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Attorneys for Plaintiff and the Putative Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA**

AILEEN CERVANIA, on behalf of herself and
all others similarly situated,

Plaintiff,

v.

SCHAPER CONSTRUCTION, INC., a
California Corporation; and DOES 1-50,
inclusive.

Defendants.

CASE NO.: 24CV441404

Assigned to Hon. Charles F. Adams

CLASS ACTION

**DECLARATION OF JOSHUA
FALAKASSA IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Hearing Information:

Date: September 11, 2025

Time: 1:30 p.m.

Dept.: 7

Complaint Filed: June 18, 2024

FAC Filed: August 22, 2024

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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 Falakassa Law, P.C., and I serve as attorney of record, along with the Bokhour Law Group, P.C., for Plaintiff Aileen Cervania (“Plaintiff”) and the Putative Class. I am familiar with the file in this matter, and if called as a witness, I could and would competently testify to the following facts of my own personal knowledge. I submit this declaration in support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement.

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

3 7. Currently, my firm is acting as counsel in at least fifty wage-and-hour class actions.

4 8. Class Counsel are respected members of the California Bar with strong records of
5 vigorous and effective advocacy of their clients, and they are experienced in handling complex
6 class action litigation. Both Class Counsel and Plaintiff were prepared to litigate the claims in this
7 action, but they strongly and unequivocally support the proposed Settlement as being in the best
8 interest of the Settlement Class based on the circumstances referenced herein.

9 9. I have been appointed class counsel in various courts across the State of California,
10 including the following non-exhaustive list of recent settlements for which I have been the handling
11 attorney:

12 • *Thomas Anderson Doty, on behalf of himself and all others similarly situated v.*
13 *Underground Construction Co. Inc.*; Solano County Superior Court, Case No. FCS054576; (approval
14 of \$1,450,000 Class and PAGA Action Settlement);

15 • *Zirl Wilson, on behalf of himself and all others similarly situated v. TCG Oakland*
16 *LLC; NWLA Delivery Inc.*, Alameda County Superior Court, Case No. RG20063636; (approval of
17 \$500,000 Class and PAGA Action Settlement);

18 • *Garza v. Cen-Cal Fire Systems, Inc., et al.*, Case No. RG20070111 (approval granted
19 on April 27, 2021) (PAGA settlement of \$350,000 approved by Hon. Brad Seligman);

20 • *Martinez v. JSL Transport, L.L.C.*, Case No. RG20050358 (approval granted on May
21 5, 2021) (PAGA settlement of \$185,000 approved by Hon. Winifred Y. Smith);

22 • *Aguirre v. Swinerton Builders, et al.*, Case No. CIVDS1925363 (final approval
23 granted on May 26, 2021) (wage and hour class and PAGA settlement of \$2,250,000 approved by
24 Hon. David Cohn);

25 • *Bautista, et al. v. Builder Services Group, Inc.*, Case No. RG19038041 (approval
26 granted on July 30, 2021) (PAGA settlement of \$2,200,000 approved by Hon. Dennis Hayashi);

27 • *Hoff, et al. v. Dependable Highway Express, Inc.*, Case No. 34-2020-00272729-CU-
28 OE-GDS (final approval granted on August 23, 2021) (wage and hour class and PAGA settlement of
\$800,000 approved by Hon. Shama H. Mesiwala);

- 1 • *Mann v. Altec Industries, Inc.*, Case No. FCS054121 (final approval granted on
2 September 17, 2021) (wage and hour class and PAGA settlement of \$1,450,000 approved by Hon.
3 Bradley E. Nelson);
- 4 • *Ayala v. FabFitFun, Inc.*, Case No. CIVDS2006687 (approval granted on October 7,
5 2021) (PAGA settlement of \$820,000 approved by Hon. David Cohn);
- 6 • *Becerra v. Luxfer, Inc.*, Case No. RIC2001892 (final approval granted on October 29,
7 2021) (wage and hour and PAGA settlement of \$1,125,000 approved by Hon. Lawrence W. Fry);
- 8 • *Sifuentes, et al. v. Roofline, Inc., dba Roofline Supply & Delivery*, Case No. 34-2019-
9 00269947 (final approval granted on November 30, 2021) (wage and hour class and PAGA settlement
10 of \$1,850,000 approved by Hon. Shama H. Mesiwala);
- 11 • *Bjornsen v. Paychex North America, Inc.*, Case No. 34-2020-00286974 (approval
12 granted on January 11, 2022) (PAGA settlement of \$650,000 approved by Hon. Christopher E.
13 Krueger);
- 14 • *Villa v. Sharecare Health Data Services, LLC, et al.*, Case No. 37-2020-0016422-CU-
15 OE-CTL (final approval granted on February 18, 2022) (wage and hour class and PAGA settlement
16 of \$630,000 approved by Hon. Eddie C. Sturgeon);
- 17 • *Rebulloza v. Acosta Employee Holdco, LLC*, Case No. RG21087775 (approval granted
18 on March 17, 2022) (PAGA settlement of \$525,000 approved by Hon. Somnath Raj Chatterjee);
- 19 • *Benavides v. Production Framing, Inc.*, Case No. 34-2021-00295745-CU-OE-GDS
20 (approval granted on May 12, 2022) (PAGA settlement of \$858,000 approved by Hon. Jill H. Talley);
- 21 • *De Los Angeles Vasquez v. Nutrawise Health & Beauty Corp.*, Case No. 30-2020-
22 01140636-CU-OE-CXC (final approval granted on June 28, 2022) (wage and hour and PAGA
23 settlement of \$312,946.43 approved by Hon. William D. Claster);
- 24 • *Buckner v. Xpress Global Systems, LLC*, Case No. RG20080657 (final approval
25 granted on August 1, 2022) (wage and hour and PAGA settlement of \$500,000 approved by Hon.
26 Stephen Kaus);
- 27 • *Estrada, et al. v. HHM Facility Management, LLC.*, Case No. RG20078429 (final
28 approval granted on October 13, 2022) (wage and hour and PAGA settlement of \$500,000 approved
by Hon. Brad Seligman);

- 1 • *Garcia v. J-M Manufacturing Company, Inc., et al.*, Case No. STK-UOE-2021-4926
2 (final approval granted on October 25, 2022) (wage and hour and PAGA settlement of \$750,000
3 approved by Hon. Janye C. Lee);
- 4 • *Stacy v. Hickman Egg Ranch, Inc.*, Case No. CVRI2103899 (final approval granted
5 on November 21, 2022) (wage and hour and PAGA settlement of \$325,000 approved by Hon. Harold
6 W. Hopp);
- 7 • *Guevara v. Bunge Oils, Inc.*, Case No. CV-21-004207 (final approval granted on
8 November 29, 2022) (wage and hour and PAGA settlement of \$500,000 approved by Hon. John R.
9 Mayne);
- 10 • *Camp v. Matson Logistics Warehousing, Inc.*, Case No. RG21088637 (final approval
11 granted on December 16, 2022) (wage and hour and PAGA settlement of \$375,000 approved by Hon.
12 Jenna Whitman);
- 13 • *Silva-Branbila v. Barry Callebaut USA, LLC*, Case No. 21CV000337 (final approval
14 granted on December 20, 2022) (wage and hour and PAGA settlement of \$350,000 approved by Hon.
15 Scott R.L. Young);
- 16 • *Orozco v. Taylored Services, LLC*, Case No. CIVSB2133520 (final approval granted
17 on January 27, 2023) (wage and hour and PAGA settlement of \$600,000 approved by Hon. Joseph
18 Ortiz);
- 19 • *Sanford v. Orchard Machinery Corporation*, Case No. CVCS21-0001614 (final
20 approval granted on January 30, 2023) (wage and hour and PAGA settlement of \$650,000 approved
21 by Hon. Sarah Heckman);
- 22 • *Farley v. Bimbo Bakeries USA, Inc.*, Case No. 2020-00285248 (final approval granted
23 on February 2, 2023) (wage and hour and PAGA settlement of \$2,500,000 approved by Hon. Jill H.
24 Talley);
- 25 • *Ellingson v. Mueller Nicholls, Inc.*, Case No. RG21114800 (final approval granted on
26 February 2, 2023) (wage and hour and PAGA settlement of \$395,000 approved by Hon. Evelio
27 Grillo);
- 28 • *Ayotte v. Frank, Rimerman + Co., LLP*, Case No. 21CV386288 (final approval
granted on April 13, 2023) (wage and hour and PAGA settlement of \$775,000 approved by Hon.

1 Theodore C. Zayner);

2 • *Enriquez v. Shipbob, Inc.*, Case No. CVRI2101452 (final approval granted on May 1,
3 2023) (wage and hour and PAGA settlement of \$925,000 approved by Hon. Harold W. Hopp);

4 • *Truchinski v. Hologic, Inc., et al.*, Case No. 21STCV19587 (approval granted on May
5 20, 2023) (PAGA settlement of \$750,000 approved by Hon. Sunil R. Kulkarni); and

6 • *Incze v. Radial, Inc., et al.*, Case No. CIVSB2133520 (approval granted on July 5,
7 2023) (wage and hour and PAGA settlement of \$559,905 approved by Hon. David Cohn);

8 • *Verdugo v. Nvent Thermal, LLC*, Case No. 21-CIV-04370 (approval granted on July
9 6, 2023) (wage and hour and PAGA settlement of \$3,250,000 approved by Hon. Robert D. Foiles);

10 • *Le v. Cresco Labs, Inc., et al.*, Case No. JCCP 5226 (approval granted on August 11,
11 2023) (wage and hour and PAGA settlement of \$890,000 approved by Hon. Lauri A. Damrell);

12 • *Chilton v. Pacific Eye Institute, A Medical Group, Inc., et al.*, Case No.
13 CIVSB2200827 (approval granted on August 21, 2023) (wage and hour and PAGA settlement of
14 \$1,970,000 approved by Hon. David Cohn);

15 • *Cervantes, et al. v. Genuine Parts Company, Inc., et al.*, Case No. 22STCV00981
16 (approval granted on September 14, 2023) (PAGA settlement of \$1,300,000 approved by Hon.
17 Gregory Keosian);

18 • *Attaway, et al. v. Alliance Residential, LLC*, Case No. JCCP No. 5173 (approval
19 granted on September 29, 2023) (PAGA settlement of \$500,000 approved by Hon. Theodore C.
20 Zayner);

21 • *Gonzales v. Scosche Industries, Inc.*, Case No. 56-2022-00564014-CU-OW-VTA
22 (final approval granted on October 20, 2023) (wage and hour and PAGA settlement of \$282,205.30
23 approved by Hon. Matthew P. Guasco);

24 • *Blakes v. PGP International, Inc.*, Case No. CV2022-1554 (final approval granted on
25 November 14, 2023) (wage and hour and PAGA settlement of \$1,000,000 approved by Hon. Stephen
26 L. Mock);

27 • *Grant v. Rodd & Gunn USA Retail, Inc.*, Case No. MSC2102113 (final approval
28 granted on November 30, 2023) (wage and hour and PAGA settlement of \$450,000 approved by Hon.
Charles S. Treat);

1 • *Barajas v. Quanex Homeshield, LLC, et al.*, Case No. 34-2022-00317535 (final
2 approval granted on December 8, 2023) (wage and hour and PAGA settlement of \$1,000,000
3 approved by Hon. Jill H. Talley);

4 • *Magnotti v. The Highest Craft, LLC, et al.*, Case No. CVRI2105547 (final approval
5 granted on January 4, 2024) (wage and hour and PAGA settlement of \$400,000 approved by Hon.
6 Harold W. Hopp); and *Arrayga v. Medical Extrusion Technologies, Inc.*, Case No. CVRI2203190
7 (final approval granted on January 16, 2024) (wage and hour and PAGA settlement of \$553,350
8 approved by Hon. Harold W. Hopp)

9 10. Through a contested but productive mediation, Plaintiff and Defendant Schaper
10 Construction, Inc. (“Defendant”) (collectively, the “Parties”) entered into a Joint Stipulation of Class
11 Action and PAGA Settlement and Release (“Settlement Agreement” or “Settlement”), resolving the
12 wage and hour claims asserted on behalf of the Settlement Class. A true and correct copy of the
13 Settlement Agreement is attached to the accompanying Declaration of Mehrdad Bokhour as Exhibit
14 A.

15 11. The Settlement Agreement provides for a full and final release of claims asserted in
16 this Action in exchange for Defendant’s agreement to pay a non-reversionary Gross Settlement
17 Amount of \$475,000.00. The Settlement is structured on a non-claims-made basis, meaning that each
18 Settlement Class Member who does not opt out will automatically receive their share of the Net
19 Settlement Amount without the need to submit a claim form or take any affirmative action.

20 12. Under the terms of the Settlement Agreement, Defendant will not oppose Class
21 Counsel’s application for a reasonable award of attorney’s fees not to exceed one-third of the
22 Settlement Amount, Class Counsel’s litigation costs not to exceed \$25,000, Settlement
23 Administration Costs not to exceed \$7,500, PAGA penalties of \$20,000 (of which \$15,000 or 75%
24 will be paid to the LWDA and the remaining \$5,000 or 25% will be paid to the Aggrieved
25 Employees), and a Service Award not to exceed \$10,000 to the named Plaintiff (S.A. ¶ 48(a)-(h)).

26 13. The Class consists of approximately 436 non-exempt employees who worked for
27 Defendant in California during the Class Period. Plaintiff contends that, regardless of job title or role,
28 all non-exempt employees were subject to the same workplace wage and hour policies and practices.

1 As a result, Individual Settlement Payments will be distributed on a pro-rata basis, determined by the
2 number of Compensable Workweeks worked during the Class Period. Assuming a total of
3 approximately 436 Settlement Class Members, the average payment is estimated to be \$582, with the
4 highest individual payment estimated at approximately \$3,180. Class Members with more
5 Compensable Workweeks will receive proportionally higher payments.

6 14. Because the Settlement is fair, reasonable, and the result of arm's-length negotiations
7 between experienced counsel with the assistance of an experienced mediator, following an
8 appropriate and thorough exchange of relevant information and documents, it warrants preliminary
9 approval. Plaintiff respectfully requests that the Court enter an order: (1) preliminarily approving the
10 Settlement; (2) conditionally certifying the Settlement Class pursuant to California Code of Civil
11 Procedure § 382 for settlement purposes only; (3) approving the form and content of the proposed
12 Notice Packet; (4) appointing Plaintiff's counsel as Class Counsel; (5) appointing Phoenix Class
13 Action Administration Solutions as the Settlement Administrator; and (6) scheduling a Final
14 Approval Hearing.

15 15. As further detailed in the Declaration of Mehrdad Bokhour, given the realistic value
16 of Plaintiff's claims, the \$475,000 Settlement Amount is an excellent result for the Class, considering
17 that the Settlement Amount totals approximately 36% of Plaintiff's risk-adjusted value of the case.
18 Preliminary approval is appropriate since the Settlement will provide significant monetary relief to
19 the Class.

20 16. The Settlement was the product of extensive arm's length negotiations between
21 counsel and was facilitated by an experienced wage-and-hour class action mediator. Though cordial
22 and professional, the Settlement negotiations were adversarial and non-collusive in nature. The
23 Settlement reached is the product of substantial effort by the Parties and their counsel. Although
24 Plaintiff and her counsel believe that there was a possibility of certifying the claims, they recognized
25 the potential risk, expense, and complexity posed by litigation, such as unfavorable decisions on class
26 certification, summary judgment, at trial and/or on the damages awarded, and/or on an appeal that
27 can take several more years to litigate. In addition, if Defendant prevailed on any of their defenses,
28 the employees may not have received any substantial monetary recovery.

1 17. The Settlement will result in a fair payment to each Settlement Class Member based
2 on the number of Weeks Worked during the Class Period. As set forth hereinabove, Plaintiff and
3 counsel have diligently investigated the claims and defenses on behalf of the Settlement Class
4 Members and worked to achieve a resolution of the claims to maximize the recovery by avoiding
5 further expenditure of Attorneys' Fees and Costs. After evaluating the significant risks attendant with
6 further litigation described above and weighing them against the benefits of a known compromise
7 and settlement as set forth in the Settlement Agreement, settlement on the terms agreed to is believed
8 to be in the best interest of Plaintiff and the Settlement Class, and is a fair and reasonable resolution
9 of the claims alleged.

10 18. Plaintiff's counsel brought to bear a great deal of collective experience in negotiating
11 the settlement of this case. As detailed herein, Plaintiff's counsel engaged in necessary informal
12 discovery, investigation, sampling, and expert evaluation, making it possible to exercise informed
13 judgment throughout the settlement process, including significant document review (e.g., documents
14 pertaining to Defendant's policies and procedures, personnel documents, wage statements, time
15 records, among others) and conducted an extensive analysis and extrapolation of the sampling of
16 class-wide data provided by Defendant.

17 19. Based on our experience in other cases, including wage and hour matters, I believe my
18 office, along with The Bokhour Law Group, P.C., are qualified to evaluate the class claims and
19 viability of defenses in this class action. In this case, the recovery for each Settlement Class Member
20 is reasonable, fair, and adequate, and a settlement at this time is in the best interest of the Settlement
21 Class. The Settlement provides each Settlement Class Member with compensation for the alleged
22 violations when viewed in relation to the costs and risks inherent in obtaining class certification and
23 proceeding to trial.

24 20. When this case was taken on a contingency fee basis, with our firms agreeing to cover
25 all litigation costs, the final outcome was uncertain. During the litigation, we paid all expenses,
26 including filing fees, court costs, research/database fees, mediation charges, and expert fees. There
27 was never a guarantee that our firm would recover these costs.

28 21. It is my experience that attorneys' fee awards of one-third of a common fund

1 settlement are the standard in California. In this case, Plaintiff's counsel agreed to seek one-third of
2 the Settlement Amount for Attorneys' Fees. Defendant does not oppose this fee request. The fee is
3 further warranted because it is within the range of reasonableness typically awarded in class actions.
4 Our firm's Costs will not exceed \$25,000 and will be based on the actual amount incurred at the time
5 of final approval.

6 22. For the foregoing reasons, it is respectfully requested that the Court grant preliminary
7 approval of the Settlement as being fair, reasonable, and in the best interests of the Settlement Class,
8 as well as preliminarily approve the requested Attorneys' Fees and Costs, and Service Award to the
9 Class Representative.

10 I declare under penalty of perjury under the laws of California that the foregoing is true and
11 correct on this 18th day of August 2025, in Los Angeles, California.

12
13 By: 
14 Joshua Falakassa
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