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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KERN

TYLER KRUG & FERNANDO JARAMILLO,
individually, and on behalf of those similarly
situated and members of the general public; and
FRANCISCO BALBUENA, individually, and
on behalf of those similarly situated,

Plaintiffs,

vs.

EKC ENTERPRISES, INC., a California
Corporation; and DOES 1 through 25, inclusive,

Defendants.

Case No.: BCV-23-103975

Honorable Bernard C. Barmann
Department H

**DECLARATION OF MEHRDAD
BOKHOUR IN SUPPORT OF PLAINTIFFS'
MOTION FOR FINAL APPROVAL**

Date: November 18, 2025
Time: 8:30 a.m.
Dept: H

Complaint Filed: November 28, 2023
FAC Filed: January 18, 2024
SAC Filed: February 20, 2025
Trial Date: Not Set

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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 Bokhour Law Group, P.C. as attorney of record for Plaintiffs Tyler Krug, Francisco Balbenea, and Fernando Jaramillo and the Settlement Class.

Class Counsel Are Experienced Class Litigators

3. I graduated with a Bachelor of Arts degree in Political Science from the University of California, Berkeley, in 2007. I received my J.D. from Loyola Law School—Los Angeles in 2012 and became a member of the California State Bar in December 2012.

5. I have been a member, in good standing, of the State Bar of California since 2012. I am admitted to practice before all California state courts, the U.S. Court of Appeals for the Ninth Circuit, the U.S. District Court for the Central District of California, Eastern District of California, and Southern District of California, and have litigated class action and Private Attorneys General Act (“PAGA”) representative action cases in various courts in California.

7. As part of these settlements and judgments, I have recovered at least \$ 250 million in damages for my clients and the class members (who often work as essential workers, including nurses, technicians, warehouse workers, truck drivers, sales personnel, and countless other trades).

1 8. I was selected as a “Super Lawyer Rising Star” in Employment Litigation from
2 2017 through 2022 and as a “Super Lawyer” in 2023 through 2025. This distinction is reserved
3 for the top 2.5% of lawyers in the practice area. I have also been recognized by TopVerdicts.com
4 for achieving several of the top wage and hour class and PAGA action settlements in California.

5 9. I am an active member of the California Employment Lawyers Association
6 (“CELA”) and have attended numerous Continuing Legal Education courses on employee
7 advocacy.

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

10 11. Currently, my firm is acting as co-counsel in at least fifty wage-and-hour class
11 actions.

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

17 13. In the opinion of Class Counsel, the recovery for each Settlement Class Member
18 is well within the acceptable range for this type of action. This Settlement is also favorable
19 given that the Settlement Class will promptly receive compensation rather than facing
20 uncertainties inherent in further litigation and waiting years for this action to be tried. It is also
21 telling that the Settlement Class have overwhelmingly supported the Settlement on the terms
22 set forth in the Settlement Agreement. No Settlement Class Member has objected to the class-
23 wide Settlement obtained in this matter, and no Settlement Class Member has requested
24 exclusion from the Settlement. Based on all considerations, this Settlement is highly favorable
25 and is in the best interests of the Settlement Class.

26 14. In sum, all relevant factors support final approval of the Settlement. The parties
27 negotiated at arm's length under the supervision of an experienced and well-respected mediator.
28 Class Counsel also investigated, discovered, and analyzed class claims extensively. Moreover,

1 Class Counsel, experienced class action litigators, strongly believe that this Settlement provides
2 an excellent result for the Settlement Class. Lastly, the fact that no objections were filed
3 requesting denial of final approval, and zero requests for exclusion from the Settlement, weighs
4 strongly in favor of approving the Settlement. For these reasons, this Court should conclude
5 that under the circumstances of this case, the proposed Settlement is fair, adequate, and well
6 within the range of reasonableness.

7 **The Proposed Enhancement Awards to Plaintiffs as Class Representatives is Reasonable**

8 15. Plaintiffs and Class Counsel request that the Court finally approve a Class
9 Representative Service Payment of \$7,500 to each named Plaintiff for the time, effort, and risks
10 each undertook in participating in this Action. Because a named plaintiff is an essential
11 ingredient of any class action, a service payment is appropriate to induce individuals to step
12 forward and assume the burdens and obligations of representing the settlement class. In
13 deciding the amount of service payment for a class representative, relevant factors include the
14 actions the plaintiff has taken to protect the interests of the settlement class, the degree to which
15 the settlement class has benefited from those actions, and the amount of time and effort the
16 plaintiff expended in pursuing the action.

17 16. In the instant case, Plaintiffs assisted Class Counsel on many occasions with
18 investigating and prosecuting this action. Plaintiffs provided many documents and relevant
19 information to Class Counsel, spent numerous hours educating Class Counsel on the inner
20 workings of Defendant's operations and timekeeping practices, and made themselves available
21 for mediation. The amount sought for the Class Representative aligns with the service payments
22 in similar wage and hour class actions. In Class Counsel's experience, service payments in
23 wage and hour actions typically range from \$5,000 to \$40,000. Further, Defendant supports the
24 requested Class Representative Service Payment to Plaintiffs.

25 17. As such, the service payment requested is intended to compensate Plaintiffs for
26 their critical role in this case and the substantial time, effort, and risks they undertook to help
27 secure the result obtained on behalf of the Settlement Class. The Class Representative Service
28 Payments requested are well-deserved and warranted.

1 **The Requested Attorneys' Fees and Costs are Fair, Reasonable, and Appropriate**

2 18. Class Counsel's application for an award of Attorneys' Fees in an amount of
3 approximately 35% of the Gross Settlement Amount on behalf of the Settlement Class is
4 reasonable and fair. The requested fee falls within the lower end of the Ninth Circuit's historical
5 benchmark for attorneys' fees, which ranges from 20% to 40% of a common fund. It is fair
6 compensation for undertaking complex, risky, expensive, and time-consuming litigation on a
7 contingent basis.

8 19. For Class Counsel, the fees here were wholly contingent in nature, and the case
9 presented far more risk than the usual contingent fee case. There was the prospect of the
10 enormous cost inherent in class action litigation and a long battle with a corporate Defendant.
11 That prospect has become a reality in trial courts and the Court of Appeal in other wage and
12 hour class litigations. Class Counsel risked not only a great deal of time but also a great deal
13 of expense to ensure the successful litigation of this action on behalf of all Settlement Class
14 Members. Based upon the foregoing, Class Counsel respectfully requests that the Court award
15 Attorneys' Fees as requested.

16 20. I will have worked approximately 95 hours on this case, and my hourly rate is
17 \$750. Accordingly, this results in a total lodestar amount of \$71,250.

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

22 22. It has been my experience that the benchmark for an attorney fee award in
23 California state cases is one-third of a common settlement fund, a standard upheld by the
24 California Supreme Court in the *Robert Half* case. Here, in accordance with the Settlement
25 Agreement, Class Counsel is seeking a fee of one-third of the Settlement Amount.

26 23. The fee is warranted because of the results achieved for the Settlement Class
27 Members, both in terms of the immediate cash settlement and the fact that the Settlement Class
28 Members resoundingly supported the Settlement. Defendant does not oppose this fee request.

24. Pursuant to California Rule of Court 3.769, Class Counsel hereby discloses the existence of a Joint Prosecution and Fee Splitting Agreement among the counsel representing plaintiffs in the consolidated litigation. Under this agreement, any attorneys' fees awarded by the Court will be allocated among counsel as follows:

- Bokhour Law Group, P.C. – 25%;
- Falakassa Law, P.C. – 25%; and
- Blackstone Law, APC – 50%

25. The following are the itemized litigation costs (actually incurred) for the above-referenced matter:

(1)	Filing Fees	\$1,628.60
(2)	PAGA Filing Fee	\$75
(3)	Expert Fees	\$5,947.50
(4)	Mediation Fees	\$10,000
	Total	\$17,651.10

I declare under penalty of perjury under the laws of California that the foregoing is true and correct, this 17th day of October 2025, at Los Angeles, California.

/s/ Mehrdad Bokhour

Mehrdad Bokhour