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8 Attorneys for Plaintiff VERONICA TOPETE
on behalf of the State of California,
9 and others similarly situated and aggrieved
10

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF SAN BERNARDINO**

13 JOSHUA WOLFE, VERONICA TOPETE,
individually and on behalf of the State of
14 California, and others similarly situated and
aggrieved,
15

16 Plaintiff,

17 v.

18 SOUTH COAST BAKING, LLC, a
19 California Limited Liability Company;
RISE BAKING COMPANY, LLC, a
20 Delaware Limited Liability Company;
RISE BAKING ARTISAN BREAD, LLC,
21 a Delaware Limited Liability Company;
RISE BAKING SWEET GOODS, LLC, a
22 Delaware Limited Liability Company; and
DOES 1-100, inclusive,
23

24 Defendants.
25
26
27
28

Case No.: CIVSB2224856

*[Assigned for all purposes to the Hon. Jessica
Morgan, Dept. S26]*

DECLARATION OF MICHAEL JONES IN
SUPPORT OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

[Filed concurrently with Notice of Motion and
Motion; Memorandum of Points & Authorities;
Declaration of Proposed Class Counsel (Arman
Marukyan); Declarations of Proposed Class
Representatives (Joshua Wolfe and Veronica
Topete); and; [Proposed] Order]

Date: October 22, 2024
Time: 8:30 a.m.
Dept.: S26

I, MICHAEL JONES, declare as follows:

1. I am an attorney duly licensed to practice in California and before this Court, and I am associated with Crosner Legal, PC. My firm serves as counsel of record for Plaintiff in the above-captioned matter. If called to testify as to the facts within, I would and could competently do so.

PROCEDURAL HISTORY

2. On or about January 4, 2023, Plaintiff Veronica Topete (“Plaintiff Topete”) submitted a written Notice of Private Attorneys General Act Claim (“PAGA Notice”) to the California Labor and Workforce Development Agency regarding specific provisions of the California Labor Code and Industrial Welfare Commission Orders that she alleges Defendants violated, and served this PAGA Notice on Defendants. On March 14, 2023, Plaintiff Topete filed an action in the Superior Court of California, County of Orange, Case No. 30-2023-01312362-CU-OE-CXC, on behalf of herself, all current and former hourly paid or non-exempt employees who worked for Defendants in California at any time from January 8, 2022 through the present (“Aggrieved Employees”), and the State of California, pursuant to the Private Attorneys’ General Act, Cal. Labor Code Sections 2698 et seq. (“PAGA”) for Defendants’ alleged violations of California employment law (“Topete Action”). In her PAGA Complaint, Plaintiff Topete alleged the following violations of the California Labor Code: (1) failure to pay minimum and overtime wages; (2) failure to provide compliant meal periods; (3) failure to authorize and provide rest periods; (4) failure to provide accurate wage statements; (5) failure to produce employment records; (6) failure to keep accurate and complete payroll records; (7) failure to reimburse business expenses; (8) violation of the California WARN Act; (9) failure to provide proper sick leave; (10) failure to provide supplemental paid sick leave; (11) failure to provide suitable seating; (12) failure to pay all vested, accrued time off; (13) failure to timely pay all wages upon separation of employment; (14) unlawful criminal and/or financial checks; and (15) failure to provide a safe and healthful workplace.

1 3. Prior to Plaintiff Topete filing the Topete Action, on or about October 27, 2022,
2 Plaintiff Joshua Wolfe filed the instant class action in the Superior Court for the County of San
3 Bernardino, Case No. CIVSB2224856 (“Wolfe Class Action”), alleging causes of action for: (1)
4 failure to pay overtime wages; (2) failure to provide meal period premiums; (3) failure to provide
5 rest break premiums; (4) failure to pay minimum wages; (5) failure to pay all wages due upon
6 separation of employment; (6) failure to pay wages timely during employment; (7) failure to
7 provide compliant wage statements; (8) failure to keep requisite payroll records; (9) failure to
8 reimburse for business expenses; and (10) violation of Cal. Bus. & Prof. Code Sections 17200 et
9 seq. As with Plaintiff Topete, Plaintiff Wolfe likewise submitted a PAGA notice to the California
10 Labor and Workforce Development Agency on or about September 14, 2023. Defendants have at
11 all times denied Plaintiff Topete’s and Plaintiff Wolfe’s allegations, and have maintained that their
12 policies and procedures comply with California law.

13 4. Upon researching the Wolfe Class Action and determining that the cases involved
14 many of the same parties and issues, Plaintiffs Topete and Wolfe and Defendants agreed to pursue
15 an early, global private mediation in the hope of resolving both the Topete Action and the Wolfe
16 Class Action. The Parties agreed to pursue private mediation with mediator Lynn Frank, Esq. on
17 December 12, 2023 and engaged in an exchange of substantial documents and information to
18 facilitate settlement discussions, including a sampling of employees’ paystubs and time records,
19 applicable employee handbooks, meal and rest period policies, and personnel files. At the
20 mediation, the Parties engaged in arms-length negotiations that were hard-fought and adversarial
21 as the Parties exchanged extensive information on their legal and factual positions, and made
22 numerous countering demands and offers. Ultimately, with the mediator’s assistance, the Parties
23 agreed to a reasonable settlement amount to resolve both the Topete Action as well as the Wolfe
24 Class Action and executed a Memorandum of Understanding. The Parties thereafter collaborated
25 for several months on the drafting of the Joint Stipulation of Class Action and PAGA Settlement
26 and Release, which was fully executed on May 22, 2024.

27 5. On or about April 17, 2024, Plaintiff Wolfe filed a First Amended Class and
28 Representative Action Complaint in the Wolfe Class Action which: (1) added Rise Baking

1 Company, LLC; Rise Artisan Bread, LLC; Rise Baking Sweet Goods, LLC; and Brill, Inc. as
2 defendants; (2) added Plaintiff Topete as a named plaintiff; and (3) added Plaintiff Topete's and
3 Plaintiff Wolfe's PAGA claims, effectively consolidating the Topete Action and Wolfe Class
4 Action together.

5 **CROSNER LEGAL'S EXPERIENCE AND QUALIFICATIONS**

6 6. I received my bachelor's degree from UC Santa Barbara in 2012, and my J.D. from
7 the USC Gould School of Law in 2016. I have practiced civil litigation for over seven years and
8 previously worked as a litigation attorney at Reisner & King LLP and Weston & McElvain LLP. I
9 joined Crosner Legal in February 2022 and since then my practice has focused exclusively on
10 representing employees in wage and hour class and PAGA actions.

11 7. Zach Crosner is a 2010 graduate of University San Diego School of Law and he
12 has approximately thirteen years of experience as a practicing attorney. For nearly his entire
13 career, his practice has focused on litigation of wage & hour, consumer, and privacy class action
14 and representative action claims. Following graduation he immediately began working for a
15 nationally recognized plaintiff's complex litigation firm, CaseyGerry, where he worked directly
16 with past presidents of the consumer attorneys and recipients of trial attorneys of the year
17 awards. He also worked for other firms that included former CAALA and CLAY trial attorney
18 of the year recipients. While with these firms, he advocated for the rights of consumers and
19 employees in class action litigation, civil rights and employment litigation, catastrophic injuries,
20 insurance bad faith and appellate litigation.

21 8. In 2013, he founded the law firm of Crosner Legal, P.C. which since its inception
22 has focused almost exclusively on plaintiff-side class actions lawsuits representing employees,
23 consumers and other victims. Currently, over ninety percent (95%) of his practice is dedicated
24 exclusively to the prosecution of class actions and representative action lawsuits, and his law
25 firm is currently responsible as lead counsel or co-lead counsel for prosecuting over one hundred
26 (100) active wage and hour class actions and/or PAGA representative actions, as well as a
27 multitude of consumer and privacy class actions, in both federal and state courts throughout
28 California. He has been a direct participant in over one hundred (100) class action and/or

1 representative action settlements where he has been approved as adequate lead counsel.

2 9. Mr. Crosner has been selected by Super Lawyers as a “Southern California Rising
3 Star” for employment and labor law consecutively from 2018 through 2023. Super Lawyers has
4 also named him on their “Up-and-Coming 100” Southern California Rising Stars List for
5 consecutive years from 2021 through 2023. Only 2.5% of lawyers within California are named a
6 Super Lawyer Rising Star and even less are added to their Top Lists. Additionally, he has been
7 selected as a Top 40 Under 40 Civil Plaintiff Attorney by the National Trial Lawyers, invitation-
8 only organization composed of the premier trial lawyers, from 2019 through 2023. He is an
9 active participant in advocacy groups, including as an executive board member of the Wage and
10 Hour Committee and the Legislative Committee for the California Employment Lawyers
11 Association; a member of the Grassroots Advocacy Team for the National Employment Lawyers
12 Association; Wage and Hour Committee member and Class Action Committee member for the
13 National Trial Lawyers; a member of the American Association for Justice; and a member of the
14 Pound Civil Justice Institute.

15 10. Jamie Serb is a partner and managing attorney of the wage and hour department with
16 Crosner Legal. She graduated from the University of California, San Diego in 2004 and graduated
17 from California Western School of Law in 2013. She has been a member of the California State Bar
18 since 2013. She began working as a wage and hour class action attorney in 2015 at the Mara Law
19 Firm, PC (previously Turley & Mara Law Firm, APLC; Turley Law Firm, APLC), and has handled
20 wage and hour class actions and PAGA lawsuits on behalf of employees for about 8 years and
21 assisted in recovering millions on behalf of employees.

22 11. Crosner Legal, P.C. has obtained several multi-million dollar wage and hour class
23 action settlements while serving as lead class counsel in recent years, including but not limited to a
24 \$1.9 million wage and hour class action settlement in 2015 (*Smith v. Lux Retail North America, Inc.*,
25 Case No. 3:13-cv-01579-WHA (N.D. Cal.)); a \$4.1 million wage and hour class action settlement
26 in 2016 (*Aguirre v. Mariani Nut Company, Inc. et al.*, Case No. 34- 2016-00190252 (Sacramento
27 Cty. Super Ct.)); a \$1.35 million wage and hour class action settlement in 2017 (*Montelone v. Ocean*
28 *Cities Pizza, Inc.*, Case No. 56-2014-00458249 (Ventura Cty. Super. Ct.)), a \$1.8 million wage and

1 hour class action settlement in 2018 (*Latham v. K.W.P.H. Enterprises, Inc. dba American*
2 *Ambulance*, Case No. 17C-0162 (Kings Cty. Super Ct.)), a \$1.3 million wage and hour class action
3 settlement in 2019 (*Means, et al. v. AirGas USA, LLC*, Case No. 17-CV-2160 JGB (C.D. Cal.)), a
4 \$1.5 million wage and hour settlement in 2020 (*Babouchian, et al. v. Wyndham Vacation*
5 *Ownership, et al.*, Case No. CV18-14601 (San Diego Cty. Super. Ct.)), a \$1.15 million wage and
6 hour class action settlement in 2020 (*Buford v. Medical Solutions LLC*, Case No. 4:18-CV-04864-
7 YGR (N.D.Cal.)); a \$7.25 million wage and hour class action settlement in 2020 in *Avina, et al. v.*
8 *First Alarm Security & Patrol, Inc.*, Case No. 18CV323753 (Santa Clara Cty. Super Ct.); a \$2.2
9 million wage and hour class action settlement in 2021 (*Ghorchian, et al. v. West Hills Hospital, et*
10 *al.*, Case No. LS029737 (Los Angeles Cty. Super. Ct.)); a \$2.85 million dollar wage and hour
11 settlement in 2021 (*Valencia v. The Original Mowbray's Tree Service, Inc.*, Case No.
12 CIVDS1825518 (San Bernardino Cty. Super. Ct.)); a \$1 million wage and hour class action
13 settlement in 2022 (*Duong v. Loan Factory, Inc.*, Case No. 21CV382467 (Santa Clara Cty. Super.
14 Ct.)), a \$1.4 million wage and hour class action settlement in 2023 in *Correa, et al. v. FedEx Supply*
15 *Chain, Inc.*, Case No. CIVDS2023369 (San Bernardino Cty. Super. Ct.), a \$2.38 million wage and
16 hour class action settlement in 2023 in *Michel, et al. v. Valley Thrift Store, Inc.*, Case No.
17 21STCV00925 (Los Angeles Cty. Super. Ct.); a \$2.5 million wage and hour class action settlement
18 in 2023 in *Jajuga v. Pilot Travel Centers*, Case No. CIVDS1931464 (San Bernardino Cty. Super.
19 Ct.); \$1.015 million wage and hour class action settlement in 2023 in *Gotishan v. Kyo Autism*
20 *Therapy*, Case No. CGC-21-596378 (San Francisco Cty. Super. Ct); and a \$1.15 million wage and
21 hour PAGA settlement in 2023 in *Vaughn v. Public Health Foundation Enters., Inc.*, Case No.
22 21STCV18512 (Los Angeles Cty. Super. Ct.); a \$1.5 million wage and hour class action settlement
23 in *McKinnie v. Iron Mountain*, Case No. 21STCV05707 (Los Angeles Cty. Super. Court); a \$1.3
24 million wage and hour class action settlement in *Ellsworth, et al. v. Hallcon*, Case No.
25 20STCV06618 (Los Angeles Cty. Super. Court); a \$1.925 million wage and hour class settlement
26 in 224 in *Lo v. Cyberpower, Inc.*, Case No. 21STCV31479 (Los Angeles Cty. Super. Ct); and a
27 \$1.19 million dollar wage and hour class action settlement in 2024 in *Herrera v. Signature Flight*
28 *Support LLC*, Case No. 22STCV18367 (Los Angeles Cty. Super. Ct.).

1 **PLAINTIFF'S ENHANCEMENT AWARD**

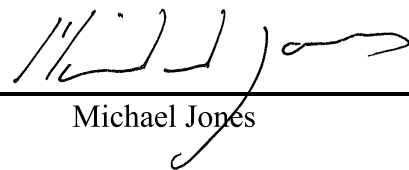
2 12. The Settlement Agreement provides for an enhancement of up to \$7,500.00 for each
3 Plaintiff. This request is reasonable given the risks Plaintiff Topete undertook on behalf of the Class
4 Members. By contacting and retaining counsel to pursue these claims, Plaintiff helped make this
5 settlement possible for the absent Class Members, while shouldering the risk of being liable for
6 Defendants' litigation costs. Plaintiff also exposed herself to unwanted notoriety related to filing
7 public lawsuits (discoverable even through a simple Google search) for the benefit of other
8 employees, placing herself at risk of discrimination by future prospective employers. Among taking
9 many other actions assisting in the successful litigation of this case, Plaintiff provided substantial
10 factual information and documents to counsel, attended numerous meetings/phone conferences with
11 counsel to discuss the case, and kept informed of all significant developments. Accordingly, I
12 recommend she be awarded the requested enhancement award.

13 **THE SETTLEMENT IS FAIR, REASONABLE, AND IN THE BEST INTEREST OF THE**
14 **CLASS**

15 13. To date, no class member has expressed any opposition to the settlement to my office.
16 In any event, class members will have the opportunity to express any opposition during the notice
17 period.

18 14. After reviewing Defendants' wage and hour policies, time and payroll records, and
19 analyzing Defendants' exposure for these claims, as well as the risks of further litigation and
20 defenses presented for each of the claims, I believe the settlement is fair, reasonable, and in the
21 best interests of the class. Accordingly, I recommend preliminary approval of the settlement.

22
23 I declare under penalty of perjury under the laws of California that the foregoing is true
24 and correct. Executed on July 1, 2024, at North Hollywood, California.

25
26 
27 _____
28 Michael Jones