

Jonathan M. Genish (State Bar No. 259031)
jgenish@blackstonepc.com
Miriam L. Schimmel (State Bar No. 185089)
mschimmel@blackstonepc.com
Joana Fang (State Bar No. 309623)
jfang@blackstonepc.com
Alexandra Rose (State Bar No. 329407)
arose@blackstonepc.com
BLACKSTONE LAW, APC
8383 Wilshire Boulevard, Suite 745
Beverly Hills, California 90211
Tel: (310) 622-4278 / Fax: (855) 786-6356

Attorneys for Plaintiff ALEJANDRA JIMENEZ,
individually, and on behalf of Aggrieved
Employees pursuant to the California
Private Attorneys General Act

[Additional Counsel on Next Page]

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

DARREN GARCIA, an individual on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

CLEARFREIGHT, INC., a California
Corporation; and DOES 1 through 50, inclusive,

Defendants.

ALEJANDRA JIMENEZ, individually, and on
behalf of Aggrieved Employees pursuant to the
California Private Attorneys General Act

Plaintiffs,

vs.

CLEARFREIGHT INC., a California
corporation; and DOES 1 through 25, inclusive,

Defendants.

Case No. 23STCV22946 (Lead)
(Consolidated with Case No. 23STCV28938)

*Assigned for all purposes to Hon. Carolyn B.
Kuhl, Dept. 12*

**DECLARATION OF DAVID YEREMIAN
IN SUPPORT OF PLAINTIFFS' MOTION
FOR APPROVAL OF PAGA
SETTLEMENT AND AWARD OF PAGA
COUNSEL FEES PAYMENT, PAGA
COUNSEL LITIGATION EXPENSES
PAYMENT, ENHANCEMENT PAYMENT,
AND ADMINISTRATION EXPENSES
PAYMENT**

Date: November 20, 2024
Time: 10:30 a.m.
Department: 12

Garcia Complaint Filed: September 21, 2023
Garcia FAC Filed: November 27, 2023
Jimenez Complaint Filed: November 28, 2023
Garcia SAC Filed: August 2, 2024

1 D.LAW, INC.
Emil Davtyan (SBN 299363)
2 Emil@d.law
David Yeremian (SBN 226337)
3 d.yeremian@d.law
Natalie Haritounian (SBN 324318)
4 n.haritounian@d.law
880 E Broadway
5 Glendale, CA 91205
Telephone: (818) 962-6465
6 Fax: (818) 962-6469

7 Attorneys for Plaintiffs DARREN GARCIA and
TAYLOR EDWARD LEBOWE, on behalf of
8 themselves and others similarly situated
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1. I am an attorney licensed and admitted to practice before all courts of the State of California, the United States District Court for the Central, Southern, Eastern, and Northern Districts of California, and the Ninth Circuit Court of Appeals. I have personal knowledge of the facts herein and if called as a witness, I could and would competently testify.

2. I am the managing attorney of D.Law, Inc., counsel of record for Plaintiff Darren Garcia and Taylor Edward Lebowe (“Plaintiffs”) on behalf of themselves and other similarly aggrieved employees of Defendant ClearFreight, Inc. (“Defendant”) in the matter titled *Darren Garcia v. ClearFreight, Inc.*, Los Angeles County Superior Court Case No. 23STCV22946 (“*Garcia Action*”).

3. All of the matters set forth herein are within my personal knowledge, except those matters that are stated to be upon information and belief. As to such matters, I believe them to be true. I have represented Plaintiffs and the aggrieved employees since the inception of this matter. I submit this Declaration in support of Plaintiffs Darren Garcia, Taylor Lebowe and Alejandra Jimenez's (collectively, "Plaintiffs") Motion for Approval of PAGA Settlement and Award of PAGA Counsel Fees Payment, PAGA Counsel Litigation Expenses Payment, Enhancement Payment, and Administration Expenses Payment ("Motion").

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4. I have been practicing law since 2003. During my career, I have represented employees in over 500 wage-and-hour class and/or representative actions as lead or co-lead counsel (including in the Central, Southern, Eastern and Northern Districts of California), and I have obtained settlements against a range of defendants, including Fortune 500 companies.

5. My firm is well qualified because of our experience, knowledge, and resources to act as counsel and represent Plaintiffs and the Aggrieved Employees in this action. A substantial percentage of our practice is devoted to litigating wage, hour, and working-conditions violations, and the bulk of these cases are class and PAGA actions.

6. I am experienced in prosecuting employment matters, particularly class and representative PAGA actions. In addition to the present case, I am also class or PAGA counsel for other wage-and-

1 hour class-action lawsuits pending in various counties throughout California (including in federal
2 courts). The following is a list of some of our recent class-action settlements that have received
3 preliminary or final approval: *Galavis v. Patina Restaurant Group, LLC* (LASC BC375225; class size
4 approx. 10,000; co-counsel); *Milford v. ADT Security Services, Inc.* (CACD CV08-2236; class size
5 approx. 2,000; lead counsel); *Carreon v. Wolfgang Puck Catering and Events, LLC* (LASC
6 BC398569; class size approx. 1,400; lead counsel); *Fluke v. RFG Oil, Inc.* (LASC BC403354; class
7 size approx. 1,400; lead counsel); *Urena v. Camachos Restaurant* (LASC BC365913; class size
8 approx. 887; lead counsel); *Smith v. Rio Rancho Pontiac GMC Buick Inc.* (LASC BC391187; class
9 size approx. 860; lead counsel); *Callela v. Dolce Group* (LASC BC364711; class size approx. 600;
10 lead counsel); *Vasquez v. The Hollywood Pig n Whistle LP* (LASC BC335075; class size approx. 600;
11 lead counsel); *Goldman v. Aorta Restaurant Operating LP* (LASC BC379688; class size approx. 300;
12 lead counsel); *Sink-Crilly v. Centex Homes* (CACD CV09-2476; class size approx. 250; lead counsel);
13 *Uiley v. Cranbrook Partners Inc.* (LASC BC392813; class size approx. 200; lead counsel); *Garcia v.*
14 *California Credits Group* (LASC BC353213; class size approx. 160; lead counsel); *Afanasyev v.*
15 *Miller Infiniti, Inc.* (LASC BC350788; class size approx. 160; lead counsel); *Morris v. Gymboree, Inc.*
16 (LASC BC393270; class size approx. 150; lead counsel); *Ortega v. AJC Sandblasting, Inc.* (LASC
17 BC378806; class size approx. 140; lead counsel); *Lulejyan v. Jim Falk Motors of Beverly Hills, Inc.*
18 (LASC BC398459; class size approx. 72; lead counsel); *Rylko v. The Griddle Café, Inc.* (LASC
19 BC386126; class size approx. 70; lead counsel); *Healy v. Siemens IT Solutions and Services, Inc.*
20 (Santa Clara Superior Court 108CV113479; class size approx. 60; lead counsel).

21 7. This experience is helpful in assessing the reasonableness of settlements such as the one at
22 issue here, and from this experience, PAGA Counsel concluded that this lawsuit could not have been
23 settled on better terms than provided under the present Settlement Agreement.

24 8. In sum, PAGA Counsel is experienced in employment class and PAGA action litigation,
25 and is adequate to represent the Aggrieved Employees in the instant action.

26 9. From PAGA Counsel's review of the facts, strengths, and weaknesses of the case, the risks
27 and delays posed by further litigation, and PAGA Counsel's own prior litigation experience, PAGA
28 Counsel believes that the recovery is fair and reasonable taking into consideration the amounts

1 received in other PAGA actions and the risks inherent in litigation of these types of cases. Further, and
2 based on the settlement negotiations, which were extensive and conducted in good faith and at arm's
3 length between attorneys with substantial experience litigating PAGA actions, the Settlement
4 Agreement was the product of a non-collusive settlement process in which the parties were forced to
5 make significant compromises in the interest of reaching a full and complete settlement of the lawsuit.

6 **REQUEST FOR ATTORNEYS' FEES**

7 10. PAGA Counsel respectfully requests an order approving its attorneys' fees and costs
8 pursuant to the Settlement Agreement.

9 11. This request is fair, reasonable, and adequate to compensate PAGA Counsel for the
10 substantial work they have put into this case and, moreover, the risks they assumed by taking it in the
11 first place. The attorneys' fees award is intended to reimburse PAGA Counsel for all uncompensated
12 work that they have already done and for all the work they will continue to do in carrying out and
13 overseeing the notification to the Aggrieved Employees, communicating with Aggrieved Employees
14 regarding their claims, and assisting in the administration of the settlement if it is approved.

15 12. The effectiveness of PAGA Counsel's prosecution of this matter has translated into tangible
16 monetary benefits for the Aggrieved Employees as follows: (1) Aggrieved Employees will obtain
17 monetary recovery over a relatively short period of time, as opposed to waiting additional years for
18 the same, or potentially worse, result; (2) a guaranteed result that compares favorably with other
19 representative PAGA actions of these types, given the strengths and weaknesses of the cases; and (3)
20 significant savings in PAGA Counsel's fees and/or costs that would have only increased significantly
21 had this matter progress through trial and/or appeals. The attorneys who worked on the *Garcia* Action
22 are all experienced in litigating wage and hour matters as follows:

23 a. Natalie Hartoonian received her Bachelor of Arts in political science from the
24 University of California, Los Angeles, in 2014. She then earned her Juris Doctorate from the
25 University of Southern California, Gould School of Law in May of 2018. Ms. Hartoonian's legal
26 experience since becoming a member of the California State Bar has been exclusively devoted to the
27 practice of California and federal employment law including in wage and hour class actions with the
28 same or similar causes of action brought forth in this matter. Her hourly rate of \$550 is reasonable

1 based on her education and experience and is in line with the market rate.

2 b. Samantha A. Smith was Senior Counsel at D.Law where she managed the class action
3 and PAGA settlement department. Ms. Smith was admitted to the California Bar in December of 2004.
4 She received her J.D. from University of California, Hastings College of the Law and B.A. from
5 University of California, Davis. Ms. Smith has dedicated her entire career to plaintiffs'-side class
6 actions, and her experience includes successful work on class action appeals, class certification
7 motions, and class settlements. Her hourly rate of \$700 is reasonable based on her education and
8 experience and is in line with the market rate.

9 c. Jonas Agle is an Associate at D.Law. Mr. Agle was admitted to the California bar in
10 2023. He received his undergraduate degree the University of California, Santa Barbara and his J.D.
11 from University of California, Irvine School of Law. His hourly rate of \$350 is reasonable based on
12 his education and experience and is in line with the market rate.

13 13. PAGA Counsel spent substantial time on this matter that was reasonable and necessary to
14 the prosecution of this case. PAGA Counsel undertook significant investigation and invested a
15 significant amount of time analyzing relevant documents and data to evaluate the nature and extent of
16 the alleged underlying California Labor Code violations and calculation of the potential monetary
17 recovery as they relate to Plaintiffs' PAGA claims under PAGA.

18 14. Each attorney who worked on this matter engaged in a multitude of tasks, including
19 investigating the facts and relevant case law, drafting complaints, conducting informal discovery,
20 reviewing and analyzing time and pay records, employment handbooks, Plaintiffs' personnel file,
21 relevant policies and other documentation, researching the applicable law and potential defenses,
22 constructing damages models based on interpretations of California law, reviewing information
23 provided by Defendant at the mediation, engaging in meet and confer efforts with Defendant, and
24 ultimately drafting and revising the Settlement Agreement.

25 15. D.Law has spent approximately 67 total hours litigating this matter. To date, our total fees
26 incurred amount to \$37,150. A summary of D.Law's lodestar for each attorney who worked on this
27 matter is as follows:

<u>Attorney</u>	<u>Position</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
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David Yeremian	Managing Partner	9	\$850	\$7,650
Natalie Haritounian	Senior Counsel	32	\$550	\$17,600
Samantha Smith	Senior Counsel	8	\$700	\$5,600
Jonas Agle	Associate	18	\$350	\$6,300

16. In light of the foregoing, the attorney fee request in an amount equal to one-third of the settlement in this case is reasonable and Defendant has no objection to an award of fees in the amount requested by PAGA Counsel.

Costs

17. The Settlement Agreement provides for reimbursement of litigation costs and expenses of up to \$18,000.00. D.Law seeks reimbursement of a total of \$2,406.74 in litigation costs and expenses. A true and correct itemized list of my firm's litigation costs and expenses is attached hereto as **Exhibit 1**. This amount is reasonable and necessary in the prosecution of this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 11th day of September, 2024, at Glendale, California.



 David Yeremian

EXHIBIT 1

Cost Report: Garcia - Lebowe v. ClearFreight, Inc.

StartDate	First Party Name	Provider Name	SettlementMemo	TotalAmount
08/24/2023	Garcia, Darren L.	Rapid Legal Document Service	Summons and Complaint	\$ 1,495.77
09/21/2023	Garcia, Darren L.	Rapid Legal Document Service	Process Serving	\$ 83.95
09/21/2023	Garcia, Darren L.	LWDA	PAGA Ltr	\$ 75.00
10/18/2023	Garcia, Darren L.	Rapid Legal Document Service	Notice of ISC	\$ 17.72
10/18/2023	Garcia, Darren L.	Rapid Legal Document Service	Proof of Service of Summons	\$ 17.72
11/07/2023	Garcia, Darren L.	Rapid Legal Document Service	Proof of Service of Summons	\$ 17.72
11/22/2023	Garcia, Darren L.	Rapid Legal Document Service	Joint Status Report	\$ 17.72
11/27/2023	Garcia, Darren L.	Rapid Legal Document Service	Amended Complaint	\$ 17.72
12/01/2023	Garcia, Darren L.	Rapid Legal Document Service	Proof of Service Filing (Not S&C)	\$ 13.39
12/08/2023	Garcia, Darren L.	Rapid Legal Document Service	Ntc of Unavailability	\$ 17.72
01/05/2024	Garcia, Darren L.	Rapid Legal Document Service	Proof of Service Filing (Not S&C)	\$ 15.66
02/05/2024	Garcia, Darren L.	Case Anywhere LLC	CASEANYWHERE; SYSTEM ACCESS FEE & DOC SERVICE FEE	\$ 102.90
03/20/2024	Garcia, Darren L.	Rapid Legal Document Service	Stip and Order	\$ 36.26
03/20/2024	Garcia, Darren L.	Rapid Legal Document Service	Stip and Order (Refiling)	\$ 11.33
03/21/2024	Garcia, Darren L.	Rapid Legal Document Service	Stip and Order: Amended Joint Stip	\$ 36.26
05/07/2024	Garcia, Darren L.	Case Anywhere LLC	Case Anywhere Case Expense	\$ 165.00
07/12/2024	Garcia, Darren L.	Rapid Legal Document Service	Stip and Order	\$ 11.33
07/18/2024	Garcia, Darren L.	Rapid Legal Document Service	Stip and Order	\$ 36.26
07/25/2024	Garcia, Darren L.	Rapid Legal Document Service	Ntc of Association of Counsel (Refiling)	\$ 11.33
07/30/2024	Garcia, Darren L.	Rapid Legal Document Service	Ntc of Association of Counsel	\$ 15.66
08/02/2024	Garcia, Darren L.	Rapid Legal Document Service	Second Amended Complaint	\$ 15.66
08/03/2024	Garcia, Darren L.	Case Anywhere LLC	CASEANYWHERE; SYSTEM ACCESS FEE + DOC SERVICE FEE	\$ 159.00
08/23/2024	Garcia, Darren L.	Rapid Legal Document Service	Notice of Disassociation	\$ 15.66

Total \$ 2,406.74