

MESSRELIAN LAW INC.

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Attorneys for Plaintiff, Simon Perez Flores

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

DIANE DE LA CRUZ and SIMON PEREZ
FLORES, individually, on behalf of all others
similarly situated, and on behalf of the State of
California and other aggrieved persons; and
SANTOS ANDRADE NAZARIO, individually,
and on behalf of all others similarly situated,

Plaintiffs,

v.

JAMES NICHOLSON ENTERPRISES dba
DINSMORE LANDSCAPE COMPANY, a
California corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 23CV421709

*[Assigned for All Purposes to the Hon.
Theodore C. Zayner, Dept. 19]*

**DECLARATION OF HAROUT
MESSRELIAN IN SUPPORT OF
PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Final Approval Hearing:

Date: October 14, 2026

Time: 1:30 p.m.

Dept.: 19

Action Filed: August 30, 2023

DECLARATION OF HAROUT MESSRELIAN

I, HAROUT MESSRELIAN, declare and state as follows:

1. I am an attorney duly licensed to practice before all the Courts of the State of California. I am the managing attorney of Messrelian Law Inc. and the attorney of record for Plaintiff Simon Perez Flores. Except as otherwise indicated, I have personal knowledge of all matters set forth herein and, if called as a witness, could and would competently testify thereto under oath. This Declaration is submitted in support of Plaintiffs' Motion for Final Approval of Class Action and PAGA Settlement.

2. I am experienced in handling employment law matters and specifically wage and hour representative and individual actions. My qualifications are as follows: I received my JD from Loyola Law School in 2010. I started my own law firm in 2011 – the Law Offices of Harout Messrelian. Since 2016, I have been the founder and principal attorney at Messrelian Law, Inc. Since 2011, I have filed and handled over 350 civil actions and/or claims involving representative actions under the Private Attorneys General Act ("PAGA") and/or wage and hour claims on behalf of my clients and have been designated lead Class Counsel or co-lead Class Counsel on the following cases:

- a. *Zohrab Mekhitarian v. Triple Play Motors dba Bob Smith Toyota*, Los Angeles Superior Court, Case No. 19STCV22411 (ADR Services, Inc., Case Number 20-2668-RWT)
- b. *Carina Camberos, on behalf of herself and others similarly situated, v. Great American Chicken Corp, Inc.*, Los Angeles Superior Court, Case No. 21STCV32015
- c. *Robert Garcia, on behalf of himself and others similarly situated v. HD Supply Management Inc.*, San Bernardino Superior Court Case No. CIVSB2028067
- d. *Alfredo Betancourt v. L3 Technologies, Inc.*, San Mateo County Superior Court, Case No. 23-CIV-05704
- e. *Mario Cabral v. Sentry Insurance Company*, Los Angeles County Superior Court, Case No. 22STCV21484

- 1 f. *Jenica Cole et al v. Strategic Green Partners LLC, et al.*, Yolo County
2 Superior Court, Case No. CV2021-0426
- 3 g. *Thomas Brown, et al. v. Fidelity Security Services, Inc.*, Los Angeles County
4 Superior Court, Case No. 21STCV31617
- 5 h. *Steven Arreola, et al. v. JBT Aerotech Corporation, et al.*, San Bernardino
6 County Superior Court, Case No. CIVSB2407032
- 7 i. *Noe Sandoval-Orozco v. Northwest Landscape Maintenance Company*, Santa
8 Clara County Superior Court, Case No. 24CV445484
- 9 j. *Gregorio Regalado, et al. v. R.A.H. Industries, Inc.*, Los Angeles County
10 Superior Court, Case No. 24STCV00839
- 11 k. *Michael Walker, et al. v. Life Alert Emergency Response, Inc.*, Los Angeles
12 County Superior Court, Case No. 23VECV02182
- 13 l. *Joanna Ramirez v. The Village Family Services, Inc.*, Los Angeles County
14 Superior Court, Case No. 24STCV07214
- 15 m. *Aurora Garcia Jimenez, et al. v. Kind Op Corp., et al*, Monterey County
16 Superior Court, Case No. 22CV001723
- 17 n. *Guadalupe Perez v. Spacetel LLC*, Santa Clara County Superior Court, Case
18 No. 22CV397513
- 19 o. *Tannia Ayala v. RHR California Services, L.L.C., et al*, San Mateo County
20 Superior Court, Case No. 23-CIV-02830

21 I have a practice that encompasses cases in the Los Angeles Superior Courts, the Orange County
22 Superior Courts, the Riverside County Superior Courts, the San Bernardino County Superior
23 Courts, the Alameda County Superior Courts, Santa Clara County Superior Courts, San Mateo
24 County Superior Courts, and the Monterey County Superior Courts.

25 3. On October 6, 2023, Plaintiff Simon Perez Flores sent a letter to the Labor
26 Workforce Development Agency (“LWDA”) alleging that Defendant James Nicholson
27 Enterprises dba Dinsmore Landscape Company (“Defendant”) violated various labor code
28 sections related to payment of wages, meal/rest breaks, and similar violations. Pursuant to Labor

1 Code § 2699.3, subd.(a), Plaintiff Simon Perez Flores gave timely written notice to Defendant
2 and the LWDA by sending the PAGA Notice.

3 4. On or around January 5, 2024, Plaintiff Simon Perez Flores commenced an Action
4 by filing a Complaint styled *Simon Perez Flores v. James Nicholson Enterprises, et al.*, in Santa
5 Clara Superior Court, Case Number 24CV428669, alleging individual wage and hour causes of
6 action as well as a cause of action against Defendant under the Private Attorneys General Act
7 (“PAGA”). After engaging in informal discovery, the parties participated in a global mediation
8 on March 13, 2025, and again on April 3, 2025, before mediator Michael Mandel, ultimately
9 reaching a resolution of the class and PAGA claims.

10 5. Plaintiff Simon Perez Flores was thereafter added as a Plaintiff in the instant
11 case through the filing of a Second Amended Class Action and PAGA Complaint. The work that
12 I performed in the Perez Flores matter and in the instant matter included, but was not limited to,
13 the following: initial client intake, case evaluation, and investigation of Defendant; drafting,
14 reviewing, and submitting the LWDA notice on behalf of Plaintiff Simon Perez Flores; drafting,
15 reviewing, and filing the Complaint in the Perez Flores action and arranging service of the
16 summons and complaint on Defendants; case management duties, including preparing, meeting
17 and conferring on, and filing joint case management conference statements; negotiating and
18 executing a Joint Prosecution Agreement with co-counsel; participating in preparing and
19 negotiating informal discovery, including the demand for Defendant’s financial condition
20 information and documents, and negotiating and executing the stipulated confidentiality
21 agreement and protective order in the Perez Flores action; reviewing Defendant’s document
22 production, including time and payroll records, wage statements, and written meal, rest, and
23 timekeeping policies; reviewing and revising the joint mediation brief and reviewing the damages
24 model prepared by Plaintiffs’ damages consultant; attending the mediation before Michael
25 Mandel on March 13, 2025; reviewing the financial condition analysis prepared by Plaintiffs’
26 forensic accountant and assessing its effect on the structure of the settlement; reviewing the long-
27 form Settlement Agreement and the Amended Settlement Agreement, and obtaining my client’s
28 execution of each; drafting my declaration in support of the Motion for Preliminary Approval;

1 reviewing the Motion for Preliminary Approval, the class notice, the revised class notice, the
2 proposed and revised orders granting preliminary approval, and the Second Amended Complaint;
3 reviewing the settlement administrator's mailing calculations, notice packet, and weekly reports
4 throughout the notice period; providing this declaration in support of the Motion for Final
5 Approval; and telephone and email communications throughout with co-counsel, defense
6 counsel, the mediator, the settlement administrator, and my client. The attorney's fees are
7 reasonable in this case based on the percentage of recovery method and as cross-referenced
8 against the Lodestar. To date, I have investigated and prosecuted the Perez Flores matter and this
9 matter for 55.4 hours starting on or around September 12, 2023 through the present. My hourly
10 rate during this case is \$750.00/hour (15th year attorney handling wage and hour class action and
11 PAGA actions). My hourly rate of \$750 is reasonable in light of my respective skills, wage and
12 hour class action/PAGA experience, reputation, and fee awards to other attorneys of similar
13 experience in California. Other courts have approved hourly rates in this range for plaintiff's side
14 law firms. See *Marshall v. Northrup Grumman Corp.*, No. 16-cv-06794, 2020 WL 5668935, at
15 *7 (C.D. Cal. Sept. 18, 2020) (approving attorney rates between \$490 and \$1,060 per hour);
16 *Gutierrez v. Wells Fargo Bank, N.A.*, No. 07-cv-05923, 2015 WL 2438274, at *5 (N.D. Cal. May
17 21, 2015) (rates ranging \$475-\$975 for partners, \$300-\$490 for associates); *Hashemi v. Bosley,*
18 *Inc.*, No. CV 21-946 PSG (RAOX), 2022 WL 18278431, at *10 (C.D. Cal. Nov. 21, 2022)
19 (finding that, in Los Angeles, partners litigating class action matters have hourly rates ranging
20 from \$304 to \$965, and associates have hourly rates ranging from \$287 to \$719); *Alvarez v. Sirius*
21 *XM Radio Inc.*, No. CV 18-8605 JVS(SSX), 2021 WL 1234878, at *11 (C.D. Cal. Feb. 8, 2021)
22 (finding hourly rates ranging from \$450 for an associate to \$950 for a partner "are reasonable
23 given prevailing rates in the Los Angeles region"). At \$750/hour, that equates to \$41,550.00 in
24 attorney's fees.

25 6. In addition to the attorney's fees set forth above, my office has incurred
26 \$2,113.14 in litigation costs and expenses in the prosecution of the Perez Flores matter and this
27 matter. These costs include the initial complaint filing fee of \$1,496.08; the PAGA notice filing
28 fee of \$75.00; service of lawsuit fee of \$260.00; and miscellaneous court filing fees of \$282.06.

1 These costs were reasonably and necessarily incurred in the prosecution of these actions.

2 7. Myself and the other Plaintiffs' attorneys in this case are experienced in
3 prosecuting class and PAGA lawsuits. Counsel for Defendant is experienced in defending class
4 and PAGA cases. Based on my own independent investigation and evaluation, I am of the opinion
5 that the Class Action and PAGA Settlement on the terms set forth in the Settlement Agreement is
6 fair, reasonable and adequate and is in the best interests of Plaintiffs, the Class Members, the
7 Aggrieved Employees, the State, and Defendant, in light of all known facts and circumstances
8 and the risks inherent in litigation. The attorneys' fees award provided for in the Settlement
9 Agreement is therefore reasonable given the result achieved. I support the analysis provided by
10 co-counsel in their concurrently filed declarations explaining the background and events of this
11 action, the investigation and discovery completed by the parties, the calculation of the maximum
12 potential liability and penalties in this action, as well as the concomitant risks of moving forward.

13 I declare under the penalty of perjury of the laws of the State of California that the
14 foregoing is true and correct to the best of my knowledge. Executed on September 8, 2026, at
15 Glendale, California.

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18 HAROUT MESSRELIAN, Declarant
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