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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SCOTT JOHNSON, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

ALLIANCE ENERGY MARKETING, LLC, a
New York Limited Liability Company; and
DOES 1-50, inclusive.

Defendants.

CASE NO.: 24STCV25855

Assigned to the Hon. Elaine Lu

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

Hearing

Date: February 11, 2026

Time: 8:30 a.m.

Dept.: 9

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1 employees, the majority of which has included class action and representative action wage and
2 hour matters. In total, I have handled upwards of 100 class action and representative action
3 wage/hour cases.

4 7. I was selected as a “Super Lawyer Rising Star” in Employment Litigation during
5 the years 2017 thru 2025, a distinction that is reserved for the top 2.5 % of lawyers in the practice
6 area. I have also been recognized by Topverdicts.com for achieving Top 20 and Top 50 wage and
7 hour class and/or PAGA action settlements in California in 2021, 2022, 2023 and 2024.

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

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

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

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

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

22 • *Zirl Wilson, on behalf of himself and all others similarly situated v. TCG Oakland*
23 *LLC; NWLA Delivery Inc.*, Alameda County Superior Court, Case No. RG20063636; (approval of
24 \$500,000 Class and PAGA Action Settlement);

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

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

- 1 • *Aguirre v. Swinerton Builders, et al.*, Case No. CIVDS1925363 (final approval
2 granted on May 26, 2021) (wage and hour class and PAGA settlement of \$2,250,000 approved by
3 Hon. David Cohn);
- 4 • *Bautista, et al. v. Builder Services Group, Inc.*, Case No. RG19038041 (approval
5 granted on July 30, 2021) (PAGA settlement of \$2,200,000 approved by Hon. Dennis Hayashi);
- 6 • *Hoff, et al. v. Dependable Highway Express, Inc.*, Case No. 34-2020-00272729-CU-
7 OE-GDS (final approval granted on August 23, 2021) (wage and hour class and PAGA settlement
8 of \$800,000 approved by Hon. Shama H. Mesiwala);
- 9 • *Mann v. Altec Industries, Inc.*, Case No. FCS054121 (final approval granted on
10 September 17, 2021) (wage and hour class and PAGA settlement of \$1,450,000 approved by Hon.
11 Bradley E. Nelson);
- 12 • *Ayala v. FabFitFun, Inc.*, Case No. CIVDS2006687 (approval granted on October
13 7, 2021) (PAGA settlement of \$820,000 approved by Hon. David Cohn);
- 14 • *Becerra v. Luxfer, Inc.*, Case No. RIC2001892 (final approval granted on October
15 29, 2021) (wage and hour and PAGA settlement of \$1,125,000 approved by Hon. Lawrence W.
16 Fry);
- 17 • *Sifuentes, et al. v. Roofline, Inc., dba Roofline Supply & Delivery*, Case No. 34-
18 2019-00269947 (final approval granted on November 30, 2021) (wage and hour class and PAGA
19 settlement of \$1,850,000 approved by Hon. Shama H. Mesiwala);
- 20 • *Bjornsen v. Paychex North America, Inc.*, Case No. 34-2020-00286974 (approval
21 granted on January 11, 2022) (PAGA settlement of \$650,000 approved by Hon. Christopher E.
22 Krueger);
- 23 • *Villa v. Sharecare Health Data Services, LLC, et al.*, Case No. 37-2020-0016422-
24 CU-OE-CTL (final approval granted on February 18, 2022) (wage and hour class and PAGA
25 settlement of \$630,000 approved by Hon. Eddie C. Sturgeon);
- 26 • *Rebulloza v. Acosta Employee Holdco, LLC*, Case No. RG21087775 (approval
27 granted on March 17, 2022) (PAGA settlement of \$525,000 approved by Hon. Somnath Raj
28 Chatterjee);
- *Benavides v. Production Framing, Inc.*, Case No. 34-2021-00295745-CU-OE-GDS

1 (approval granted on May 12, 2022) (PAGA settlement of \$858,000 approved by Hon. Jill H.
2 Talley);

3 • *De Los Angeles Vasquez v. Nutrawise Health & Beauty Corp.*, Case No. 30-2020-
4 01140636-CU-OE-CXC (final approval granted on June 28, 2022) (wage and hour and PAGA
5 settlement of \$312,946.43 approved by Hon. William D. Claster);

6 • *Buckner v. Xpress Global Systems, LLC*, Case No. RG20080657 (final approval
7 granted on August 1, 2022) (wage and hour and PAGA settlement of \$500,000 approved by Hon.
8 Stephen Kaus);

9 • *Estrada, et al. v. HHM Facility Management, LLC.*, Case No. RG20078429 (final
10 approval granted on October 13, 2022) (wage and hour and PAGA settlement of \$500,000 approved
11 by Hon. Brad Seligman);

12 • *Garcia v. J-M Manufacturing Company, Inc., et al.*, Case No. STK-UOE-2021-4926
13 (final approval granted on October 25, 2022) (wage and hour and PAGA settlement of \$750,000
14 approved by Hon. Janye C. Lee);

15 • *Stacy v. Hickman Egg Ranch, Inc.*, Case No. CVRI2103899 (final approval granted
16 on November 21, 2022) (wage and hour and PAGA settlement of \$325,000 approved by Hon.
17 Harold W. Hopp);

18 • *Guevara v. Bunge Oils, Inc.*, Case No. CV-21-004207 (final approval granted on
19 November 29, 2022) (wage and hour and PAGA settlement of \$500,000 approved by Hon. John R.
20 Mayne);

21 • *Camp v. Matson Logistics Warehousing, Inc.*, Case No. RG21088637 (final
22 approval granted on December 16, 2022) (wage and hour and PAGA settlement of \$375,000
23 approved by Hon. Jenna Whitman);

24 • *Silva-Branbila v. Barry Callebaut USA, LLC*, Case No. 21CV000337 (final
25 approval granted on December 20, 2022) (wage and hour and PAGA settlement of \$350,000
26 approved by Hon. Scott R.L. Young);

27 • *Orozco v. Taylored Services, LLC*, Case No. CIVSB2133520 (final approval
28 granted on January 27, 2023) (wage and hour and PAGA settlement of \$600,000 approved by Hon.
Joseph Ortiz);

- 1 • *Sanford v. Orchard Machinery Corporation*, Case No. CVCS21-0001614 (final
2 approval granted on January 30, 2023) (wage and hour and PAGA settlement of \$650,000 approved
3 by Hon. Sarah Heckman);
- 4 • *Farley v. Bimbo Bakeries USA, Inc.*, Case No. 2020-00285248 (final approval
5 granted on February 2, 2023) (wage and hour and PAGA settlement of \$2,500,000 approved by
6 Hon. Jill H. Talley);
- 7 • *Ellingson v. Mueller Nicholls, Inc.*, Case No. RG21114800 (final approval granted
8 on February 2, 2023) (wage and hour and PAGA settlement of \$395,000 approved by Hon. Evelio
9 Grillo);
- 10 • *Ayotte v. Frank, Rimerman + Co., LLP*, Case No. 21CV386288 (final approval
11 granted on April 13, 2023) (wage and hour and PAGA settlement of \$775,000 approved by Hon.
12 Theodore C. Zayner);
- 13 • *Enriquez v. Shipbob, Inc.*, Case No. CVRI2101452 (final approval granted on May
14 1, 2023) (wage and hour and PAGA settlement of \$925,000 approved by Hon. Harold W. Hopp);
- 15 • *Truchinski v. Hologic, Inc., et al.*, Case No. 21STCV19587 (approval granted on
16 May 20, 2023) (PAGA settlement of \$750,000 approved by Hon. Sunil R. Kulkarni); and
- 17 • *Incze v. Radial, Inc., et al.*, Case No. CIVSB2133520 (approval granted on July 5,
18 2023) (wage and hour and PAGA settlement of \$559,905 approved by Hon. David Cohn);
- 19 • *Verdugo v. Nvent Thermal, LLC*, Case No. 21-CIV-04370 (approval granted on July
20 6, 2023) (wage and hour and PAGA settlement of \$3,250,000 approved by Hon. Robert D. Foiles);
- 21 • *Le v. Cresco Labs, Inc., et al.*, Case No. JCCP 5226 (approval granted on August
22 11, 2023) (wage and hour and PAGA settlement of \$890,000 approved by Hon. Lauri A. Damrell);
- 23 • *Chilton v. Pacific Eye Institute, A Medical Group, Inc., et al.*, Case No.
24 CIVSB2200827 (approval granted on August 21, 2023) (wage and hour and PAGA settlement of
\$1,970,000 approved by Hon. David Cohn);
- 25 • *Cervantes, et al. v. Genuine Parts Company, Inc., et al.*, Case No. 22STCV00981
26 (approval granted on September 14, 2023) (PAGA settlement of \$1,300,000 approved by Hon.
27 Gregory Keosian);
- 28 • *Attaway, et al. v. Alliance Residential, LLC*, Case No. JCCP No. 5173 (approval

1 granted on September 29, 2023) (PAGA settlement of \$500,000 approved by Hon. Theodore C.
2 Zayner);

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

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

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

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

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

20 12. Through a contested but productive mediation, Plaintiff and Defendant Alliance
21 Energy Marketing, LLC (“Defendant”) (collectively, the “Parties”) entered into a Class Action and
22 PAGA Settlement Agreement resolving the wage and hour claims of the Class (“Agreement”), which
23 is attached to the accompanying Declaration of Mehrdad Bokhour in Support of Plaintiff’s Motion to
24 for Class Action Settlement. The Settlement Agreement seeks to fully release and discharge it from
25 the claims brought against it in this matter in exchange for Defendant’s agreement to pay \$250,000
26 on a non-reversionary, non-claim-made basis (each Class Member will receive his/her share of the
27 Net Settlement Amount without having to submit a claim form or taking action, except for those who
28 opt out). Plaintiff seeks to represent a Class of all persons employed by Defendant in California, who

1 are non-exempt hourly employees in California at any time between October 4, 2020 and the date of
2 Preliminary Approval (“Class Period”).

3 13. Under the terms of the Settlement Agreement, Defendant will not oppose Class
4 Counsel’s application for a reasonable award of attorney’s fees not to exceed 1/3 of the Gross
5 Settlement Amount, litigation expenses not to exceed \$20,000, Settlement Administrator Costs of
6 \$6,000, PAGA penalties of \$5,000 (with 65% to the LWDA and 35% to the PAGA Members on a
7 pro rata basis), and a Service Payment of \$10,000 to the named Plaintiff (“Class Representative”)

8 14. On September 2, 2025, the Parties participated in an all-day mediation presided over by David
9 Phillips, Esq., which led to this Agreement to settle the Action.

10 15. Based upon detailed data obtained through informal discovery and information
11 exchanges, Class Counsel determined the following significant data points through the date of
12 mediation: (1) 44 Class Members who worked approximately 3,407 workweeks and 16,605 shifts.

13 16. Based on these figures, and by applying violation rates derived from analysis of
14 Defendant’s employee timekeeping and payroll data and relevant wage and hour policies, Plaintiff
15 calculated the potential maximum and risk-adjusted value of the claims.

16 17. As further discussed in the accompanying Declaration of Mehrdad Bokhour, the
17 reasonableness of the settlement is apparent from the fact that the proposed settlement is 61% of the
18 risk-adjusted class damages and penalties.

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

28 19. Plaintiff’s counsel brought to bear a great deal of collective experience in negotiating

1 the settlement of this case. As detailed herein, Plaintiff's counsel engaged in necessary informal
2 discovery, investigation, sampling, and expert evaluation, making it possible to exercise informed
3 judgment throughout the settlement process, including significant document review (e.g., documents
4 pertaining to Defendant's policies and procedures, personnel documents, wage statements, time
5 records, among others) and conducted an extensive analysis and extrapolation of the sampling of
6 class-wide data provided by Defendant.

7 20. Based on my experience in other cases, including wage and hour matters, my firm and
8 The Bokhour Law Group, P.C. are qualified to evaluate the class claims and viability of defenses in
9 this class action. In this case, the recovery for each Class Member is reasonable, fair, and adequate,
10 and a settlement at this time is in the Class's best interest. The Settlement compensates each Class
11 Member for the alleged violations when viewed in relation to the costs and risks inherent in obtaining
12 class certification and proceeding to trial.

13 21. As set forth above, I have handled upwards of 100 class and representative actions,
14 have been appointed as class counsel and have successfully litigated and resolved several class
15 actions, and many others remain pending.

16 22. When this case was taken on a contingency fee basis, with our firms agreeing to
17 assume responsibility for all litigation costs, the ultimate result was far from certain.

18 23. It is my experience that attorneys' fee awards of one-third of a common fund
19 settlement are the standard in California. Once the Court grants preliminary approval of the
20 Settlement Agreement and the Notice Packet is disseminated, Plaintiff's counsel will submit a request
21 for attorneys' fees and costs with its final approval motion. Defendant does not oppose this fee
22 request. The fee is further warranted because it is within the range of reasonableness and will be based
23 on the actual amount incurred at the time of final approval.

24 24. For the foregoing reasons, it is respectfully requested that the Court grant preliminary
25 approval of the Settlement as being fair, reasonable, and in the best interests of the Class, as well as
26 preliminarily approve the requested attorneys' fees and costs, and service award to the Class
27 Representative.

28 I declare under penalty of perjury under the laws of California that the foregoing is true and

1 correct on this 8th of December 2025, at Los Angeles, California.

2
3 By: 
4 Joshua Falakassa

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