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Attorneys for Plaintiff Angel Cuellar

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN JOAQUIN

ANGEL CUELLAR, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

NEW BERN TRANSPORT CORPORATION,
a Delaware Corporation; PEPSI-COLA SALES
AND DISTRIBUTION, INC., a Delaware
Corporation; PEPSICO, INC., a North Carolina
Corporation; and Does 1-10, Inclusive,

Defendants.

Case No. STK-CV-UOE-2024-0008803
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Robert T. Waters
Department 11B

**DECLARATION OF DAVID MARA,
ESQ. IN SUPPORT OF PLAINTIFF'S
MOTION FOR FINAL APPROVAL OF
CLASS AND REPRESENTATIVE
ACTION SETTLEMENT**

Date: September 17, 2026

Time: 9:00 a.m.

Dept.: 11B

Complaint filed: July 25, 2024

Trial Date: Not set

1 I, David Mara, declare as follows:

2 1. I am President of Mara Law Firm, PC, and counsel of record for the Plaintiff and the
3 putative class in this matter. I am duly admitted to practice before all the courts of the state of
4 California. The following facts are within my personal knowledge and, if called to testify, I could and
5 would competently testify thereto.

6 2. I graduated from California Western School of Law and was admitted to practice law
7 in California in May 2004.

8 3. I extensively handle employment cases which involve violations of the California
9 Labor Code and Industrial Welfare Commission Wage Orders, such as wage and hour class actions
10 and cases alleging violations of the Private Attorneys General Act of 2004 (“PAGA”). I have litigated
11 over three hundred and fifty (350) class action and PAGA lawsuits over the course of approximately
12 20 years.

13 4. I was co-class counsel in *Hohnbaum v. Brinker Restaurant Corp.* (San Diego County
14 Superior Court, Case No. GIC834348) which was the underlying case in the California Supreme
15 Court’s landmark decision in *Brinker Restaurant Corp. v. Superior Court* (2012) 53 Cal.4th 1004, in
16 which the California Supreme Court delineated the scope of employer obligations to provide, and
17 employee rights to receive, meal and rest periods under California law.

18 5. I am frequently called upon to author Amicus Curiae briefs on behalf of Consumer
19 Attorneys of California (“CAOC”). For example, I authored the Amicus Curiae briefs on behalf of
20 CAOC in *Augustus v. ABM Security Services, Inc.* (2016) 2 Cal.5th 257, (The California Supreme
21 Court ruling that, like meal periods, employers must relieve employees of all duty and relinquish all
22 control to satisfactorily discharge its obligation to authorize and permit rest periods.); *Frlekin v. Apple,*
23 *Inc.* (2020) 8 Cal.5th 1038 (The California Supreme Court ruling that the time spent on the employer’s
24 premises waiting for, and undergoing, required exit searches of packages, bags, or personal
25 technology devices voluntarily brought to work is compensable hours worked within the meaning of
26 the Wage Orders.); *Oliver v. Superior Court* (2021) California Court of Appeal Case No. H049185
27 (A brief asking the California Court of Appeal for the Sixth Appellate District to determine whether
28 mandatory drive time of personal vehicles should be considered hours worked within the meaning of

1 the Wage Orders’ suffered or permitted test.). *Davidson v. O’Reilly Auto Enterprises, LLC* (9th Cir.,
2 2020; Docket No. 18-56188) (a brief seeking Review *En Banc* of an order denying class certification
3 in a wage and hour matter).

4 6. I am also a member of CAOC’s Amicus Committee that determines the cases in which
5 the organization will agree to provide amicus support.

6 7. I have also lectured as a panelist for California Employment Lawyers Association
7 regarding a host of wage and hour issues.

8 8. I have been named as class counsel in the following certified cases as a result of the
9 court granting a motion for class certification: *Mario Norona v. B&G Delivery System, Inc.*
10 (Sacramento County Superior Court, Case No. 34-2015-00186826-CU-OE-GDS); *Jerald Schroeder*
11 *v. YRC, Inc.; et al.* (Central District of California, Case No. 12-cv-01374-TJH); *John Martin v. Sysco*
12 *Corporation, et al.* (Eastern District of California, Case No. 1:16-cv-00990-DAD-SAB); *William*
13 *Smith v. Werner Enterprises, Inc. d/b/a C.L. Werner, Inc.* (District of Nebraska, Case No. 8:15-cv-
14 287); *Thomas Perez v. City of San Diego* (San Diego County Superior Court, Case No. 37-2014-
15 00016621-CU-OE-CTL); *Denson Sales, et al. v. United Road Services, Inc. et al* (Northern District
16 of California, Case No. 19-cv-08404-JST), *Eric Mendez v. M&N Consulting, Inc. dba A-Line*
17 *Messenger Service* (San Bernardino County Superior Court, Case No. CIVDS1923624); *Denson*
18 *Sales v. Professional Auto Transport, Inc. et al.* (San Bernardino County Superior Court, Case No.
19 CIVDS2010153); *Bobby Williams v. Mohsen Transport, Inc.* (San Diego County Superior Court, Case
20 No. 37-2019-00063361-CU-OE-CTL); and *Ashton Harden v. Mushiana Transport Inc.* (Sacramento
21 County Superior Court, Case No. 34-2021-00301950-CU-OE-GDS).

22 9. I have also been named as class counsel in numerous cases during the settlement
23 process. Here is a non-exhaustive list of cases where I have been named as class counsel in cases
24 during the settlement process: *Kenneth Cox v. 3PL Worx, et al.* (Yolo County Superior Court, Case
25 No. CV-18-100); *Brian Davidson v. A&B Trucking Services, Inc.* (Kern County Superior Court Case
26 No. BCV-16-102985); *Alex Vega, et al. v. Advance Beverage Co., Inc.* (Kern County Superior Court,
27 Case No. BCV-16-100848); *Jaime Ruiz v. Altura Centers for Health* (Kern County Superior Court,
28 Case No. BCV-19-101577); *George Zamudio v. AmeriPride Service, Inc.* (Alameda County Superior

1 Court, Case No. RG1809666); *Richard Hendricks v. Antonini Freight Express, Inc.* (San Joaquin
2 County Superior Court, Case No. STK-CV-UOE-2016-6999); *Alton Davis v. Apria Healthcare*
3 *Group, Inc.* (San Diego County Superior Court, Case No. 37-2014-00004724-CU-OE-CTL); *Alan*
4 *Atchison v. Ashley Furniture Industries, Inc., et al.* (Central District of California, Case No. 17-cv-
5 00528-JAK-SP); *Bernard Payton v. Atech Logistics, Inc.* (Sonoma County Superior Court, Case No.
6 SCV 258595); *Ramon Jenkins v. Compass Group USA, Inc., et al.* (Yolo County Superior Court, Case
7 No. CVCV-18-747); *Timothy Spikes, et al. v. Bear Trucking, Inc., et al.* (San Bernardino County
8 Superior Court, Case No. CIVDS1715151); *Joshua Turpen v. Benjamin's Transfer Inc.* (Solano
9 County Superior Court, Case No. FCS048845); *Cesar Mendoza v. Bi-Rite Food Service, Inc.* (San
10 Mateo County Superior Court, Case No. 17CIV02044); *Terrance Bailey v. Blue Apron, LLC; et al.*
11 (Northern District of California, Case No. 18-cv-07000-VC); *Jeffrey Weast v. California Aseptic*
12 *Beverages, LLC* (San Bernardino County Superior Court, Case No. CIVDS1825256); *Michael*
13 *Valentich v. Hub Construction Specialties, Inc.* (San Bernardino County Superior Court, Case No.
14 JCCPDS4893); *Jose De Jesus Ortega Velazquez v. Hunter Landscape, Inc.; et al.* (San Bernardino
15 County Superior Court, Case No. CIVDS1928062); *Adrian Diaz v. Keystone Automotive Operations,*
16 *Inc.* (Riverside County Superior Court, Case No. RIC1817450); *Arturo Gonzalez v. NCI Group, Inc.*
17 *dba NCI Building Systems* (Eastern District of California, Case No. 18-cv-00948-AWI-SKO); *Larry*
18 *Perez v. The Nielsen Company (US), LLC* (Orange County Superior Court, Case No. 30-2021-
19 01194324-CU-OE-CXC); *Erik Martinez v. Patrick Industries, Inc.* (San Bernardino County Superior
20 Court, Case No. CIVDS2009663); *Randolph Fitch v. Shaw Industries, Inc.; et al.* (San Bernardino
21 County Superior Court, Case No. CIVSB2024674); *Joshua Rael v. Intercontinental Hotels Group*
22 *Resources, Inc.* (Los Angeles County Superior Court, Case No. 19STCV16010); and *Aaron Romero*
23 *v. Vitro Flat Glass, LLC* (Kern County Superior Court, Case No. BCV-21-101357).

24 10. I devoted 89 hours to this case. The following is a summary of my tasks and activities
25 performed in the litigation of this matter: initial case intake with Plaintiff; research into new case; pre-
26 filing investigation and legal research; review and revise initial complaint in class action and related
27 documents; engage in case strategy meetings; research and investigate legal issues throughout case;
28 interoffice discussions throughout case; communications with co-counsel; communications with class

1 members; investigate Defendant's pay-structures and policies for its employees; analyze records
2 produced by Defendant relating to its policies, pay-structures, and time keeping; create document
3 summary; meet with expert; prepare evidence for class certification/trial; review and revise mediation
4 brief and mediation damage and exposure model; prepare for and attend mediation; review and revise
5 the settlement agreement and the Notice to the Class; review weekly status reports from the Settlement
6 Administrator regarding Class participation; communications with class members during notice
7 period; draft declaration in support of final approval; and review and revise final approval motion and
8 supporting documents.

9 11. My hourly rate is \$850. Based on my hourly rate and the hours expended, 89, my fee
10 generated is \$75,650, which is reasonable and necessary to the successful litigation of this matter.

11 12. Jill Vecchi is a partner at Mara Law Firm, PC. She solely handles wage and hour class
12 actions and PAGA actions. Ms. Vecchi graduated from Santa Clara University School of Law and was
13 admitted to practice law in California in December 2014 and received her undergraduate degree from
14 University of California, Riverside in 2010. Ms. Vecchi has been litigating wage and hour class actions
15 for over eleven (11) years and has handled over one hundred (100) class action and PAGA lawsuits.

16 13. Ms. Vecchi has been named as class counsel in the following certified cases as a result of
17 the court granting a motion for class certification: *Mario Norona v. B&G Delivery System, Inc.*
18 (Sacramento County Superior Court, Case No. 34-2015-00186826-CU-OE-GDS); *Jerald Schroeder v.*
19 *YRC, Inc.; YRC Worldwide, Inc.* (Central District of California, Case No. 12-cv-01374-TJH); *John*
20 *Martin v. Sysco Corporation; Sysco Central California, Inc.* (Eastern District of California, Case No.
21 1:16-cv-00990-DAD-SAB); *Denson Sales, et al. v. United Road Services, Inc. et al* (Northern District of
22 California, Case No. 19-cv-08404-JST); *Sonny Williams v. Hansen and Adkins Auto Transport, Inc.; et*
23 *al.* (San Bernardino County Superior Court, Case No. CIVDS2020832); *Bobby Williams v. Mohsen*
24 *Transport, Inc.* (San Diego County Superior Court, Case No. 37-2019-00063361-CU-OE-CTL); and
25 *Ashton Harden v. Mushiana Transport Inc.* (Sacramento County Superior Court, Case No. 34-2021-
26 00301950-CU-OE-GDS).

27 14. Ms. Vecchi has also been substantially involved in all phases of this litigation and in the
28 following sampling of wage and hour class action and PAGA cases, of which our firm is the attorney of

1 record: *Alton Davis v. Apria Healthcare Group, Inc.* (San Diego County Superior Court, Case No. 37-
2 2014-00004724-CU-OE-CTL); *Terrance Bailey v. Blue Apron, LLC; et al.* (Northern District of
3 California, Case No. 18-cv-07000-VC); *Moises Hernandez v. Pasha Distribution Services LLC et al.*
4 (Alameda County Superior Court, Case No. RG21113722); *Keith Davis v. Walnut LLC* (Los Angeles
5 County Superior Court, Case No. 20STCV34519); *Simon Munoz v. RDO Equipment Co.* (Eastern
6 District of California, Case No. 23-cv-00979); *Michael Valentich v. Hub Construction Specialties, Inc.*
7 (San Bernardino County Superior Court, Case No. JCCPDS4893); *Jose De Jesus Ortega Velazquez v.*
8 *Hunter Landscape, Inc.; et al.* (San Bernardino County Superior Court, Case No. CIVDS1928062);
9 *Larry Perez v. The Nielsen Company (US), LLC* (Orange County Superior Court, Case No. 30-2021-
10 01194324-CU-OE-CXC); *Erik Martinez v. Patrick Industries, Inc.* (San Bernardino County Superior
11 Court, Case No. CIVDS2009663); *Randolph Fitch v. Shaw Industries, Inc.; et al.* (San Bernardino
12 County Superior Court, Case No. CIVSB2024674); and *Aaron Romero v. Vitro Flat Glass, LLC* (Kern
13 County Superior Court, Case No. BCV-21-101357).

14 15. Ms. Vecchi devoted 77 hours to this case. The following is a summary of her tasks and
15 activities performed in the litigation of this matter: engage in case strategy meetings; communication
16 with class members and perform witness interviews; perform an analysis on the sampling of Class
17 Member time and wage records; review and analyze documents produced; conduct research; meet
18 and confer with Defendant's counsel; assist in preparing for mediation; review and revise settlement
19 agreement; draft and revise preliminary approval motion; review weekly status reports from the
20 Settlement Administrator regarding Class participation; review final approval papers.

21 16. Ms. Vecchi's hourly rate is \$650. Based on her hourly rate and the hours expended,
22 77, her fee is \$50,050 which is reasonable and necessary to the successful litigation of this matter.

23 17. In addition, my firm incurred \$5,000 in litigation costs. A Summary of Time and Costs
24 is attached hereto as **Exhibit 1**.

25 I declare under penalty of perjury under the laws of the State of California that the foregoing
26 is true and correct. Executed on August 12, 2026 in San Diego, California.

27
28 
David Mara

EXHIBIT 1

MARA LAW FIRM, PC, SUMMARY OF TIME AND COSTS

Angel Cuellar v. New Bern Transport Corporation; et al.

San Joaquin County Superior Court

Case No. STK-CV-UOE-2024-0008803

Total Attorneys' Hours: 166

Total Lodestar Fees: \$125,700

Total Litigation Expenses: \$5,000

ATTORNEYS	YEAR ADMITTED	HOURS	HOURLY RATE	TOTAL
MARA LAW FIRM, PC				
David Mara, Esq.	2004	89	\$850	\$75,650
Jill Vecchi, Esq.	2014	77	\$650	\$50,050
TOTAL:				\$125,700

LITIGATION EXPENSES	
MARA LAW FIRM, PC	\$5,000
TOTAL COSTS	\$5,000