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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

STEPHANIE JONES, an individual, on
behalf of herself and on behalf of all persons
similarly situated,

Plaintiff,

vs.

RADY CHILDREN'S HOSPITAL-SAN
DIEGO, a Corporation; and DOES 1 through
50, inclusive,

Defendants.

[AND CONSOLIDATED MATTERS]

CASE NO.: **37-2023-00027035-CU-OE-CTL**
[Consolidated with:
37-2023-00041000-CU-OE-CTL and
37-2024-00018852-CU-OE-CTL]

**DECLARATION OF ERIC K. YAECKEL IN
SUPPORT OF UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Hearing Date: April 25, 2025
Hearing Time: 1:30 p.m.

Judge: Hon. Katherine Bacal
Dept.: 63

Date Action Filed: March 27, 2024
Trial Date: Not set

1 I, Eric K. Yaeckel, hereby declare as follows:

2 1. I am an attorney licensed to practice law before this Court and am employed with the law firm
3 of Sullivan & Yaeckel Law Group, APC, attorneys of record for JULIET BARNIA,
4 Individually, and on behalf of other members of the general public similarly situated
5 above-captioned matter. I make this declaration in support of Plaintiff's Motion for Preliminary
6 Approval of the Class Action and PAGA Settlement.

7 2. I am personally familiar with the facts set forth in this declaration, and if called to testify as a
8 witness I could and would do so.

9 **Factual and Procedural Background**

10 3. Our office, on behalf of Plaintiff Barnia, filed her wage and hour action on September 20, 2023.

11 4. On November 13, 2024, the Parties participated in a full-day mediation with Tripper Ortman,
12 Esq., an experienced mediator of wage and hour class actions. Mr. Ortman helped to manage
13 the Parties' expectations and provided a useful, neutral analysis of the issues and risks to both
14 sides. With Mr. Ortman's guidance, the Parties were eventually able to negotiate a complete
15 settlement of Plaintiff's claims.

16 5. At all times, the Parties' negotiations were adversarial and non-collusive. The Settlement
17 therefore constitutes a fair, adequate, and reasonable compromise of the claims at issue.

18 **Investigation and Discovery**

19 6. Our office propounded three sets of written discovery requests on Defendant, including requests
20 for admission, special interrogatories, requests for production of documents, and general and
21 employment form interrogatories. Through these requests, Plaintiff sought, among other
22 information and documents, the identities of putative class members, Defendant's compensation
23 policies, meal and rest period policies, employee handbooks, wage statements, payroll records,
24 time records, job descriptions, reimbursement policies and evidentiary support for Defendant's
25 affirmative defenses.

26 7. Defendant provided discovery responses, documents, and objections to Plaintiff's requests.
27 After a lengthy meet and confer processes Defendants produced, *inter alia*, Plaintiff's time and
28 wage records, copies of the relevant employee handbooks, copies of all other relevant employee

1 policies, the contents of Plaintiff's employee file, Plaintiff's time records, and itemized wage
2 statements.

3 8. The parties eventually agreed to explore resolution of this matter through mediation. As part of
4 the settlement discussions, Defendant agreed to voluntarily produce and verify thousands of
5 pages of documents. The production included additional relevant policies and procedures. It also
6 included large electronic sampling of other putative class members' time and wage data.

7 9. Plaintiff also requested Defendant provide additional informal discovery so that the parties
8 could experience a meaningful mediation. Defendant provided informal discovery which
9 consisted of, *inter alia*, the number of current and former employees who worked for Defendant
10 during the class limitations period and PAGA limitations period, meal and rest period premiums
11 paid, meal period waiver information, pay periods at issue, and the sampling of employee time
12 records and wage statements, as well as confirmation that various policies and agreements were
13 standard as to the class.

14 10. Using this information, Plaintiff prepared and provided a detailed mediation brief to the
15 mediator and opposing counsel. Plaintiff's brief contained a breakdown of all case prosecution
16 theories and potential damages based on all of the information obtained.

17 11. Given our investigation and analysis, I am able to opine that the Settlement, for the
18 consideration and on the terms set forth in the Settlement Agreement, is fair, reasonable, and
19 adequate, and is in the best interests of Class Members in light of all known facts and
20 circumstances, including the risk of significant delay and uncertainty associated with litigation,
21 and the various defenses asserted by Defendant.

22 **Experience of Counsel**

23 12. I am co-lead trial counsel. I have over 14 years of experience as a licensed California attorney
24 who is primarily engaged in prosecuting class and representative actions. I have spent my entire
25 practice engaged in prosecuting class and representative actions. I became a partner in our law
26 firm in 2020.

- 1 13. Our office are the attorneys of record in a matter recently (and favorably) decided before the
2 California Supreme Court titled *Donohue v. AMN Services, LLC*, 11 Cal.5th 58 (2021). The
3 *Donohue* matter is a certified class and PAGA action.
- 4 14. Our office is lead counsel on at least 40 employment “wage and hour” claims with class action,
5 or representative action, allegations. These cases are set within the California Superior Court
6 and Federal District Courts in California. Our office is currently lead counsel on claims that
7 have been certified by both Court Order and by stipulation of the parties. In the last three years,
8 Sullivan & Yaeckel Law Group has settled at least 15 employment “wage and hour” claims on
9 behalf of a Certified Class.
- 10 15. In the last seven years, Sullivan & Yaeckel Law Group has tried three “Wage and Hour”
11 Representative (PAGA) cases. In a recent successful PAGA trial, tried before Judge Bacal of
12 the San Diego Superior Court, our office was awarded our full requested attorneys fees and was
13 approved at the requested hourly rates (which are similar to the fees/rates being billed here).
14 Please See *Carrington v. Starbucks Corp.* San Diego Superior Court, Case No.
15 37-2014-00018637-CU-OE-CTL and published appellate opinion 30 Cal.App.5th 504.
- 16 16. Our firm has the requisite experience knowledge of California law and the Federal Rules of
17 Civil Procedure required to act on behalf of the Class. I consider the Settlement Agreement in
18 this matter to represent a fair, adequate and reasonable settlement that is well within the
19 accepted range of recoveries for similar wage and hour class actions.
- 20 17. I also believe the Agreement is in the best interests of the Settlement Class Members. I am also
21 aware that Defendants’ counsel (both the firm, and individual attorneys working on this case)
22 have extensive experience defending similar wage and hour class actions.
- 23 18. In this case, we have the evaluated the class claims, the defenses asserted, and the risks and
24 benefits of trial and settlement, have previously litigated and certified similar claims against
25 other employers.
- 26 19. Based on the above, it is this firm’s opinion that this settlement represents a fair and adequate
27 payment to the class.
28

1 20. We will be prepared to provide the Court will declarations attesting to our (1) hourly rates and
2 tasks performed, (2) costs of litigation, and (3) justifications for the Class Representative
3 Enhancement with the Motion for Final Approval.
4

5 I declare under penalty of perjury under the laws of the State of California that the foregoing is
6 true and correct. Executed this 3rd day of April, 2025 at San Diego, California.
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9 Eric K. Yaeckel
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