

Jonathan M. Genish (State Bar No. 259031)
jgenish@blackstonepc.com
Miriam L. Schimmel (State Bar No. 185089)
mschimmel@blackstonepc.com
Joana Fang (State Bar No. 309623)
jfang@blackstonepc.com
Alexandra Rose (State Bar No. 329407)
arose@blackstonepc.com
Jared C. Osborne (State Bar No. 335968)
josborne@blackstonepc.com
BLACKSTONE LAW, APC
8383 Wilshire Boulevard, Suite 745
Beverly Hills, California 90211
Tel: (310) 622-4278 / Fax: (855) 786-6356

Attorneys for Plaintiff Armando Gastelum and the Class

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

ARMANDO GASTELUM, individually, and
on behalf of other members of the general
public similarly situated,

Plaintiffs,

vs.

PREMIER TRAILER MANUFACTURING,
INC., a California corporation; and DOES 1
through 25, inclusive,

Defendants.

Case No. VCU300333

Honorable Bret D. Hillman
Department 2

**DECLARATION OF MIRIAM L. SCHIMMEL
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS ACTION
AND PAGA SETTLEMENT, ATTORNEYS'
FEES AND COSTS, ENHANCEMENT
PAYMENT, AND SETTLEMENT
ADMINISTRATION COSTS**

Date: April 15, 2025
Time: 8:30 a.m.
Dept.: 2

Complaint Filed: July 27, 2023
FAC Filed: September 27, 2023
Trial Date: Not Set

DECLARATION OF MIRIAM L. SCHIMMEL

I, Miriam L. Schimmel, declare and state as follows:

1. I am an attorney duly licensed to practice law in all Courts of the State of California. I am a Senior Attorney with the law firm of Blackstone Law, APC (“Blackstone”), attorneys of record for Plaintiff Armando Gastelum (“Plaintiff”). I have personal knowledge of the facts contained herein, and if called to testify, I could and would competently do so.

2. I am fully familiar with the legal and factual issues in this matter and have specific experience litigating complex wage and hour actions as class actions, including employment cases as set forth above.

3. I obtained my Bachelor of Arts degree in Political Science from the University of California at Los Angeles in 1992. Thereafter, I received my law degree from Loyola Law School in 1996 and was admitted to the California State Bar in December 1996. During law school, I clerked for the Honorable Judges Stephen M. Lachs and Michael Berg of the Los Angeles Superior Court.

4. Since my admission to the Bar, I have devoted my practice to a wide variety of litigation matters on both the plaintiff and defense side, including general business, toxic tort, medical device, and pharmaceutical matters. I was also part of the lead litigation team that prosecuted the coordinated civil lawsuits for negligent hire/retention/employment for abuse inflicted by clergy employed by the Catholic church in California. I was also significantly involved representing homeowners in the multitude of Truth-In-Lending-Act class action lawsuits filed against various financial institutions in connection with this country's 2008 collapse of the mortgage industry.

5. Since 2010, my practice has been devoted almost entirely to employment litigation consisting of wage and hour class actions and representative actions pursuant to the Private Attorneys General Act (“PAGA”), as well as individual actions based on violations of the Fair Employment and Housing Act (“FEHA”). Approximately 75% of my work in this regard has been on behalf of employees (plaintiffs), while the remaining 25% was on behalf of employers/businesses. On many of those cases, I was the senior lead attorney managing the litigation and overseeing other attorneys. In that capacity, I obtained extensive experience analyzing potential wage and hour and wrongful termination claims for viability; took and defended hundreds of depositions; propounded and

1 responded to discovery; prepared and opposed a wide variety of motions and pleadings, including
2 dispositive and certification motions, as well as settlement approval motions; strategized on all cases;
3 participated in and directed communication with class members; attended hearings; led and
4 participated in mediations; coordinated with class action administrators; prepared and worked with
5 experts; and engaged in all other related aspects of litigation in state, federal, complex, and appellate
6 courts.

7 6. I joined Blackstone in June 2022, following ten years of working with two well-known
8 plaintiff-side wage and hour law firms in Los Angeles.

9 7. The attorneys at Blackstone possess combined extensive experience litigating wage and
10 hour and other complex litigation matters. In that regard, I refer first to the Declaration of Jonathan
11 M. Genish filed concurrently with the motion for final approval as evidence of his experience and
12 credentials in support of this matter.

13 8. Joana Fang is a highly skilled eight-year lawyer who is part of the team at Blackstone
14 that litigated this matter. She is a 2015 graduate of Loyola Law School, and a 2011 graduate of
15 University of California, Berkeley where she was a double major in Legal Studies and Media Studies.
16 Since passing the Bar, Ms. Fang has exclusively represented plaintiffs in wage and hour litigation, as
17 well as catastrophic injury complex litigation.

18 9. Alexandra Rose joined Blackstone from a highly reputable employment law firm. She
19 graduated from the University of California, Los Angeles with a Bachelor of Arts degree in 2016 and
20 from New England Law | Boston with a Juris Doctor degree in 2019. She was admitted to the State
21 Bar of California in December of 2019.

22 10. Jared C. Osborne joined Blackstone also from a highly reputable employment law firm.
23 He graduated from New York University with a Bachelor of Arts degree in 2009 and from University
24 of Southern California with a Juris Doctor degree in 2020. He was admitted to the State Bar of
25 California in February 2021.

26 11. Blackstone has spent approximately 200.10 total hours litigating this matter. To date,
27 our total fees incurred amount to \$154,048. Each attorney who worked on this matter engaged in a
28 multitude of tasks including communicating with the client and defense counsel; investigating the facts

and researching applicable legal issues; drafting pleadings; reviewing documents; preparing for and attending mediation; and facilitating the settlement by drafting the settlement documents and documents for obtaining settlement approval. A summary of Blackstone's lodestar for each attorney who worked on this case is as follows:

<u>Attorney</u>	<u>Position</u>	<u>Hours</u>	<u>Rate</u> ¹	<u>Total</u>
Jonathan M. Genish	Managing Partner	24.40	\$950	\$21,280
Miriam L. Schimmel	Senior Counsel	88.80	\$900	\$79,920
Joana Fang	Senior Associate	42.60	\$650	\$27,690
Alexandra Rose	Senior Associate	38	\$575	\$21,850
Jared C. Osborne	Associate	6.30	\$525	\$3,308

12. One difficulty in determining the hourly rate of attorneys of similar skill and experience in the relevant community is the scarcity of hourly fee-paying clients in class action litigation. As a practical matter, few if any employees or consumers pay attorneys' fees on an hourly basis for such extensive litigation, and thus retainer agreements in such cases are based on a stepped-up contingency fee (with the percentage increasing from one third to forty-five – and sometimes even fifty percent, which is on par with personal injury contingency fee agreements – if the case goes to trial). Therefore, there is no customary hourly billing rate for work that is routinely based on a contingent fee relationship, but the nature of class action work should be strongly considered by the Court. Wage and hour work presents a specialized and challenging area of law that is not within the knowledge of many lawyers. This kind of class action work requires specialized learning and the willingness to take large risks.

13. As with all contingency cases, I understand that my firm had to consider its workload when agreeing to pursue this litigation. Specifically, the firm had to be mindful of its attorneys' caseload when it took on this matter, as well as consider this matter when contemplating taking on additional work that was available. Blackstone cannot accept all potential wage and hour matters on

¹ The hourly rates herein are the rates that were approved by this Court in its October 1, 2025 Order.

1 behalf of potential clients and has to balance the matters it accepts and declines in light of its caseload
2 when new matters are presented.

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

5 Executed on March 21, 2025, at Beverly Hills, California.

6 Miriam L. Schimmel
7 Miriam L. Schimmel
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