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Attorneys for Plaintiff,
Erika Perez Paredes on behalf of herself
and all similarly aggrieved employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MONTEREY**

ERIKA PEREZ PAREDES, on behalf of
herself and all similarly aggrieved
employees,

Plaintiff,

v.

CONSTANT STAFFING, LLC; DEL
MONTE FRESH PRODUCE N.A., INC.;
MANN PACKING CO., INC.; and DOES
1 through 50, inclusive,

Defendants.

Case No. 23CV002616

(Assigned to the Honorable Ian A. Rivamonte,
Dept. 14)

**DECLARATION OF B. JAMES
FITZPATRICK IN SUPPORT OF
PLAINTIFF’S FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND JUDGMENT**

Date: February 20, 2026
Time: 8:30 A.M.
Dept.: 14

Action Filed: July 20, 2023
Trial Date: None Set

1 I, B. James Fitzpatrick, hereby declare and state as follows:

2 1. I am an attorney duly admitted to practice in the State of California and am a
3 partner in the law firm of Fitzpatrick & Swanston, counsel of record for Plaintiff ERIKA PEREZ
4 PAREDES (“Plaintiff”). I have personal knowledge of the facts set forth below and if called to
5 testify I could and would do so competently.

6 2. The proposed settlement meets the criteria for this Court to grant final approval of
7 this matter on a class-wide basis, as the settlement is fair, adequate, and reasonable.

8 3. Class Counsel support the settlement as fair, reasonable, and adequate, and in the
9 best interest of the Settlement Class Members as a whole.

10 4. The Joint Stipulation of Class and PAGA Settlement (“Settlement Agreement”)
11 was the product of negotiations between highly able and experienced attorneys on both sides
12 who possessed the relevant data and extensive information, which they had carefully analyzed.
13 The Parties engaged in extensive investigation and discovery, including formal and informal
14 discovery, including a review of Defendants’ policies and practices, class data, 20% sampling of
15 time and pay records, and engaging an expert to run the analysis of time and pay records and
16 exposure. The Parties also engaged in arm’s-length negotiations at mediation over three
17 mediation sessions, resulting in the settlement.

18 5. The Parties participated in three mediation sessions. On August 19, 2024, the
19 Parties engaged in private mediation with experienced wage and hour neutral David A. Rotman,
20 Esq. Despite a full day of arm’s-length negotiations, the Parties were unable to reach an
21 agreement. Litigation in the action continued. On February 12, 2025, the Parties attempted a
22 second mediation with the Honorable Peter H. Kirwan (Ret.). As the second mediation proved
23 more fruitful, the Parties agreed to conduct a third mediation session with Judge Kirwan on
24 March 10, 2025.

25 6. The Court preliminarily approved this settlement on August 18, 2025, directing
26 distribution of Notice of Pendency of Class Action and Proposed Settlement (“Class Notice”)
27 and scheduling the hearing for final approval of the settlement (the “Preliminary Approval
28

Order”).

7. After the Settlement Administrator received the Class List from Defendants, the Parties were informed of the increase in the number of actual workweeks worked from the estimated 100,000 workweeks to 108,164 workweeks, which triggered the Settlement Agreement’s Escalator Clause.

8. Specifically, the Settlement Administrator calculated a \$37,666.67 increase in the Gross Settlement Amount as a result of the Escalator Clause. Taking this into account, this brings the Gross Settlement Amount to \$1,287,666.67.

9. Plaintiff’s Counsel seeks an award of attorneys’ fees of one-third of the Gross Settlement Amount. Pursuant to the Settlement Agreement’s Escalator Clause, the Settlement Administrator calculated a \$37,666.67 increase in the Gross Settlement Amount over the initial \$1,250,000.00 amount. As such, Plaintiff’s Counsel seeks an award of one-third of the revised Gross Settlement Amount of \$1,287,666.67, or \$429,222.22 in attorneys’ fees.

10. The Parties made slight modifications to the Class Notice to reflect the revised Gross Settlement Amount, which includes revising the initial \$1,250,000.00 amount to reflect the revised Gross Settlement Amount of \$1,287,666.67, and the attorneys’ fees from \$416,666.67 to an amount not to exceed \$429,222.22, to reflect one-third of the revised Gross Settlement Amount. No other substantive changes were made to the Class Notice.

11. There were no objections by Settlement Class Members to the amount of attorneys’ fees or litigation costs as stated in the Class Notice.

12. Furthermore, zero opt-outs were submitted. In light of this overwhelmingly positive response from Settlement Class Members, an inference can be made that the Settlement Class supports the Court’s Preliminary Approval Order finding that the Settlement Agreement is fair and reasonable.

13. Any remaining monies from uncashed settlement checks will be distributed to the *cy pres* recipient California Rural Legal Assistance, Inc. I do not have any relationship with the California Rural Legal Assistance, Inc., that would create an actual or potential conflict of

1 interest. The Parties further agree that proposed *cy pres* satisfies the legislative intent set out in
2 Code of Civil Procedure § 384(a), in that the organization helps further the purposes of the
3 underlying action and promote justice for all Californians.

4 14. I am familiar with all aspects of this case and all tasks undertaken by the various
5 members of this firm in litigating this case. I have spent significant time pursuing the claims that
6 have been alleged in this action since the commencement of the case. I have been assisted by
7 attorney Alison L. Baker and several paralegals in my office. As a result of my firm's diligence
8 in pursuing the factual and legal issues presented by this case, we were able to realistically assess
9 the Class Members' claims, evaluate their damages, and Defendants' exposure. All work
10 performed by our office is done on a contingency basis. Our firm has received no compensation
11 for the time invested or expenses incurred in litigating this case. We have prosecuted this
12 litigation to this point, taking the risk that we would ultimately not receive any compensation for
13 our work. My office will have invested 284.1 hours (252.5 attorney hours + 31.6 paralegal
14 hours) in this case, which includes anticipated future time. Attached hereto as **Exhibit A** is a
15 detailed summary of tasks and hours spent by this firm in litigating this case.

16 15. The hourly rate for attorneys in this firm is \$800.00, and the hourly rate for
17 paralegals is \$185.00. Since at least 2020, I have been approved at hourly rates of \$750.00 and
18 \$800.00 per hour by various Courts, in several matters, including, in the matters entitled: *Jose*
19 *Antonio Ortiz Arrellano v. Rocha Brothers Farms, LLC*, Santa Cruz County Superior Court,
20 Case No. 21CV01286; *Sione Fuapau v. LHOIST North America of Arizona, Inc.*, United States
21 District Court, Northern District of California, Case No. 20-CV-04404-VKD; *Sandra Lopez v.*
22 *Motel 6 Operating, L.P.*, Ventura County Superior Court Case No. 56-2020-00542312-CU-OE-
23 VTA; *Christina Mendoza v. Planned Parenthood Mar Monte, Inc.*, Santa Clara Superior Court,
24 Case No. 18CV329544; *Javier Mendoza v. National Vision, Inc.*, United States District Court,
25 Northern District of California, Case No. 19-CV-01485-SVK; *Valarie Murray v. Granite*
26 *Wellness Centers*, Nevada County Superior Court, Case No. CU20-084680; *Nicolas Serafica v.*
27 *HGST, Inc.*, Santa Clara County Superior Court Case No. 21CV386574; and *Curtis White v.*
28

1 *Cortech West Staffing, LLC*, San Joaquin County Superior Court, Case No. STK-CV-UOE-2023-
2 0000029.

3 16. **In this motion, I request a reduced attorney hourly rate of \$595.00.**

4 Accordingly, the total lodestar for my hours will be approximately **\$150,237.50** based on the
5 reduced hourly rate of \$595.00 per hour [$\595.00×252.5 attorney hours]. This has been the
6 approved hourly rate by this Court for the past three years without any adjustment for inflation.

7 17. Having represented both employees and employers during my practice, I am
8 familiar with the contingent fee market throughout Northern California, where I primarily
9 practice law, and in other areas of the state in which my firm regularly litigates. Considering our
10 experience and my knowledge of the market, I believe that the hourly rates charged by my firm,
11 and previously approved by this Court, are fair and reasonable and less than those charged by my
12 colleagues in other areas of California and the national market for prosecuting class actions.

13 18. Class Counsel risked not only a great deal of time, but also significant expense to
14 ensure the successful litigation of this action on behalf of all employees. In addition to the
15 supporting documentation and legal authority presented in Plaintiff's moving papers, Class
16 Counsel submits that the attorneys' fees proposed are not just fair and reasonable; they are
17 necessary in order to incentivize attorneys to take on the risk of time and expense associated with
18 Class actions. Indeed, many times counsel expend enormous amounts of work and out of pocket
19 costs in the interest of aggrieved employees and/or the State of California, only to end up without
20 any recovery whatsoever. For example, Class Counsel expended significant time and expenses
21 in a wage/hour class and PAGA action, only to have the District Court grant summary judgment
22 in its entirety against plaintiff. See *Gwynn-Neupane*, 2021 WL 4481661 (N.D. Cal. Sep. 30,
23 2021). There are actual risks that Plaintiff requests this Court take into account when
24 considering the requested attorneys' fees, including any multiplier to be accounted into
25 Plaintiff's lodestar.
26

27 19. My firm has incurred \$26,816.16 in litigation costs to date. All costs were
28 reasonable and necessary for the effective prosecution of this matter. Counsel advanced costs

1 without guarantee that any of the advanced costs would be recovered. Attached as **Exhibit B** is a
2 copy of the litigation costs incurred by my firm as of the filing of this motion related to this
3 lawsuit.

4 20. I received my bachelor's degree from the University of California, Santa Barbara
5 and my Juris Doctor degree from the University of Santa Clara School of Law. I have practiced
6 law since 1987. The primary emphasis of my practice is employment litigation. I have
7 represented both employers and employees. Over 15 years ago, my office commenced handling
8 plaintiff class action wage and hour cases. Since then, my office has handled hundreds of wage
9 and hour cases to conclusion and has been class counsel and/or co-counsel in over 100 class
10 actions. My firm currently has wage and hour cases in Alameda County Superior Court,
11 Monterey County Superior Court, Nevada County Superior Court, Santa Clara Superior Court,
12 San Benito Superior Court, San Bernardino County Superior Court, San Joaquin County
13 Superior Court Santa Cruz Superior Court, Ventura County Superior Court, and the United
14 States District Courts for the Eastern and Northern District of California.

15 21. I do not have a conflict of interest with Plaintiff or the Class Members. I will
16 adequately represent the Class. I have and will zealously represent Plaintiff and the Class
17 Members and pursue this lawsuit to its conclusion.

18 I declare under penalty of perjury under the laws of the State of California that the
19 foregoing is true and correct and if called as a witness I could and would competently testify to
20 each of the matters stated herein, and I state that these matters are based upon my own personal
21 knowledge acquired through first-hand observation, except where stated otherwise. This
22 declaration was executed by me on January 27, 2026, in Salinas, California.

23
24
25 /s/ B. James Fitzpatrick
26 B. James Fitzpatrick
27
28

EXHIBIT A

TASKS AND HOURS

The tasks referenced below involved work by attorneys and paralegals. The amount of time each spent is detailed below.

I. INVESTIGATION / RESEARCH

Task

- Meetings/telephonic conferences with client regarding her employment and alleged violations;
- Meetings/telephonic conferences with former employees regarding their employment and alleged violations;
- Review of documents provided by clients;
- Review personnel files;
- Numerous intra-office meetings/conferences regarding planning, results and details of investigations;
- Research for other lawsuits against defendants;
- Research for other LWDA notices;
- Legal research regarding IWC Wage Orders;
- Legal research regarding claims that would be alleged in the complaint;
- Numerous intra-office meetings/conferences regarding *Maria Ceballos v. Mann Packing Co*, Merced County Superior Court, Case No. 25-CV00518;
- Legal research regarding *Maria Ceballos v. Mann Packing Co*, Merced County Superior Court, Case No. 25-CV00518 to determine potential overlap of claims;
- Numerous intra-office meetings/conferences regarding *Anguiano v. Mann Packing Co*, Monterey County Superior Court, Case No. 19CV001178; and
- Legal research *Anguiano v. Mann Packing Co*, Monterey County Superior Court, Case No. 19CV001178 to determine any potential carve-outs based on prior settlement.
- Numerous intra-office meetings/conferences regarding *Raquel Chavez vs. Constant Staffing, LLC, et al.* Monterey County Superior Court, Case No. 24CV004236;
- Legal research regarding *Raquel Chavez vs. Constant Staffing, LLC, et al.* Monterey County Superior Court, Case No. 24CV004236 to determine potential overlap of claims;
- Numerous intra-office meetings/conferences regarding *Diana Velasquez v. Mann Packing Co., Inc.*, Monterey County Superior Court, Case No. 25CV003026;
- Legal research regarding *Diana Velasquez v. Mann Packing Co., Inc.*, Monterey County Superior Court, Case No. 25CV003026 to determine potential overlap of claims;

Attorney Hours: 48

Paralegal Hours: 5

II. PLEADINGS / CASE MANAGEMENT

Task

- Draft and file Civil Case Cover Sheet, Summons, and Complaint;
- Draft and file First Amended Complaint;
- Receive, review, and file Proofs of Service of Summons;
- Receive and review Stipulation and Order to Extend Defendants' Time to Respond to FAC
- Receive and review Stipulation for Leave to File SAC;
- Receive and review Order Granting Leave to File SAC;
- Prepare, file, and serve NEO Order Granting Leave to File SAC;
- Prepare, file, and serve SAC;
- Review and analyze Mann's Answer to SAC;
- Receive and analyze Constant's Answer to SAC;
- Prepare, file, and serve Stipulation for Leave to File TAC;
- Receive and review Order Granting Leave to File TAC;
- Prepare, file, and serve NEO Order Granting Leave to File TAC;
- Prepare and file 12/7/23 CMC Stmt;
- Prepare and file 2/2/24 CMC Stmt;
- Receive and review 2/27/24 Minute Order;
- Prepare and file 9/9/24 CMC Stmt;
- Receive and review 9/24/24 Minute Order;
- Receive and review 9/11/24 Constant's CMC Stmt;

- Receive and review 9/11/24 Constant's & Mann's CMC Stmt;
- Prepare, file, and serve 11/25/24 Joint CMC Stmt;
- Receive and review 12/10/24 Minute Order;
- Prepare, file and serve 7/7/25 Joint CMC Stmt;
- Receive and review Substitutions of Attorney;
- Receive and review Application to Appear Pro Hac Vice;
- Prepare, file, and serve Notice of Posting Jury Fees;
- Calendar and monitor deadlines and hearings;

Attorney Hours: 12.5

Paralegal Hours: 1.5

III. DISCOVERY/DOCUMENTS/ANALYSIS

Task

- Numerous intra-office meetings/conferences regarding discovery plan;
- Prepare, file, and serve Stipulated Protective Order;
- Prepare form interrogatories, special interrogatories, and RPD, Set One to Constant;
- Prepare form interrogatories, special interrogatories, and RPD, Set One to Mann;
- Receive and review Constant's responses to form interrogatories, special interrogatories, and RPD, Set One;
- Receive and review Mann's responses to form interrogatories, special interrogatories, and RPD, Set One;
- Prepare and serve RPD, Set Two to Constant;
- Receive and review Constant's responses to RPD, Set Two;
- Prepare and serve RPD, Set Two to Mann;
- Receive and review Mann's responses to RPD, Set Two;
- Receive and review Mann's supplemental responses to form interrogatories, special interrogatories, and RPD, Set One;
- Receive and review Mann's supplemental responses RPD, Set Two;
- Receive and review Constant's document production, 000001-008822
- Receive and review Mann's document production, 000001-000065
- Prepare and serve Plaintiff's informal document production;
- Organize payroll and timekeeping data from Defendants;
- sort, filter, and identify relevant data fields like hours, pay rates, and job titles;
- Cross-reference data to verify accuracy and conduct targeted reviews for potential Labor Code violations;

Attorney Hours: 87.5

Paralegal Hours: 15

IV. MEDIATION I

Task

- Numerous intra-office meetings/conferences;
- Follow-up meetings/conferences with client and employees regarding claims;
- Receive and review mediation data;
- Analysis of damage models calculating damages, interest, and penalties;
- Legal research;
- Receive, review, and revise mediation brief;
- Further review of documents and selection of additional exhibits for brief;
- Prepare for and attend mediation;

Attorney Hours: 55

Paralegal Hours: 5.5

V. MEDIATION II

Task

- Intra-office meetings/conferences
- Follow-up meetings/conferences with client and employees regarding claims;

- Receive and review mediation data;
- Review damages summary.
- Further analysis and revision of damage models calculating class damages, interest and penalties;
- Further review of documents and selection of additional exhibits for brief;
- Legal research;
- Receive, review, and revise mediation brief;
- Prepare for and attend mediation;

Attorney Hours: 32.5

Paralegal Hours: 3.2

VI. MATTERS RELATING TO MOTION FOR PRELIMINARY APPROVAL

Task

- Numerous intra-office meetings/conferences regarding the stipulation for settlement, notice materials and motion for preliminary approval;
- Review and revise settlement stipulation;
- Meet with Plaintiff to review the settlement stipulation;
- Receive and revise drafts of the notice materials;
- Receive and revise drafts of the motion for preliminary approval;
- Receive and review non-opposition; and
- Receive and review Tentative Ruling;
- Receive and review Notice of Hearing Re Motion for Final Approval

Attorney Hours: 7.5

Paralegal Hours: 0.8

VII. MATTERS RELATING TO MOTION FOR FINAL APPROVAL

Task

- Meetings/telephonic conferences with client regarding declaration in support of service award;
- Receive and review Court's 10/11/24 Notice of Resetting Hearing;
- Receive and review Court's 4/22/25 Notice of Resetting Hearing;
- Receive and revise drafts of motion for final approval;
- Anticipated time preparing for and attending hearing;
- Anticipated multiple communications regarding the status of the final approval hearing and distribution of payment.

Attorney Hours: 9.5

Paralegal Hours: 0.6

Total Attorney Hours: 252.5

Total Paralegal Hours: 31.6

Total Hours: 284.1

EXHIBIT B

Cost/Expense Detail

Date	Code	Check #	Type	Units	Amount	Description	Date Billed	Amount Billed
P0057 Paredes, Erika Perez								
600 Labor & Employment								
6/30/23	16	60554	Exp.		15.53	General Logistics Systems Delivery Service		
7/26/23	102		Cost		75.00	LWDA PAGA		
8/11/23	102		Cost		1,478.06	Complaint; Complex Fee & eFiling Fees		
12/4/23	102		Cost		3.60	Odyssey Efile		
12/7/23	102		Cost		178.27	Advanced Jury Fees & eFiling Fees		
1/11/24	102		Cost		3.60	Odyssey Efile		
2/2/24	102		Cost		3.60	Odyssey Efile		
3/6/24	01	60670	Exp.		144.70	Sayler Legal Service, Inc. Court Messenger Service		
3/6/24	01	60670	Exp.		144.70	Sayler Legal Service, Inc. Court Messenger Service		
3/6/24	01	60670	Exp.		59.70	Sayler Legal Service, Inc. Court Messenger Service		
3/18/24	102		Cost		24.15	Stipulation		
3/22/24	102		Cost		3.60	Odyssey Efile		
7/29/24	15	1340	Exp.		16,250.00	David Rotman Mediation Fees		
9/9/24	102		Cost		4.50	Odyssey Efile		
11/25/24	102		Cost		4.50	Odyssey Efile		
1/14/25	108		Cost		5,024.25	Signature Resolution, LLC - Mediation Fee		
3/10/25	108		Cost		3,300.00	Signature Resolutions - Addl Mediation		
4/23/25	102		Cost		24.15	Odyssey Efile - Stipulation		
4/30/25	102		Cost		4.50	Odyssey Efile		
7/21/25	102		Cost		65.25	Odyssey Efile		
8/18/25	102		Cost		4.50	Odyssey Efile		
Matter Total					26,816.16			.00
Client Total					26,816.16			.00
Report Total:								
Total					26,816.16			.00

Types: Unbilled Costs, Unbilled Expenses, Billed Costs, Billed Expenses

Selection criteria: Client: P0057 Matter: 600

Sorted by: Client Number / Matter Number