

1 Joseph M. Preis (SBN 212998)
Joshua R. Mino (SBN 246760)
2 Richard Angel (SBN 339028)
3 **GODES & PREIS, LLP**
300 Spectrum Center Drive, Suite 1420
4 Irvine, California 92618
Telephone: 949.468.0051
5 Facsimile: 949.872.2281
Email: jpreis@gaplegal.com
6 jmino@gaplegal.com
7 rangel@gaplegal.com

8 Attorneys for Plaintiff
ROBERT NOVELLO

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF ORANGE
12

13 ROBERT NOVELLO, an individual,
14 Plaintiff,

15 vs.

16 HEG ENTERPRISES, INC., an unknown
17 corporation; HAROLD GRIFFITH, an
18 individual; GREAT WESTERN PACIFIC,
INC., an unknown corporation; and DOES 1
19 to 10, inclusive,

20 Defendants.
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Case No.: 30-2024-01391376-CU-OE-CXC

**DECLARATION OF JOSEPH M. PREIS IN
SUPPORT OF CONTINUED JOINT
NOTICE OF MOTION AND MOTION
FOR AN ORDER APPROVING
SETTLEMENT OF ACTION BROUGHT
PURSUANT TO THE LABOR CODE
PRIVATE ATTORNEYS GENERAL ACT
OF 2004**

Assigned to Judge William Claster
Dept. CX101

Complaint Filed: April 2, 2024

DECLARATION OF JOSEPH M. PREIS

I, Joseph M. Preis, declare that I am an attorney duly licensed to practice law before all courts of the State of California. I am the Managing Partner of the law firm Godes & Preis, LLP, (“Firm”) counsel for Plaintiff Robert Novello (“Plaintiff”) in this action. Except matters attested to on information and belief, I have firsthand knowledge of the facts set for the below, and, if called as a witness, I could and would competently testify thereto under oath.

1. I am submitting this declaration in response to Paragraphs 10 and 11 of the Court’s April 17, 2026, Minute Order (“Minute Order”), in further support of my Firm’s unopposed request for attorneys’ fees in connection with Plaintiff and Defendants HEG Enterprises, Inc., Harold Griffith, and Great Western Pacific, Inc.’s (collectively, “Defendants”) (with Plaintiff, the “Parties”) Joint Motion for Order Approving Settlement (“Motion”).

2. By way of background, after graduating from high school, I enlisted in the United States Marine Corps and served from 1990–1994 in the ground combat element, including service in Desert Storm and Somalia. Thereafter I was honorably discharged, attended College on the G.I. Bill, and received a merit scholarship for law school, earning my Juris Doctor in December of 2000. I took and passed the February 2001 Bar Exam and was admitted to practice law in California in June of 2001. In 2004 I was recalled to active duty in support of the War on Terror and served as “Acting Deputy Staff Judge Advocate” of the First Marine Division (rear).

3. In addition to California, I am admitted to practice before the United States Supreme Court; the United States Court of Appeals for the Eighth and Ninth Circuits; United States District Court for the Central, Northern, Eastern and Southern Districts of California; United States District Court for the Northern, Southern, Eastern and Western Districts of Texas, the Navy and Marine Corps Court of Criminal Appeals; and the United States Court of Military Appeals.

4. Other than my active military service in 2004, I have been continuously employed by well-known Southern California law firms since being admitted to the California Bar, including “Bonne, Bridges, Mueller, O’Keefe, and Nichols,” “Stephan, Oringher, Richman, and Theodora (now, “Theodora Oringher”),” and the international law firm of “Pepper Hamilton”

1 (now, “Troutman Pepper Locke”). In 2010, I co-founded Godes & Preis, LLP, in order to be able
2 to provide our clients with big firm talent and experience and at a more flexible and
3 entrepreneurial platform.

4 5. My entire practice has been devoted exclusively to litigation, often cases of first
5 impression, and I have taken numerous cases to trial through verdict (and appeal) over the course
6 of my 25-year career. I have also served as outside general counsel for a large medical wound-
7 care supply company for the past 6 years, on whose behalf I retain and manage numerous national
8 law firms, including Blank Rome, Hooper Lundy, Dentons, and ArentFox, to include the monthly
9 review of their respective invoices, which has provided me with an intimate understanding of
10 market rates in both California, and nationally. And, my Firm has defended numerous Southern
11 California employers against a myriad of employment, wage and hour, class action and PAGA
12 actions over the course of my career, and I am therefore extremely familiar with the hourly rates
13 asserted by and awarded to plaintiff counsel in Southern California pursuant to lodestar, which
14 provides “[t]here is no requirement that the reasonable market rate mirror the actual rate billed,”
15 and courts look to rates based on, for example, the Laffey Matrix¹ hourly rate. (*Syers Properties*
16 *III, Inc. v. Rankin* (2014) 226 Cal.App.4th 691, 701.)

17 6. I have known Plaintiff for over two decades, as we are both former Marines, and
18 we have been involved in many of the same Marine Corps related charities and activities
19 throughout Southern California over the years. And, while my Firm primarily handles defense
20 side litigation, we occasionally represent plaintiffs in cases of profound import, to include the
21 instant PAGA action, as well as the concurrently pending breach of contract, Fair Employment
22 and Housing Act, defamation, etc. action against Defendants in Department W15 of the above-
23 entitled Court, Case No. 30-2024-01420818-CU-WT-WJC (“Wrongful Termination Action”), in
24 response to what we believe to have been Defendants’ pattern and practice of Government Code
25 and Labor Code violations, which culminated with Plaintiff’s termination after more than 38 years

26 ¹ Of note, the current rate for a 1–3-year attorney is \$508. For a 4–7-year attorney, it is \$625, and
27 for an 8–10-year attorney, it is \$902. For an 11–19-year attorney, it is \$1,019 per hour, while that
28 for a 20+ year attorney is \$1,227 per hour. (www.laffeymatrix.com/see.html, accessed on May
19, 2026.)

1 of faithful employment. Because we agreed to represent Plaintiff on a contingency basis, and
2 based on my understanding of the controlling law on point,² we do not have “contemporaneously
3 made billing records” for this matter.

4 7. However, I respectfully submit the following table describing the work performed
5 by each member of my Firm³ who was involved in this action, their corresponding Laffey Matrix
6 Hourly Rates, (*see*, n. 1, *supra*), work performed, and estimated hours spent on each task, based
7 on my memory of this action, my review of the file, my discussions with colleagues,

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10 ² *See, e.g., Sweetwater Union High Sch. Dist. v Julian Union Elementary Sch. Dist.* (2019) 36
11 CA5th 970, 995 (time records not provided; declarations stating hours by “category of services”
12 sufficient); *Syers Props. III v Rankin* (2014) 226 CA4th 691, 698 (“It is well established that
13 ‘California courts do not require detailed time records, and trial courts have discretion to award
14 fees based on declarations of counsel describing the work they have done and the court’s own
15 view of the number of hours reasonably spent”); *Lunada Biomedical v Nunez* (2014) 230 CA4th
16 459, 487 (time records not required; counsel’s declaration sufficient); *Sutter Health Uninsured
17 Pricing Cases* (2009) 171 CA4th 495, 512; *Chavez v Netflix, Inc.* (2008) 162 CA4th 43, 64. *See*
18 *also Ridgeway v Wal-Mart Stores Inc.* (ND Cal 2017) 269 F Supp 3d 975, 987 (detailed fee logs
19 not required under California law); *Trustees of Cent. States v Golden Nugget, Inc.* (CD Cal 1988)
20 697 F Supp 1538, 1558 (noting more lenient California rule on time records in setting fees under
21 CC §1717); *Best v California Apprenticeship Council* (1987) 193 CA3d 1448, 1470; *Ridgeway*,
22 269 F Supp 3d at 992 (contemporaneous records not required under California law); *Bernardi v*
23 *County of Monterey* (2008) 167 CA4th 1379, 1399; *Wershba v Apple Computer, Inc.* (2001) 91
24 CA4th 224, 225, disapproved on other grounds in *Hernandez v Restoration Hardware, Inc.* (2018)
25 4 C5th 260, 269; *Weber v Langholz* (1995) 39 CA4th 1578, 1587 (upholding fee award based on
26 counsel’s declaration, even though time records and billing statements not provided); *Sommers*
27 *v Erb* (1992) 2 CA4th 1644, 1651 (fee claim based on estimate of number of hours); *Margolin v*
28 *Regional Planning Comm’n* (1982) 134 CA3d 999, 1006 (court may award fees based on time
estimates for attorneys who do not keep time records); *PLCM Group, Inc. v Drexler* (2000) 22
CA4th 1084, 1098 (“We do not want ‘a [trial] court, in setting an attorney’s fee, [to] become
enmeshed in a meticulous analysis of every detailed facet of the professional representation. It ...
is not our intention that the inquiry into the adequacy of the fee assume massive proportions,
perhaps dwarfing the case in chief,’” quoting *Serrano v Unruh* (Serrano IV) (1982) 32 C3d 621,
642). *See, e.g., Syers Props. III v Rankin* (2014) 226 CA4th 691, 700 (citing this text) (approving
award based on categorizations of work and time provided in attorney’s declaration rather than
time records); *Minser v Collect Access, LLC* (2023) 92 CA5th 781, 796 (same); *Sweetwater*
Union High Sch. Dist. v Julian Union Elementary Sch. Dist. (2019) 36 CA5th 970, 996 (trial court
can assess reasonableness in light of work product in file); *City of Colton v Singletary* (2012)
206 CA4th 751, 784 (declaration stating time spent on various activities sufficient).

³ *Minser v Collect Access, LLC* (2023) 92 CA5th 781, 797 (Counsel are not required to submit
separate declarations from each law firm attorney for whom fees are being claimed).

communications with opposing counsel; my review of the docket, and my review of our internal communications:

Attorney (admitted)	Laffey ⁴	Work Performed	Hours	Total
Joseph Preis (2001)	\$1,227	• Pre litigation Investigation. • Work on LWDA Notice Letter • Work on LWDA Complaint • Preparation of Civil Complaint • Prep and Status Conferences • Work on Oppo to Motion to Bifurcate • Work on Discovery Issues • Meet and Confer re Discovery • Work on Protective Order • Work on Expert Issues • Strategizing with Client • Meet and Confer re Pre-trial and Trial • Prep for Mediation • Negotiate and Prepare Settlement Agreement • Motion re PAGA Settlement • Revisions and Further Filings • <u>Sub Totals</u>	1.5 1 1 1 .5 2 10 1 .5 2.5 12 .5 3.5 1 2.5 .5 <u>41</u>	\$1,840.50 \$1,227 \$1,227 \$1,227 \$613.50 \$2,454 \$12,270 \$1,227 \$613.50 \$3,067.50 \$14,724 \$613.50 \$4,294.5 \$1,227 \$3,067.50 \$613.50 <u>\$50,307</u>
Joshua Mino (2006)	\$1,019	• Pre litigation Investigation. • Work on LWDA Letter	15.5 5.5	\$15,794.50 \$5,604.50

⁴ See, n. 1, *supra*.

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		• Work on LWDA Complaint Submission	1	\$1,019
		• Preparation of Civil Complaint	3.5	\$3,566.50
		• Prep and Status Conferences	3	\$3,057
		• Work on Oppo to Motion to Bifurcate and Attend Hearing	4	\$4,076
		• Work on Discovery Issues	22	\$22,418
		• Meet and Confer re Discovery	5	\$5,095
		• Work on Protective Order	2	\$2,038
		• Work on Expert Issues	5	\$5,095
		• Strategizing with Client	18	\$18,342
		• Meet and Confer re Pre-trial and Trial	2	\$2,038
		• Prep for, Prepare Mediation Brief and Attend Mediation	15	\$15,285
		• Negotiate and Prepare PAGA Settlement Agreement, coms with TPA Phoenix	7	\$7,133
		• Motion re PAGA Settlement	5	\$5,095
		• Revisions and Further Filings	2	\$2,038
		• <u>Subtotals</u>	<u>115.5</u>	<u>\$117,694.50</u>
Benjamin Reynolds (2018)	\$902	• Pre litigation Investigation.	12	\$10,824
		• Work on LWDA Letter	7	\$6,314
		• Work on LWDA Submission	3.5	\$3,157
		• Preparation of Civil Complaint	5	\$4,510
		• Prep and Status Conferences	3	\$2,706
		• Work on Oppo to Motion to Bifurcate	5	\$4,510

		• Work on Discovery Issues	10	\$9,020
		• Meet and Confer re Discovery	8	\$7,216
		• <u>Subtotals</u>	<u>53.5</u>	<u>\$48,257</u>
Richard Angel (2021)	\$625	• Work on Expert Issues • Strategizing with Client • Meet and Confer re Pre-trial and Trial • Extensive Legal Research • Prep for Mediation including Preparing Mediation Brief, and attend mediation. • Motion re PAGA Settlement • Revisions and Further Filings • <u>Subtotals</u>	8 12 3 8 14.5 1.5 .5 <u>47.5</u>	\$5,000 \$7,500 \$1,875 \$5,000 \$9,062.50 \$937.50 \$312.50 <u>\$29,687.50</u>
		• <u>Total</u>	<u>257.5</u>	<u>\$245,946.00</u>

8. My opinion, which is based on my experience as described above, including my 25 years spent in Southern California litigation, as well as my outside general counsel experience managing other firms nationwide, that the Laffey Matrix Hourly Rates being requested are reasonable, and that the time spent on the various tasks as indicated above was reasonable and necessary. Further, under California law, the facts to be considered in determining the reasonableness of attorneys' fees include:

- a. The amount of the fee in proportion to the value of the services performed.
- b. The relative sophistication of the member and the client.

- c. The novelty and difficulty of the questions involved and the skill requisite to perform the legal service properly.
- d. The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the member.
- e. The amount involved and the results obtained.
- f. The time limitations imposed by the client or by the circumstances.
- g. The nature and length of the professional relationship with the client.
- h. The experience, reputation, and ability of the member or members performing the services.
- i. Whether the fee is fixed or contingent.
- j. The time and labor required.
- k. The informed consent of the client to the fee."

(*Shaffer v. Superior Court* (1995) 33 Cal.App.4th 993, 1001, n.6 (citing State Bar of California, Rules of Professional Conduct, Rule 4-200).)

9. The fees requested in connection with my Firm's representation in this action meet each of these criteria. This was a complex process that involving thousands of documents and data points, concerning a little over 800 affected employees going back to 2023, extensive discovery, and meet and confer efforts in furtherance of discovery, bifurcation law and motion, extensive legal research and expert witness prep, consultation and strategy, and ultimately mediation, within the context of two plus years-long civil litigation. Further, the attorneys who worked on this action are highly skilled and experienced in litigation matters and have brought their substantial skills to bear to achieve a favorable result in this matter. My education and experiences are discussed above. I am also personally familiar with the other Godes & Preis, LLP professionals who have billed time to this action, their experience, and their qualifications, and biographies can all be found at <https://gaplegal.com/attorneys-2/>.

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10. Finally, I have reviewed the paid invoices for this matter, and the only costs that have been paid, and for which we are seeking reimbursement, are filing fees (\$1,625.61), mediation fees and expenses (\$10,472.23), and the expert fees (\$36,342.50), all of which total \$48,440.34.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 19th day of May, 2026, at Irvine, California.

JOSEPH M. PREIS

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On the date set forth below, I served [] the original [x] a true copy of the foregoing documents described as **DECLARATION OF JOSEPH M. PREIS IN SUPPORT OF CONTINUED JOINT NOTICE OF MOTION AND MOTION FOR AN ORDER APPROVING SETTLEMENT OF ACTION BROUGHT PURSUANT TO THE LABOR CODE PRIVATE ATTORNEYS GENERAL ACT OF 2004** on all interested parties in this action as follows:

Attorneys for Defendants
HEG Enterprises, Inc., Harold Griffith and Great Western Pacific, Inc.

[x] (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


DANIELLE FREDERICK