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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

RICHARD SOTO, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

APPLIED BIOCODE, INC., a California
corporation; and DOES 1 through 100,
Defendants.

Case No. 23STCV20199

*[Assigned for all purposes to the Hon. Laura
A. Seigle, Dept. SSC-17]*

**DECLARATION OF FLETCHER W.
SCHMIDT IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA ACTION
SETTLEMENT**

Date: October 22, 2024
Time: 9:00 a.m.
Dept.: SSC-17

Action Filed: August 23, 2023
Trial Date: None Set

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I, Fletcher W. Schmidt, declare as follows:

1. I am a Partner at the Haines Law Group, APC, and counsel for the named Plaintiff Richard Soto (“Plaintiff”) in the above-captioned matter. I am a member in good standing of the bar of the State of California and am admitted to practice in this Court. I have personal knowledge of the facts stated in this declaration and could testify competently to them if called upon to do so.

2. I am a 2012 graduate of Loyola Law School, Los Angeles, where I graduated *cum laude* and was awarded membership in the Order of the Coif. From August 2013 to March 2016, I worked as an associate attorney at Boren, Osher & Luftman LLP. Since March 2016 I have worked at my current firm, Haines Law Group, APC, where, in 2018, I became a Partner.

3. During my time with Boren, Osher & Luftman LLP and Haines Law Group, APC, my practice has been solely devoted to litigating plaintiff-side wage and hour class actions in California state and federal court. I am currently responsible for managing a caseload of over seventy-five (75) active wage and hour class actions in which I am integrally involved in all aspects of the litigation.

4. I have been appointed as Class Counsel following a contested motion to certify one or more classes in the following cases:

- *Medeiros v. Vortex Financial Management Inc.*, Case No. 30-2013-00644741-CU-OE-CXC, California Superior Court, County of Orange, Honorable Judge Gail A. Andler presiding (certifying a class of employees who were misclassified as independent contractors);
- *Javine v. San Luis Ambulance Service, Inc.*, Case No. CV13-07480 BRO (SSx), United States District Court, Central District of California, Honorable Judge Beverly Reid O’Connell presiding (conditionally certifying an unpaid FLSA overtime wage class);
- *Prado v. Warehouse Demo Services, Inc.*, Case No. CV14-3170 JFW (Ex), United States District Court, Central District of California, Honorable Judge John F. Walter presiding (certifying a rest period violation class and conditionally certifying a FLSA unpaid

overtime wage class);

- *Bower v. Cycle Gear, Inc.*, Case No. CV14-2712 HSG, United States District Court, Northern District of California, Honorable Judge Haywood S. Gilliam, Jr. presiding (conditionally certifying an unpaid FLSA overtime wage class);
- *Vega v. Weatherford U.S., Limited Partnership*, Case No. CV14-1790-JLT, United States District Court, Eastern District of California, Honorable Judge Jennifer L. Thurston presiding (conditionally certifying an unpaid FLSA overtime wage class);
- *Galvan v. AMVAC Chemical Corporation*, Case No. 30-2014-00716103-CU-OE-CXC, California Superior Court, County of Orange, Honorable Judge William Claster presiding (certifying unpaid overtime wage class and waiting time penalty class);
- *Camacho v. Residential Fire Systems, Inc.*, Case No. 30-2015-00775372-CU-OE-CXC, California Superior Court, County of Orange, Honorable Judge Glenda Sanders presiding (certifying five separate classes for claims for unpaid wages, unreimbursed expenses, failure to authorize and permit rest periods, and derivative claims);
- *Ontiveros v. Safelite Fulfillment, Inc., et al*, Case No. CV 15-7118-DMG (RAOx), United States District Court, Central District of California, Honorable Dolly M. Gee presiding (certifying six classes of employees for rest period violations, wage statement violations, meal period violations, and overtime and double-time violations);
- *Staublein v. Wells Fargo Bank, National Association*, Case No. CIVDS1712267, San Bernardino Superior Court, Honorable David Cohn presiding (certifying a wage statement class);
- *Danica N. Keich, et al. v. U.S. Healthworks, Inc., et al.*, Case No. 37-2017-00015343-CU-OE-CTL, San Diego County Superior Court, Honorable Eddie C. Sturgeon, presiding (certifying classes for rest period violations, meal period violations, on-call pay violations, wage statement violations, and waiting time violations);
- *George Gomez v. The Bedrock Company*, Case No. CIVDS1824255, San Bernardino County Superior Court, Honorable David Cohn, presiding (certifying claims for unpaid overtime and minimum wage violations, meal period violations, rest period violations,

wage statement violations, and waiting time penalties); and

- *Aurora Gatica v. Valley Ag, Inc. et al.*, Case No. 19CECG03018, Fresno County Superior Court, Honorable Tyler D. Tharpe, presiding (certifying claims for meal period violations, rest period violations, wage statement violations, and waiting time penalties).

5. I have also been appointed as Class Counsel in well over 100 different class action settlements in California state and federal courts, and have recovered in excess of \$150 million dollars through settlements in which I personally have acted as the lead attorney for the plaintiff.

6. In 2023 I was awarded attorney's fees following a lodestar cross-check based on a rate of \$725 per hour by multiple judges throughout California, including in the following cases:

- *Salgado v. S.R. Bray LLC, dba Power Plus!, et al.*, Case No. 30-2020-01172134-CU-OE-CXC, Orange County Superior Court, Honorable Lon F. Hurwitz, presiding (using an hourly rate of \$725 for work performed in 2020-2023);
- *Gutierrez v. M.M.C.L., Inc. dba California Landcare*, Case No. 30-2021-01182371-CU-OE-CXC, Orange County Superior Court, Honorable Randall J. Sherman, presiding (using an hourly rate of \$725 for work performed in 2021-2023);
- *Lewis v. IMERYS Filtration Minerals, Inc., et al.*, Case No. 22CV02874, Santa Barbara County Superior Court, Honorable Jed Beebe, presiding (using an hourly rate of \$725 for work performed in 2021-2023);
- *Keich, et al., v. U.S. Healthworks, Inc., et al.*, Case No. 37-2017-00015343-CU-OE-CTL, San Diego County Superior Court, Honorable Eddie C. Sturgeon, presiding (using an hourly rate of \$725 for work performed in 2021-2023); and
- *Sanchez v. Dutton Home Services, LLC*, Case No. 22STCV01834, Los Angeles County Superior Court, Honorable Maren E. Nelson, presiding (using an hourly rate of \$725 for work performed in 2022-2023).

7. Through the first seven months of 2024 I have been awarded attorney's fees following a lodestar cross-check based on a rate of \$750 per hour in the following cases:

- *Arcos v. Panoramic Doors, LLC*, Case No. 37-2021-00048823-CU-OE-CTL, San Diego County Superior Court, Honorable Loren G. Freestone, presiding (using an hourly rate of

1 \$750 for work performed in 2021-2023);

- 2 • *Ramirez v. Wyndham Vacation Ownership, Inc.*, Case No. 20CV01715, Santa Barbara
3 County Superior Court, Honorable James F. Rigali, presiding (using an hourly rate of
4 \$750 for work performed from 2020-2024); and
5 • *Aaron Hallum, et al. v. FCA US, LLC*, Case No. CIVDS1936782, San Bernardino County
6 Superior Court, Honorable Joseph T. Ortiz, presiding (using an hourly rate of \$750 for
7 work performed in 2021-2024).

8 8. In March 2023, I served as trial counsel for the plaintiff and the aggrieved
9 employees in the matter of *Abraham Taduran v. James R. Glidewell, Dental Ceramics, Inc. dba*
10 *Glidewell Laboratories*, Case No. 30-2017-00934037-CU-OE-CXC, Orange County Superior
11 Court, Honorable William Claster presiding, which was a case brought under the Private
12 Attorneys General Act, Labor Code §§ 2698 *et seq.*, that resulted in a six-figure verdict in favor
13 of the aggrieved employees.

14 9. In each year from 2018 through 2024, Thomson Reuters and Los Angeles
15 Magazine recognized me as a Top Young Attorney in Southern California in the annual Rising
16 Star Edition of Super Lawyers. This is an honor awarded to no more than two-and-a-half percent
17 (2.5%) of attorneys under the age of forty in Southern California each year.

18 10. As counsel for Plaintiff, I have been closely involved in all aspects of this litigation
19 since its inception. The details of the work completed by Class Counsel in this case are set forth
20 in the declaration of Matthew K. Moen, filed concurrently herewith.

21 11. I confirm that I do not have any interest or involvement in, and am not affiliated
22 with, the proposed settlement administrator, Phoenix Class Action Administration Solutions, or
23 the proposed *cy pres* recipient, Legal Aid Foundation of Los Angeles.

24 I declare under penalty of perjury under the laws of California and the United States that
25 the foregoing is true and correct. Executed on August 1, 2024, at El Segundo, California.

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27 
28 Fletcher W. Schmidt