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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN JOAQUIN

ALEXIS GARRIDO, an individual, on
behalf of himself and others similarly
situated,

Plaintiff,

vs.

LOWE'S HOME CENTERS, LLC., a North
Carolina limited liability company; and
DOES 1 through 50, inclusive,

Defendants.

Case No.: STK-CV-VOE-2023-7780

Assigned for All Purposes To:

Hon. Hon. Jayne Lee

Department: 10C

**DECLARATION OF ISAM C. KHOURY IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Original Complaint Filed: July 25, 2023

Trial Date: None Set

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Attorneys for Plaintiff Bernice Carrillo on
behalf of herself and others similarly situated

1 I, Isam C. Khoury, declare as follows:

2 1. I am a Founding Partner at the law firm of Cohelan Khoury & Singer, co-counsel of
3 record for Plaintiff Bernice Carrillo in this action. I submit this declaration in support of the Motion
4 for Preliminary Approval of Class and PAGA Action Settlement filed by Plaintiffs Alexis Garrido
5 and Plaintiff Bernice Carrillo ("Plaintiffs"). The following facts are within my personal knowledge
6 and if called to testify I could and would competently testify to them.

7 2. I am a 1973 Hastings School of Law graduate and was admitted to the California
8 State Bar in 1974 and am admitted to practice in all state courts in California and in the all federal
9 courts in California, as well as the First Circuit Court of the State of Hawaii and the United States
10 Court of Appeals for Sixth Circuit.

11 3. I have successfully litigated numerous complex civil matters to verdict, jury and non-
12 jury. My main areas of practice include civil tort litigation, business torts, antitrust and class and
13 representative action cases. In recent years, I emphasized wage and hour class and representative
14 action matters, having assisted in the litigation to judgement or settlement of over 300 such actions.
15 I have been approved as a CLE lecturer and participated in seminars on class action wage and hour
16 issues, complexities of mediation, and procedural requirements involved in class and representative
17 action settlements. I have argued appeals and been co-counsel in several matters of major import,
18 including the *Brinker* decision.

19 4. In 1981, Timothy D. Cohelan and I formed Cohelan & Khoury, a Partnership of
20 Professional Law Corporations, and within a few years began to focus on class actions. Cohelan &
21 Khoury became Cohelan Khoury & Singer in 2009. Our firm represents plaintiffs in class and
22 representative action litigation, including wage and hour, labor and employment, antitrust, consumer
23 protection, construction defect and other public interest actions.

24 5. I, along with Partner Diana M. Khoury, have been selected by our peers based on
25 ethics, experience and reputation as Super Lawyers in Civil Litigation by the Southern California
26 Super Lawyers Magazine for the years 2012 through the present. Michael D. Singer, Managing
27 Partner, was named to the Daily Journal 2012, 2013, and 2018 list of Top California Labor and
28 Employment Attorneys and selected to the Southern California Super Lawyers in 2010, 2012-2019.

1 Mr. Singer was admitted as a fellow to the College of Labor and Employment Attorneys in 2020. I
2 am AV – Preeminent rated by Martindale-Hubbell, as are many attorneys in our firm.

3 6. Cohelan Khoury & Singer has been certified by the State Bar of California to provide
4 the Mandatory Continuing Legal Education activity entitled “Litigating California Class Actions”
5 and has conducted MCLE certified seminars on this topic. Senior Partner, Timothy D. Cohelan, is the
6 author of Cohelan on California Class Actions (1997-2025, updated annually), part of Thomson
7 Reuters Expert Series updated annually. Michael D. Singer is a contributing author on the CEB
8 publication California Wage and Hour Law: Compliance and Litigation (2010-2025 updated
9 annually), in which he wrote the opening chapter overview on California Wage and Hour laws,
10 including the public policy underpinnings for those laws, and the Private Attorneys General Act
11 (PAGA) Claim chapter. He is also a contributing author to the CEB Practitioner (2020), including
12 guidelines for oral argument and forms for PAGA litigation. Mr. Singer has served as a columnist for
13 the California State Bar, Litigation Section on wage and hour litigation and has contributed articles
14 on wage and hour and class action issues through the years to numerous California publications.

15 7. Prior to COVID, Mr. Singer typically lectured several times per year for continuing
16 education courses on wage and hour and class action issues at events in San Diego, Orange County,
17 Los Angeles, and San Francisco. For over twelve years, Mr. Singer has served as wage and hour
18 amicus co-chair and liaison for the California Employment Lawyers Association, drafting, reviewing,
19 and coordinating amicus filings on wage and hour issues in the California Supreme Court and Courts
20 of Appeal. He has been engaged in the practice of labor and employment law since 2000, handling
21 well over 300 wage and hour class and PAGA actions and several individual labor cases. He has
22 litigated several types of employment actions, including complex ERISA employee welfare benefit
23 plan cases, as well as wage and hour class actions before Federal and State Courts in California. In
24 2014, Mr. Singer tried a wage and hour class action involving claims for illegally deducted wages
25 and unreimbursed expenses. *Dilts v Penske Logistics LLC, Inc.* Mr. Singer successfully appealed the
26 trial court ruling in *Dilts* finding state laws preempted by the FAAAA for truck drivers.

27 8. My firm has successfully tried class cases, obtained appellate reversals of class
28 certification denials (*e.g. Hicks v. Kaufman and Broad*, (2001) 89 Cal.App.4th 908), and has certified

multiple wage and hour class.

9. Partner Maggie Realin worked for a certified appellate law specialist in San Diego for five years. Subsequently, she was an associate at a San Diego consumer class action firm, where she represented consumers in class actions against large corporations, specifically in the area of deceptive food labeling. Ms. Realin then joined an employment class action firm in 2013, where she focused on representing employees in wage and hour class actions. On February 26, 2020, Ms. Realin was rated AV Preeminent by Martindale Hubbell. In 2024, Ms. Realin joined Cohelan Khoury & Singer, where her practice continues to focus on employee-side wage and hour class actions.

10. As a part of our overall firm philosophy lawyers perform community service and pro bono work. Firm volunteer work includes service through the Legal Aid at Work, San Diego Volunteer Lawyer Program, the San Diego County Bar Foundation, and Consumer Attorneys of San Diego. I have served on the Legal Aid at Work Board of Directors since 2010. Mr. Cohelan served as the Chair of the San Diego Volunteer Lawyers Program from 2015-2018, and currently sits on the Board as past Chair. He completed 24 years of volunteer judicial service as a Judge Pro Tem of the San Diego Superior Court. Partner Diana M. Khoury has been a member of the San Diego County Bar Association, Consumer Attorneys of San Diego, and Consumer Attorneys of California, serving and chairing various committees through the years for these organizations. Partner Maggie Realin has volunteered at the Legal Aid Society of San Diego where she advised clients on preparing and filing civil restraining orders and answers to unlawful detainer, for which she was awarded a Wiley B. Manuel Award for Pro Bono Legal Services in 2010. Partner Jeff Geraci is a past recipient of the Wiley W. Manuel Award for Pro Bono Service. Our firm's pro bono victories include a settlement which prohibits the City of San Diego from targeting homeless people for illegal lodging tickets under Penal Code Section 467(j). (*Spencer v. City of San Diego*, USDC Case No 04CV-2314 BEN (WMC).) The *Spencer* settlement had the effect of increasing the number of available shelter beds in San Diego.

11. As Class and PAGA Representative Counsel, Cohelan Khoury & Singer has actively commenced, prosecuted and concluded numerous state and federal class and representative actions. Since 2016, Cohelan Khoury & Singer has played a central role in the resolution of over 300 such cases, including the following, which have received court approval: (a) *Arellano, et al. v. Container*

1 *Connection of Southern California, Inc.*, Los Angeles County Superior Court Case No. BC500675,
2 Hon. Anne I. Jones; (b) *Castro v. Home Depot U.S.A., Inc.*, Los Angeles County Superior Court Case
3 No. BC577885, Hon. Elihu M. Berle; (c) *Czuchaj v. Conair Corporation*, United States District
4 Court, Southern District of California Case No. 13-CV-1901 BEN, Hon. Roger T. Benitez; (d)
5 *Gardiner v. TSYS*, United States District Court, Central District of California Case No. 18-cv-00415,
6 Hon. David O. Carter; (e) *Grana v. PICO Enterprises, Inc.*, Los Angeles County Superior Court Case
7 No. BC472891, Hon. Stephanie M. Bowick; (f) *Gutierrez v. Save Mart Supermarkets*, San Mateo
8 County Superior Court Case No. CIV530955, Hon. Marie S. Weiner; (g) *Hernandez v. Workforce*
9 *Enterprises WFE, Inc.*, Los Angeles County Superior Court Case No. BC590913, Hon. Elihu M.
10 Berle; (h) *Hicks v. Poway Academy of Hair Design, Inc.*, San Diego County Superior Court Case No.
11 2014-00026517, Hon. Ronald L. Styn; (i) *Hubbard v. Caliber Home Loans, Inc.*, Orange County
12 Superior Court Case No. 2018-01017838; (j) *Klein v. Loomis Armored US, LLC*, San Bernardino
13 County Superior Court Case No. CIVDS1704547, Hon. David Cohn; (k) *Laureano v. The Art of*
14 *Shaving*, Los Angeles County Superior Court Case No. BC550093, Hon. Amy D. Hogue; (l) *Lopez,*
15 *et al. v. Management & Training Corporation, et al.*, United States District Court, Southern District
16 of California Case No. 17-CV-010624 JM, Hon. Jeffrey T. Miller; (m) *Magdaleno v. Shelly*
17 *Automotive, LLC*, Orange County Superior Court Case No. 2013-0043958, Hon. Kim. G. Dunning;
18 (n) *McGrath, et al. v. Wyndham Resort Development Corporation, et al.*, United States District Court,
19 Southern District of California Case. No. 15-CV-1631 JM, Hon. Jeffrey T. Miller; (o) *Mena v.*
20 *Wolfgang Puck Catering*, Los Angeles County Superior Court Case No. BC582743, Hon. John
21 Shepard Wiley, Jr.; (p) *Morales v. The Los Angeles Country Club*, Los Angeles County Superior
22 Court Case No. BC566493, Hon. William F. Highberger; (q) *Nijmeh v. Bon Appetit Management*
23 *Company, Inc.*, Santa Clara County Superior Court Case No. 16CV294127, Hon. Thomas E. Kuhnle;
24 (r) *Plascencia v. Aramark Services, Inc.*, Santa Clara County Superior Court Case No. 2015-1-CV-
25 288310, Hon. Brian C. Walsh; (s) *Plimpton v. Gordon Trucking, Inc.*, San Bernardino County
26 Superior Court Case No. CIVDS1511918, Hon. Donald Alvarez; (t) *Raya v. Amazon*, United States
27 District Court, Northern District of California Case No. 15-CV-02005 MMC, Hon. Maxine M.
28 Chesney; (u) *Rivas v. ESA Management*, United States District Court, Central District of California

1 Case No. 14-CV-5767, Hon. Dale S. Fischer; (v) *Rodriguez v Healthcare Partner Medical Group*,
2 *Inc.*, Los Angeles County Superior Court Case No. BC541313, Hon. Kenneth Freeman; (w) *Ryan v.*
3 *Dignity Health*, Sacramento County Superior Court Case No. 2013-00147371, Honorable Alan G.
4 Perkins; (x) *Santana v. Rady Children's Hospital-San Diego*, San Diego County Superior Court Case
5 No. 37-2014-00022411, Hon. Joel R. Wohlfeil; (y) *Schaffer v. Rady Children's Hospital-San Diego*,
6 San Diego County Superior Court Case No. 337-2015-00022978; Hon. Joel R. Wohlfeil; (z)
7 *Schneider v. Catholic Healthcare West*, San Francisco County Superior Court Case No. CGC-10-
8 506243, Hon. Angela Bradstreet; (aa) *Schwartz v Bank of the West*, San Francisco County Superior
9 Court Case No. CGC-14-538955, Hon. Harold E. Kahn; (bb) *Syed v. M.I. Swaco*, United States
10 District Court, Eastern District of California, Case No. 12-CV-01718 DAD, Hon. Dale A. Drozd; (cc)
11 *Vaquero, et al. v. Stoneledge Furniture, LLC*, Los Angeles County Superior Court Case No.
12 BC522676, Hon. Elihu M. Berle; (dd) *Vazquez v. Kraft Heinz Foods Company*, United States District
13 Court, Southern District of California Case No. 16-CV-02749, Hon. William Q. Hayes; (ee) *Walsh*
14 *v. Cedars-Sinai Medical Center*, Los Angeles County Superior Court Case No. BC487290, Hon.
15 William F. Highberger; among many others.

16 12. We are experienced and consider ourselves qualified to evaluate the claims and
17 defenses in this Action. This allowed our firm to assist in evaluating and achieving a \$4,200,000
18 settlement on behalf of an estimated 2,267 current and former hourly-paid or non-exempt employees
19 who worked for Defendant Lowe's Home Centers, LLC in the Supply Chain organization within the
20 State of California from July 25, 2019 through August 24, 2025.

21 13. On July 25, 2023, Plaintiff Alexis Garrido commenced this instant action by filing a
22 class action complaint alleging causes of action against Defendant for (1) Failure to Pay Minimum
23 Wages; (2) Failure to Pay Wages and Overtime Under Labor Code § 510; (3) Meal Period Liability
24 Under Labor Code § 226.7; (4) Rest-Break Liability Under Labor Code § 226.7; (5) Violation of
25 Labor Code § 226 [non-compliant wage statements]; (6) Violation of Labor Code § 221 [unlawful
26 withholdings]; (7) Violation of Labor Code § 204 [failure to timely pay wages during employment];
27 (8) Violation of Labor Code § 203 [waiting-time penalties for failure to timely pay wages at end of
28 employment]; (9) Failure to Maintain Records Required Under Labor Code § 1174, 1174.5; and (10)

1 Violation of Business and Professions Code § 17200 et. seq. (“*Garrido* Action”)

2 14. On February 26, 2024, Plaintiff Bernice Carrillo commenced an action by filing a
3 class action complaint in State Court. On August 19, 2024, Plaintiff Carrillo filed a first amended
4 complaint asserting the following six causes of action for violation of the California Labor Code and
5 California Business and Professions Code: (1) Failure To Pay Minimum, Regular, And Overtime
6 Wages; (2) Failure To Provide Meal Periods; (3) Failure To Provide Rest Periods; (4) Failure To
7 Furnish Timely And Accurate Wage Statements; (5) Failure To Pay All Wages Due Upon
8 Termination; and (6) Violation Of California’s Unfair Competition Law (“UCL”), Bus. & Prof. Code
9 §§ 17200 et seq.) (“*Carrillo* Action”)

10 15. Both the *Garrido* and *Carrillo* Actions were removed to Federal Court.

11 16. To achieve a full settlement and release, the Parties remanded the *Garrido* and
12 *Carrillo* Actions back to State Court and filed a First Amended Complaint in the *Garrido* Action
13 adding Plaintiff Bernice Carrillo as a co-plaintiff and consolidating all claims and allegations plead
14 in the *Garrido* and *Carrillo* Actions into the *Garrido* Action.

15 17. Member of Cohelan Khoury & Singer attended the April 29, 2025 mediation with
16 Daniel Turner, a respected and experienced wage and hour class action mediator. The mediator made
17 a proposal, which the Parties accepted, and over the next few months negotiated all settlement terms.

18 18. Based on the history of this Action, and given our firm’s extensive experience as class
19 and representative action employment and wage and hour litigators, it is our view the proposed
20 Settlement is fair, reasonable, and adequate, and in the best interest of the Class Members. This is
21 based on realistic assessment of the risks of proceeding with the litigation through trial and, if a
22 verdict were recovered, through appeal as compared to the value of the Settlement and benefits to the
23 Class Members at this time.

24 19. As Cohelan Khoury & Singer has done since the beginning of the litigation, we will
25 continue to fulfill our responsibility to all Named Plaintiffs and Class Members, and for the reasons
26 stated throughout this declaration, are adequate to serve as Class Counsel.

27 20. Plaintiff Bernice Carrillo fully supports the Settlement and has signed the Settlement
28 Agreement. She is not related to any attorney working on the case, and is unaware of any interests or

1 conflicts that would keep her from adequately representing the Class Members.

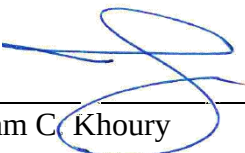
2 21. No member of Cohelan Khoury & Singer has any conflicts of interest with the class
3 or with the Plaintiffs, nor are they related to either Plaintiff.

4 22. As Cohelan Khoury & Singer has done since its entry into this matter, we will
5 continue to fulfill our responsibility to the Plaintiffs and the members of the class.

6 23. Cohelan Khoury & Singer endorses the terms and conditions of the proposed
7 Settlement. We respectfully request that the Court grant preliminary approval of the Class and PAGA
8 Action Settlement, approve the proposed Class Notice, and set a date to conduct the final approval
9 hearing.

10 24. The apportion of fees between Class Counsel is as follows: Two-thirds to Plaintiff
11 Garrido's counsel and one-third to Plaintiff Carrillo's counsel. Counsel for Plaintiff Carrillo's portion
12 of the Attorneys' fees are allocated 51% to Cohelan Khoury & Singer, 33% to United Employees
13 Law Group, PC, and 16% to The Markham Law Firm, with Carrillo's written consent.

14 I declare under the penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct and this declaration is executed on November 24, 2025 in San Diego,
16 California.

17
18 
19 Isam C. Khoury