

Miriam L. Schimmel (State Bar No. 185089)
mschimmel@blackstonepc.com
Joana Fang (State Bar No. 309623)
jfang@blackstonepc.com
Jared C. Osborne (State Bar No. 335968)
josborne@blackstonepc.com
Kyle W. Wilson (State Bar No. 323888)
kwilson@blackstonepc.com
Alexandra Rose (State Bar No. 329407)
arose@blackstonepc.com
James S. Winn Jr. (State Bar No. 349690)
jwinn@blackstonepc.com
BLACKSTONE LAW, APC
8383 Wilshire Boulevard, Suite 745
Beverly Hills, California 90211
Tel: (310) 622-4278 / Fax: (855) 786-6356

Attorneys for Plaintiff PATRICIA FLORES,
individually, and on behalf of other similarly
situated employees and aggrieved employees
pursuant to the California Private Attorneys
General Act

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

PATRICIA FLORES, individually, and on
behalf of other similarly situated employees and
aggrieved employees pursuant to the California
Private Attorneys General Act,

Plaintiff,

vs.

THE DUNCAN GROUP; PEOPLE'S SELF-
HELP HOUSING CORPORATION; and DOES
1 through 25, inclusive,

Defendants.

Case No. 25CV00142

Honorable James F. Rigali
Department 2

**SUPPELEMENTAL DECLARATION OF
JAMES S. WINN JR. IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: October 6, 2026
Time: 8:30 a.m.
Dept.: 2

Complaint Filed: January 8, 2025
Trial Date: Not Set

1 **SUPPLEMENTAL DECLARATION OF JAMES S. WINN JR.**

2 I, James S. Winn Jr., declare and state as follows:

3 1. I am an attorney duly licensed to practice law in all Courts of the State of California. I
4 am a member of Blackstone Law, APC (“Class Counsel”), attorneys of record for Plaintiff Patricia
5 Flores (“Plaintiff”). I have personal knowledge of the facts contained herein, and, if called to testify,
6 I could and would competently do so.

7 2. On May 20, 2026, Plaintiff filed a Motion for Preliminary Approval of Class Action
8 and PAGA Settlement (“Motion for Preliminary Approval”) seeking preliminary approval of the Joint
9 Stipulation of Class Action and PAGA Settlement (“Settlement Agreement”) entered into between
10 Plaintiff and Defendants The Duncan Group and People’s Self-Help Housing Corporation (together,
11 “Defendants”) (collectively, the “Parties”).

12 3. On August 18, 2026, the Court issued a Tentative Ruling (“August 18, 2026 Tentative
13 Ruling”) in which it raised points of inquiry with regard to the Motion for Preliminary Approval. A
14 true and correct copy of the August 18, 2026 Tentative Ruling is attached hereto as **Exhibit 1**.

15 **Prior Paid Amount**

16 4. In its August 18, 2026 Tentative Ruling, the Court provided certain inquiries regarding
17 the Prior Paid Amount of \$550,000, which represents amounts previously paid by Defendants to
18 certain Class Members.

19 The Prior Paid Amount consists of payments Defendants made to employees solely as a result
20 of the claims alleged by Plaintiff’s in this litigation. Specifically, Defendants made payments relating
21 to overtime issues associated with their alternative workweek schedule, and also made payments
22 relating to a *Pick Up Stix* campaign after this case was filed. These payments were made outside of
23 the class action settlement approval process, so there is no separate order approving settlement of those
24 payments.

25 The Prior Paid Amounts accounts for Defendants’ remedial efforts – efforts that would not
26 have occurred but for the Plaintiff and Class Counsel pursuing it through litigation. Under California’s
27 catalyst theory, fees may be recovered even if there is no judicial
28 resolution to the case when the lawsuit is “a catalyst motivating defendants to provide the primary

1 relief sought.” (Cabraser, California Class Actions & Coordinated Proceedings (2ed), § 15.10 (2025)
2 (Matthew Bender) [quoting Graham v. DaimlerChrysler Corp. (2004) 34 Cal.4th 553, 567].)
3 Consistent with these principles, Plaintiff reasonably requests \$490,000.00 in attorneys’ fees,
4 representing thirty-five percent of (1) the \$850,000.00 in new money obtained through the Settlement
5 and (2) the \$550,000.00 in “Prior Paid Amount” payments Defendant made to its California employees
6 during this litigation (i.e., $\$850,000.00 + \$550,000.00 = \$1,400,000.00$; $35\% = \$490,000.00$.) Those
7 prior payments were made in response to the claims and issues raised in this action and sought to
8 resolve substantive wage-and-hour issues encompassed by Plaintiff’s claims. Under the Catalyst
9 theory, fees may therefore be awarded based not only on the \$850,000 in new money but also on the
10 \$550,000.00 in “Prior Paid Amount” payments.

11 The fact that some money was paid before the settlement does not mean Class Counsel’s work
12 failed to create or preserve that value. Therefore, the requested attorney fees should be calculated on
13 the entire Gross Settlement Amount rather than the additional payment of Eight Hundred Fifty
14 Thousand Dollars and Zero Cents (\$850,000.00).

15 Related Case

16 5. In its August 28, 2026 Tentative Ruling, the Court stated that “Plaintiff is also directed to
17 submit an explanation of the procedural status of the related case pending in San Luis Obispo County
18 (25CVP-0182).” (August 28, 2026 Tentative Ruling).

19 As of July 24, 2026, the court, in the case entitled *Rashell Flores v. The Duncan Group dba*
20 *People’s Self-Help Housing*, San Luis Obispo Superior Court County, Case No. 25CVP0182,
21 dismissed all individual claims with prejudice and dismissed all class and PAGA claims without
22 prejudice. A true and correct copy of the signed Order is attached hereto as **Exhibit 2**.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing
24 is true and correct.

25 Executed on September 24, 2026, at Tustin, California.

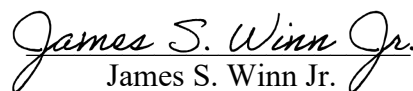
26 
27 James S. Winn Jr.
28

EXHIBIT 1

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA**

Dated and Entered:	08/25/2026	Time:	8:30 AM
Judicial Officer:	James F Rigali		
Deputy Clerk:	Hana Rojas	Dept:	SM Dept 2
Deputy Sheriff:	Woody Vega		
Court Reporter:	Elizabeth Mooy	Case No:	25CV00142

Patricia Flores vs The Duncan Group et al

Parties Present:

Winn, James for Genish, Jonathan M Attorney for Plaintiff (via Zoom)

NATURE OF PROCEEDINGS: Case Management Conference; Plaintiff's Motion: Preliminary Approval of Class Action Settlement

At 9:05 a.m., with the Court and counsel present, the matter is called for hearing.

Discussion is held as to the Court's tentative ruling.

THE COURT MAKES THE FOLLOWING FINDINGS AND ORDERS:

Plaintiff is directed to submit a supplement containing a full explanation of the origin of the \$550,000 "Prior Paid Amount," and why, from a procedural perspective, it should be included in the gross settlement amount in this action for purposes of calculating attorney fees and the reasonableness of the settlement. Plaintiff is also directed to submit an explanation of the procedural status of the related case pending in San Luis Obispo County (25CVP-0182). (See Notice of Related Case filed August 27, 2025.) Should the Prior Paid Amount originate from a settlement of the SLO case or any other class action case, the court directs plaintiff to submit the Order Approving Settlement. (Calif. Rules Court, rule 3.769(a).) The supplement must be filed no later than September 26, 2026.

The matter is continued for hearing on October 6, 2026, at 8:30 a.m. in Department SM2 for Case Management Conference and for Plaintiff's Motion: Preliminary Approval of Class Action Supplement.

ANGELA BRAUN, EXECUTIVE OFFICER

Minutes Prepared by:

Hana Rojas, Deputy

EXHIBIT 2

Megan E. Ross (SBN 227776)
megan@abramsonlabor.com
Adam Witkin (SBN 338784)
adam@abramsonlabor.com
ABRAMSON LABOR GROUP
1700 W. Burbank Boulevard
Burbank, California 91506
Tel: (213) 493-6300
Fax: (213) 382-4083

ELECTRONICALLY FILED: 07/24/26
San Luis Obispo Superior Court
By: Landrum, Marlys

Attorneys for Plaintiff RASHELL FLORES individually,
and on behalf of all others similarly situated and aggrieved

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

RASHELL FLORES, an individual, on behalf
of herself and all others similarly situated and
aggrieved,

Plaintiff,

vs.

THE DUNCAN GROUP dba PEOPLE'S
SELF-HELP HOUSING, a California
Corporation; and DOES 1 through 25,
inclusive,

Defendants.

Case No.: 25CVP-0182

[Assigned for all purposes to the Hon. Michael C.
Kelley, Dept. P2]

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S REQUEST FOR DISMISSAL OF
INDIVIDUAL CLAIMS WITH PREJUDICE
AND PAGA AND CLASS CLAIMS WITHOUT
PREJUDICE AGAINST ALL DEFENDANTS**

[Filed concurrently with Declaration of Megan E.
Ross; and Request for Dismissal]

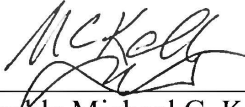
1 **~~PROPOSED~~ ORDER**

2 Upon considering Plaintiff Rashell Flores's ("Plaintiff") Request for Dismissal and the
3 Declaration of Megan E. Ross, and for good cause appearing, it is HEREBY ORDERED that:

- 4 1. The Agreement contemplates resolution without prejudice as to any putative class member
5 who is not a named plaintiff herein;
- 6 2. The terms appear to this Court to be reasonable and appropriate;
- 7 3. Plaintiff Rashell Flores's individual case should be, and hereby is, dismissed with prejudice
8 against Defendant The Duncan Group dba People's Self-Help Housing, Inc.;
- 9 4. The PAGA claims should be, and hereby are, dismissed without prejudice against Defendant
10 The Duncan Group dba People's Self-Help Housing, Inc.; and
- 11 5. The class claims should be, and hereby are, dismissed without prejudice against Defendant
12 The Duncan Group dba People's Self-Help Housing, Inc.
- 13
- 14

15 **IT IS SO ORDERED.**

16
17 Dated: 7/24/2026

18 
Honorable Michael C. Kelley
19 Judge of the Superior Court