

DREW LEWIS, PC

Drew Lewis, Esq. (SBN 309288)
3010 Lava Ridge Ct. Ste. 120
Roseville, CA 95661
Tel: (833) 600-7400
Email: drew@drewlewis.law

Attorneys for Plaintiffs RIGOBERTO VALLE
(See additional counsel information next page)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF STANISLAUS

**IN RE: STANISLAUS FOOD PRODUCTS
COMPANY EMPLOYMENT CASES**

CASE NO.: CV-23-001433

Included Actions:

Assigned to the Hon. John Freeland

*Rigoberto Valle v. Stanislaus Food Products
Company, Case No. CV-23-001433*

*Mario Castillo v. Stanislaus Food Products
Company, Case No. CV-23-003465*

*Victoria Martinez v. Stanislaus Food Products
Company, Case No. CV-23-004653*

*Rebeca Balbuena Andres v. Stanislaus Food
Products Company, Case No. CV-23-007019*

*Martin Sohal v. Stanislaus Food Products
Company, Case No. CV-24-000548*

**DECLARATION OF JOSHUA
FALAKASSA IN SUPPORT OF
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing

Date: December 20, 2024

Time: 8:30 a.m.

Dept.: 23

1 **BOKHOUR LAW GROUP, P.C.**

2 Mehrdad Bokhour, Esq., CA Bar No. 285256
3 1901 Avenue of the Stars, Suite 920
4 Los Angeles, California 90067
5 Tel: (310) 975-1493; Fax: (310) 675-0861
6 Email: mehrdad@bokhourlaw.com

7 **FALAKASSA LAW, P.C.**

8 Joshua S. Falakassa, CA Bar No. 295045
9 1901 Avenue of the Stars, Suite 920
10 Los Angeles, California 90067
11 Tel: (818) 456-6168; Fax: (888) 505-0868
12 Email: josh@falakassalaw.com

13 Attorneys for Plaintiffs MARIO CASTILLO

14 **HAINES LAW GROUP, APC**

15 Paul K. Haines (SBN 248226)
16 Fletcher W. Schmidt (SBN 286462)
17 Matthew K. Moen (SBN 305956)
18 Susan J. Perez (SBN 329044)
19 2155 Campus Drive, Suite 180
20 El Segundo, California 90245
21 Tel: (424) 292-2350
22 Fax: (424) 292-2355
23 Email: phaines@haineslawgroup.com
24 fschmidt@haineslawgroup.com
25 mmoen@haineslawgroup.com
26 sperez@haineslawgroup.com

27 Attorneys for Plaintiffs VICTORIA MARTINEZ

28 **BRADLEY/GROMBACHER, LLP**

Marcus Bradley, Esq. (SBN 174156)
Kiley Grombacher, Esq. (SBN 245960)
Lirit A. King, Esq. (SBN 252521)
Emilie MacLean, Esq. (SBN 349539)
31365 Oak Crest Drive, Suite 240
Westlake Village, CA 91361 Telephone: (805) 270-7100
Facsimile: (805) 270-7589
Email: mbradley@bradleygrombacher.com
kgrombacher@bradleygrombacher.com
lking@bradleygrombacher.com
maclean@bradleygrombacher.com

DECLARATION OF JOSHUA FALAKASSA

I, Joshua Falakassa, say and declare, as follows:

1. I am an attorney at law, duly licensed to practice before all the Courts of the State of California and I am the principal of Falakassa Law, P.C. and I serve as attorney of record, along with The Bokhour Law Group, P.C., The Haines Law Group, P.C., Drew Lewis, P.C., and Bradley/Grombacher, LLP, for Plaintiffs Rigoberto Valle, Mario Castillo, Victoria Martinez, Rebeca Balbuena Andres and Martin Sohal (collectively “Plaintiffs”) and the Settlement Class.

2. As such, I am familiar with the file in this matter and if called as a witness I could and would competently testify to the following facts of my own personal knowledge.

3. I submit this Declaration in support of Plaintiffs' Motion for Final Approval of Class Action Settlement.

4. I have been a member, in good standing, of the State Bar of California since 2013. I am admitted to practice before all California state courts, and the United States District Court of California for the Central, Northern, and Eastern Districts and have litigated class action and Private Attorney General Act (“PAGA”) representative action cases in various courts across California.

5. I graduated with a Bachelor of Arts with a major in History and a Minor in Public Affairs from the University of California, Los Angeles (“UCLA”) in 2009. I received my J.D. from the University of California, Berkeley, School of Law (“Berkeley Law”) in 2013 and became a member of the California State Bar in December 2013.

6. During law school, I successfully completed courses in Labor Law, Employment Discrimination and Labor/Employment Arbitrations. I also served as a summer associate at Sanford, Wittels and Heisler LLP, a boutique plaintiffs' side employment law firm focusing on FMLA wage and hour class action litigation, and other public interest lawsuits. As a second-year law student, I served as a summer associate at the San Francisco office of Littler Mendelson, P.C., I aided employers in defending wage and hour class action lawsuits filed under California and federal law.

1 7. From August 2018- January 2019, I served as an associate at the Paul Haines Law
2 Group, where I actively managed a caseload of more than 50 wage and hour class and PAGA
3 action lawsuits in California and federal courts.

4 8. Thereafter, as principal of Falakassa Law, P.C., I have handled over 100 employee
5 vs. employer litigation matters, including more than 60 class action wage/hour and PAGA cases.
6 Over the last few years, my practice has almost entirely consisted of representing employees, the
7 majority of which has included class action and representative action wage and hour matters. In
8 total, I have handled upwards of 80 class action and representative action wage/hour cases.

9 9. Below is a sample list of the cases which I was appointed Class and/or PAGA
10 Counsel:

- 11 • San Bernardino County Superior Court, CIVSB2133520, *Wilquin Orozco v.*
12 *Taylor Services, LLC*;
- 13 • Santa Clara County Superior Court, 21CV386657, *Brandon Moore, an individual,*
14 *on behalf of the State of California, as a private attorney general, and on behalf of*
15 *all others similarly situated v. Pure Storage Inc.*; CVRI2101452;
- 16 • Riverside County Superior Court, Case No. 0029574, *Sergio Enriquez Jr., on*
17 *behalf of himself and all others similarly situated v. Shipbob Inc*;
- 18 • Sacramento County Superior Court, *Brynn Salvador Lopez Benavides individually*
19 *and on behalf of all others similarly situated v. Production Framing Inc.*;
- 20 • Alameda County Superior Court, Case No. RG21088637, *Orlando Camp, on behalf*
21 *of himself and all others similarly situated v. Matson Logistics Warehousing Inc*;
- 22 • Sacramento County Superior Court, Case No. 00291534, *Rebecca Gibson on behalf*
23 *of herself and all others similarly situated v. Syblon Reid Construction Inc.*;
- 24 • Alameda County Superior Court, Case No. RG20080657, *Jonathan Buckner, on*
25 *behalf of himself and all others similarly situated v. Xpress Global Systems LLC.*;
- 26 • Stanislaus County Superior Court, *Patrick B. Farley on behalf of himself and all*
27 *others similarly situated v. Bimbo Bakeries USA Inc.*;

- 1 • Alameda County Superior Court, Case No. RG20063636, *Zirl Wilson, on behalf of*
2 *himself and all others similarly situated v. TCG Oakland LLC; NWLA Delivery*
3 *Inc.;*
- 4 • Riverside County Superior Court, Case No. RIC2001892, *Christopher Joe Becerra,*
5 *on behalf of himself and all others similarly situated v. Luxfer Inc.;*
- 6 • Orange County Superior Court, Case No. 30-2020-01140863-CU-OE-CXC,
7 *Manuel A. Villanueva v. Leach International corporation;*
- 8 • Sacramento County Superior Court, Case No. 00279448, *Nicholas B. Toy on behalf*
9 *of himself and all others similarly situated v. Myers & Sons Construction LLC;*
10 *Myers & Sons LP;*
- 11 • Alameda County Superior Court, Case No. RG20061789, *Deborah Churchill, an*
12 *individual, on behalf of the State of California, as a private attorney general, and*
13 *on behalf all others similarly situated v. MK Marketing LLC;*
- 14 • Solano County Superior Court, Case No. FCS054576, *Thomas Anderson Doty, on*
15 *behalf of himself and all others similarly situated v. Underground Construction Co.*
16 *Inc.;*
- 17 • San Francisco County Superior Court Case No. CIVDS2006687, *Counselo Jasso*
18 *Ayala v. Fabfitfun, Inc; et al.;*
- 19 • Sacramento County Superior Court, Case No. 00272761, *Shaun Brasier*
20 *individually and on behalf of all others similarly situated v. Valdez Painting Inc.;*
- 21 • Sacramento County Superior Court, Case No. 00272729, *Randy L. Hoff*
22 *individually and on behalf of all others similarly situated v. Dependable Highway*
23 *Express Inc.;*
- 24 • Solano County Superior Court, Case No. FCS054121, *Robert Earl Mann, on behalf*
25 *of himself and all others similarly situated v. Altec Industries Inc.;*
- 26 • Sacramento County Superior Court Case No. 00269947, *Gary Sifuentes*
27 *individually and on behalf of all others similarly situated v. Roofline Inc. dba*
28 *Roofline Supply & Delivery;*

- Alameda County Superior Court, Case No. RG19038041, *Kevin Cistian Bautista, an individual, on behalf of the State of California, as a private attorney general, and on behalf of all others similarly situated v. Builder Services Group Inc.*;
- Sacramento County Superior Court, Case No. 00262122, *Sajida Zaman individually and on behalf of all others similarly situated v. Liqui-Box Corp.*;
- Alameda County Superior Court, Case No. RG19013755 *Carla Bran Hernandez, on behalf of herself and all others similarly situated v. Screen-Tech Inc.*

10. I was selected as a “Super Lawyer Rising Star” in Employment Litigation during the years 2017, 2018 and 2019, 2020, 2021, 2022, 2023 and 2024, a distinction that is reserved for the top 2.5 % of lawyers in the practice area. I was also recognized by TopVerdicts.com for obtaining several of the highest wage and hour class and PAGA action settlements in the State of California.

11. As set forth above, I have handled upwards of 80 class and representative actions, have been appointed as class counsel and have successfully litigated and resolved several class actions, and many others remain pending.

12. My firm has the experience, resources, and means necessary to allow us to provide adequate representation to all Settlement Class Members in this Action.

13. Class Counsel are respected members of the California Bar with strong records of vigorous and effective advocacy of their clients, and they are experienced in handling complex class action litigation. Both Class Counsel and Plaintiffs were prepared to litigate the claims in this action, but they strongly and unequivocally support the proposed Settlement as being in the best interest of the Settlement Class based on the circumstances referenced herein.

14. Moreover, my rate of \$650 per hour has been approved by various courts in California.

15. In the opinion of Class Counsel, the recovery for each Settlement Class Member is well within the acceptable range for this type of action. This Settlement is also favorable given that the Settlement Class will promptly receive compensation rather than facing uncertainties inherent in further litigation and waiting for years for this action to be tried. It is also telling that the Settlement Class have overwhelmingly supported the Settlement on the terms set forth in the

1 Settlement Agreement. No Settlement Class Member has objected to the class wide Settlement
2 obtained in this matter and no Settlement Class Member requested exclusion from the Settlement.
3 Based on all considerations, this Settlement is highly favorable and is in the best interests of the
4 Settlement Class.

5 16. In sum, all relevant factors support final approval of the Settlement. The parties
6 negotiated at arm's length under the supervision of an experienced and well-respected mediator.
7 Class Counsel also investigated, discovered, and analyzed class claims extensively. Moreover,
8 Class Counsel, who is an experienced class action litigator, strongly believes that this Settlement
9 provides an excellent result for the Settlement Class. Lastly, the fact that there were no objections
10 filed that asked for final approval to be denied and only 2 requests for exclusion from the Settlement
11 weighs strongly in favor of approval of the Settlement. For these reasons, this Court should
12 conclude that under the circumstances of this case, the proposed Settlement is fair, adequate, and
13 well within the range of reasonableness.

14 17. Class Counsel's application for an award of Attorneys' Fees in an amount of
15 approximately 33.33% of the Settlement Amount on behalf of the Settlement Class is reasonable
16 and fair. The requested fee falls on the lower end of the benchmark for attorneys' fees of 25% to
17 40% of a common fund and is fair compensation for undertaking complex, risky, expensive, and
18 time-consuming litigation on a contingent basis.

19 18. For Class Counsel, the fees here were wholly contingent in nature, and the case
20 presented far more risk than the usual contingent fee case. There was the prospect of the enormous
21 cost inherent in class action litigation and a long battle with a corporate Defendant. That prospect
22 has previously become a reality in trial courts and the Court of Appeal in other wage and hour class
23 litigations. Class Counsel risked not only a great deal of time but also a great deal of expense to
24 ensure the successful litigation of this action on behalf of all Settlement Class Members. Based
25 upon the foregoing, Class Counsel respectfully requests that the Court award attorneys' fees in the
26 amount of \$1,166,666.67.

27 19. My firm's hours are set forth below:
28

Attorney	Experience	Rate per Hour	Hours	Total Lodestar
Joshua Falakassa	13 years	\$650	86.5 ¹	\$56,225
Total Lodestar				\$56,225

20. The ultimate result was far from certain when this case was taken on a contingency fee basis, with the firm agreeing to assume responsibility for all litigation costs. In the course of this Action, Class Counsel paid all costs, including filing fees, court costs, research fees, and mediation costs. There was never a guarantee that we would recoup those expenditures.

21. It has been my experience that the benchmark for an attorney fee award in California state cases is one-third of a common settlement fund, which the California Supreme Court recently upheld in the *Robert Half* case. Here, in accordance with the Settlement Agreement, Class Counsel is seeking a fee of \$1,166,666.67, one-third of the Settlement Amount.

22. The fee is warranted because of the results achieved for the Settlement Class Members, both in terms of the immediate cash settlement and the resounding support for the Settlement. Defendant does not oppose this fee request.

23. The proposed settlement has been previously submitted in accordance with Labor Code § 2699(l)(2) to the Labor and Workforce Development Agency.

24. The proposed Settlement here was the product of arm's-length negotiation before a highly experienced and reputable class action mediator, Tripper Ortman, Esq., to reach a settlement.

25. Plaintiffs and Class Counsel have diligently investigated the claims raised in this litigation and, after taking into account the disputed factual and legal issues involved in this action, the risks attending further prosecution, and the benefits to be received pursuant to the compromise and settlement of the Action as set forth in the Settlement, concluded that the Settlement terms are fair, reasonable, and in the best interest of the Settlement Class.

26. As the Settlement Agreement reveals, there is no preferential treatment for any segment of the Settlement Class, as the Settlement is designed to fairly and adequately compensate all Settlement Class Members. Pursuant to California Rules of Court Rule 3.769(b), the parties have

¹ Includes an estimated 5 hours of work finalizing this motion, attending final approval, working with Defense Counsel and the Administrator finalizing this matter, submitting a declaration of disbursement, and other ancillary matters.

1 disclosed the agreed upon and proposed Attorneys' Fees, which are well within the range of
2 reasonableness for matters of this nature.

3 27. As set forth at the time of preliminary approval, Class Counsels' investigation into the
4 facts and merits of the wage and hour claims alleged included analyzing substantial amounts of
5 information, correspondence, documents, timekeeping and pay data, policies and procedures, and
6 evidence relating to the class size and the commonality of the claims. During this process, Plaintiffs
7 and Class Counsel investigated the potential claims of the similarly situated employees and
8 researched and investigated Defendant's defenses. Finally, Class Counsel synthesized and analyzed
9 information provided by Defendant regarding the total Settlement Class Members, the number of
10 current and former employees, and the number of employees who worked during various time periods
11 and prepared comprehensive damages calculations regarding the wage and hour claims at issue.

12 28. In light of the uncertainties of protracted litigation, this negotiated Settlement reflects
13 the best practicable recovery for the Settlement Class. While the total Settlement amount is, of course,
14 a compromise figure, the potential risks and opportunities of both parties were effectively weighed
15 and considered by the parties, resulting in a fair and equitable Settlement.

16 29. Based upon detailed data obtained through discovery and information exchanges and
17 factoring in class certification and liability probabilities, Class Counsel formulated detailed damages
18 models to evaluate the claims in preparation for mediation and reach a realistic and reasonable
19 resolution. Of course, Defendant denies that any damages should be assessed and denies all of the
20 value estimated by Plaintiffs.

21 30. The Settlement should be approved, and judgment entered based on the determination
22 that it is fair, reasonable, adequate, and in the best interests of the Settlement Class.

23 I declare under penalty of perjury under the laws of California that the foregoing is true and
24 correct on this 3rd of April 2025, at Los Angeles, California.

25
26 By: /s/ Joshua Falakassa, Esq.
Joshua Falakassa, Esq.