsVInc(Berryhi...	23.49	3,680.28
Credit C...	12/19/2024	24357033	BigAlsVInc(Berryhill).W&H	One Legal LLC	24357033-199923-Atty Svc for Court Filing-Opposition-BigAlsVInc(B...	23.49	3,703.77
Credit C...	01/15/2025	24504509	BigAlsVInc(Berryhill).W&H	One Legal LLC	24504509-199923-Atty Svc for Court Filing-Opposition-BigAlsVInc(B...	28.08	3,731.85
Credit C...	02/05/2025	24630675	BigAlsVInc(Berryhill).W&H	One Legal LLC	24630675-199923-Atty Svc for Court Filing-Notice-BigAlsVInc(Berry...	24.92	3,756.77
Bill	10/23/2023	66668	BigAlsVInc(Berryhill).W&H	Valpro Attorney Services, LLC	66668-BigAlsVInc(Berryhill).W&H Servec BIG AL'S V, INC.-S&C	140.00	3,896.77
Bill	10/24/2023	66708	BigAlsVInc(Berryhill).W&H	Valpro Attorney Services, LLC	66708 BigAlsVInc(Berryhill).W&H File POS	45.00	3,941.77
Total 501500 · Court Filing Fees						3,941.77	3,941.77
502500 · Legal Expenses							
Credit C...	05/17/2023		BigAlsVInc(Berryhill).W&H	Department of Industrial Relations	ORD-000222091-BigAlsVInc(Berryhill).W&H	75.00	75.00
Bill	05/04/2023	848257744	BigAlsVInc(Berryhill).W&H	Thomson Reuters-West Publishi...	Legal Research-BigAlsVInc(Berryhill).W&H	3.84	78.84
Bill	01/10/2025	851299443	BigAlsVInc(Berryhill).W&H	Thomson Reuters-West Publishi...	Legal Research-BigAlsVInc(Berryhill).W&H	119.86	198.70
Bill	02/05/2025	851444519	BigAlsVInc(Berryhill).W&H	Thomson Reuters-West Publishi...	Legal Research-BigAlsVInc(Berryhill).W&H	88.59	287.29
Total 502500 · Legal Expenses						287.29	287.29
502700 · Mediation Fees							
Bill	03/25/2024	700436a	BigAlsVInc(Berryhill).W&H	Cerveris Mediation	700436a-BigAlsVInc(Berryhill).W&H-50% Mediation Fees sked 04/0...	8,500.00	8,500.00
Total 502700 · Mediation Fees						8,500.00	8,500.00
503300 · Professional Fees							
Bill	04/11/2024	10690	BigAlsVInc(Berryhill).W&H	Berger Consulting Group, LLC	10690-BigAlsVInc(Berryhill).W&H-17.20 hours of work	6,880.00	6,880.00
Total 503300 · Professional Fees						6,880.00	6,880.00
Total 500000 · COS						19,609.06	19,609.06
TOTAL						19,609.06	19,609.06

EXHIBIT 2

Christina Hicklin

From: DIR PAGA Unit <no-reply@formassembly.com>
Sent: Monday, May 12, 2025 11:00 AM
To: Samantha Smith's Team
Subject: Thank you for your Proposed Settlement Submission

05/12/2025 10:59:52 AM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Proposed Settlement

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website:

https://nam12.safelinks.protection.outlook.com/?url=http%3A%2F%2Flabor.ca.gov%2FPrivate_Attorneys_General_Act.htm&data=05%7C02%7Cchristina.hicklin%40wilshirelawfirm.com%7Cd602b463ff964bab7e6208dd917ed481%7C9ada260a4f194da187b814d372333753%7C1%7C0%7C638826696244176317%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMtIiIsIkFOljoitWFBpCIsldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=C8bhnkNpg88g%2FtGhelzACnl6fduXkALF2MxF%2F2VCwf0%3D&reserved=0

EXHIBIT 3

John G. Yslas (SBN 187324)
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Aram Boyadjian (SBN 334009)
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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

JOSIAH BERRYHILL, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

BIG AL'S V, INC., a Washington corporation;
and DOES 1 through 10, inclusive,

Defendants.

Case No. 23CV426828

CLASS ACTION

*[Assigned for all purposes to Charles F.
Adams, Dept. 7]*

**PLAINTIFF JOSIAH BERRYHILL'S
DECLARATION IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed with Notice of Motion and Motion,
Memorandum of Points and Authorities, the
Declaration of John G. Yslas, and Proposed
Order]*

PRELIMINARY APPROVAL HEARING

Date: October 24, 2024

Time: 1:30 p.m.

Dept: 7

Complaint filed: December 1, 2023

Trial date: None set

DECLARATION OF JOSIAH BERRYHILL

I, Josiah Berryhill, declare as follows:

1. I have personal knowledge of the facts set forth in this declaration and could and would competently testify to them under oath if called as a witness.

2. I am the proposed class representative in this action and submit this declaration in support of Plaintiff's Motion for Preliminary Approval of Class & Representative Action Settlement. I believe I have provided invaluable assistance during the course of this case, and I respectfully hope the Court will approve my request of a \$7,500.00 service payment for my role as the Class Representative.

3. I am a former employee of Defendant Big Al's V, Inc. I worked for Defendant from approximately August 2019 to approximately June 2022 as a bartender. Throughout my employment, Defendant failed to pay me for all the hours that I worked, and did not provide my meal and rest breaks. Defendant required my coworkers and me to work long hours because of the amount of work, sometimes without taking meal and rest breaks. My supervisors and managers often interrupted my meal and rest breaks, asking me to perform work tasks. I also observed my co-workers working long hours without taking breaks. I was not reimbursed for all necessary business-related expenses. For all of these reasons, I felt strongly that I wanted to hold Defendant accountable.

4. By participating in this lawsuit as a proposed Class Representative, I hoped that I might be able to change Defendant's practices to better protect the working conditions of my co-workers. I also understood it was my duty as the Class Representative to represent the best interests of the class, know about the lawsuit, help my attorneys, and keep updated on the case.

5. I provided Wilshire Law Firm with a detailed account of the facts related to my employment with Defendant. Based on our conversations, my attorneys and I were able to identify instances when I was not paid correctly.

6. I have invested a lot of personal time and energy while this lawsuit has been pending. I made it a priority to be actively involved because I wanted to do everything I could to help my attorneys in prosecuting this case. I regularly communicated with my attorneys to discuss updates on the case and to provide information. I communicated with my attorneys via phone calls. Some of

these phone calls lasted up to 30 minutes.

7. I made myself available during the mediation for this case, and I kept in regular contact with my attorneys before and after the mediation to ensure that any questions the attorneys had could be answered.

8. I also reviewed pleadings filed in this case, including the settlement-related documents.

9. I believe the settlement is a good settlement, and I would recommend that the Court approve it, because I believe it is fair, adequate, and reasonable. I am glad that I have had the opportunity to represent the Class in this lawsuit, and that I was able to recover money through a settlement for the Class. I have also observed my attorneys' work throughout this case, and I believe they have been thorough, diligent, prompt, courteous, and professional.

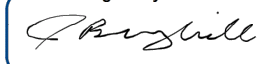
10. Standing up for myself and the rights of others was not an easy decision, and I am relieved that this is coming to an end. I estimate that I spent at least 45 hours on this case.

11. I did not make the decision to file a class action lightly. I was concerned by the attention a publicly filed lawsuit, and especially a class action, would attract. My name would be associated with a lawsuit that I filed against my former employer. I was aware that it is possible to perform background checks of publicly filed documents on the Internet, sometimes with nothing more than a simple Google search. I am mindful that employers might find out that I sued a former employer, and this could hurt my employability.

12. I respectfully ask that the Court award me a \$7,500.00 service payment. I am receiving no additional compensation other than the compensation provided for in the settlement. Based on my involvement in this case and the benefits provided to my former co-workers, I can say I helped stand up for the other workers who may have been too afraid to say anything to management because they did not want to risk losing their jobs or risk the stigma of suing an employer. I was not afraid to take that risk, because I strongly care about helping my current and former co-workers. I also continue to fear that any employer may find out that I participated in this lawsuit and hold it against me. In a competitive job market, this factor may weigh heavily against me. Nevertheless, I felt that important rights were at stake that hurt myself and other employees.

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

3 Executed on 7/23/2024, at San Jose, California.

4 DocuSigned by:
5 
6 CAFE4BA60BA21406
7 Josiah Berryhill