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Attorneys for Plaintiffs

Additional Counsel Listed Below

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

ROSANIEVES MORAN, SHALECIA
WILLIAMS, and MARY CANTERBURY
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

SHARP HEALTHCARE, a California
Corporation; and DOES 1-50, inclusive,

Defendants. _____

Case No. **37-2019-00050203-CU-OE-CTL**
[Consolidated with
Case No. 37-2021-00041988-CU-OE-CTL
Case No. 37-2021-00051867-CU-OE-CTL]

**DECLARATION OF JAMES HAWKINS IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND AWARD OF
ATTORNEYS' FEES, COSTS, SERVICE
AWARDS AND ADMINISTRATION COSTS**

Date: September 15, 2023

Time: 10:30 a.m.

[Hearing set by Order dated April 11, 2023]

Dept: 68

Judge: Hon. Richard S. Whitney

1 **BLUMENTHAL NORDREHAUG BHOWMIK**
2 **DE BLOUW LLP**

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10 Attorneys for Plaintiffs

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1. I am an individual over the age of 18. I am a partner at the law firm of James Hawkins, APLC. I am one of the attorneys of record for Plaintiffs ROSANIEVES MORAN, SHALECIA WILLIAMS, and MARY CANTERBURY (hereinafter referred to as “Plaintiffs” or “Class Representatives”), who has settled this action on behalf of the Settlement Class. I submit this declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement, which Plaintiffs filed concurrently herewith, along with the supporting Memorandum of Points and Authorities. I have personal knowledge of the facts set forth below, and if called to testify regarding them, I could and would do so competently.

a. *Aguilar v. 7-Eleven, Inc.*, et. al., Orange County Superior Court- Case No.: 30-2009-00268714-CU-OE-CXC. Certified Wage and Hour Class action seeking premium wages for meal period and rest periods and resultant penalties. Class Notice pending.

c. *Dao v. 3M Company*, et al. USDC, CENTRAL DISTRICT, Case No. CV-08-04554. Wage and Hour Class Action case seeking past wages for “off the clock”, overtime and meal and rest break violations for production workers in the State of California. Plaintiffs’

Counsel appointed as Lead Counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

d. *Ortiz v. Kmart*, USDC, CENTRAL DISTRICT, Case No. SACV 06-638 ODW. Wage and Hour Class Action case seeking past wages for meal and rest period violations for retail employees in the State of California. Plaintiffs' counsel appointed co-lead counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

e. *Morgan v. Aramark Campus, LLC*, USDC, CENTRAL DISTRICT, Case No. SACV08-00412. Wage and Hour Class Action case seeking past wages for meal and rest period violations for retail employees in the State of California. Plaintiffs' Counsel appointed as Lead Counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

f. *West v Iron Mountain Information Management, Inc, et. al.*; Los Angeles County Superior Court, Case No. BC393709. Wage and Hour Class Action seeking past wages for overtime, meal and rest break violations for driver employees in the State of California. Settlement for "binding arbitration." Arbitration Award for Plaintiff Class. Arbitration Award confirmed. Plaintiffs' counsel, lead trial counsel and class counsel.

g. *Gonzalez v. Superior Industries Inter, Inc., et al.*, Los Angeles County Superior Court, Case No. BC 357912. Wage and Hour Class Action seeking past wages for overtime, meal and rest breaks violations for production employees in the State of California. Plaintiffs' counsel appointed as lead counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

h. *Acosta v. Fleetwood Travel Trailers of California, Inc., et al.*, Riverside County Superior Court, Case No. RIC 440630. Wage and Hour Class Action seeking past wages for overtime, meal and rest break violations for production employees in the State of California. Plaintiffs' counsel appointed as co-lead counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

i. *Walker v. Sharkeez, et al.*, Orange County Superior Court, Case No. 05CC00293. Wage and Hour Class Action seeking past wages for unlawful deductions, meal and rest

1 break violations for restaurant employees in the State of California. Plaintiffs' counsel
2 appointed as lead counsel. Case settled, Final Approval granted and funds fully
3 distributed.

4 j. *Padron v. Universal Protection Service, et al*, Orange County Superior Court, Case No.
5 05CC00013. Wage and Hour Class Action seeking past wages for overtime, meal and
6 rest break violations for security officers in the State of California. Plaintiffs' counsel
7 appointed as co-lead counsel. Case settled, Final Approval granted, no objections and
8 funds fully distributed.

9 k. *Martinez v. Securitas Security Services USA, et al.*, Santa Clara Superior Court, Case
10 No. 105-CV047499, et al. J.C.C.P. No. 4460. Wage and Hour Class Action seeking past
11 wages for meal and rest break violations for security officers employed by defendant in
12 the State of California. Plaintiffs' counsel and co-counsel. Case settled, Final Approval
13 granted and funds fully distributed.

14 l. *Velasquez-Lopez v. Hotel Cleaning Services, Inc. et al.*, Riverside Superior Court, Case
15 No. RIC 420909. Wage and Hour Class Action seeking past wages for overtime, meal
16 and rest break violations for housekeepers employed by defendant in the State of
17 California. Plaintiffs' counsel appointed as lead counsel. Case settled, Final Approval
18 granted, no objections and funds fully distributed.

19 m. *Ruiz, et al. v. Unisource Worldwide, Inc., et al.*, USDC, CENTRAL DISTRICT, Case
20 No. CV09-05848. Wage and Hour Class Action seeking past wages for meal and rest
21 period violations for non-exempt employees employed by defendant in the state of
22 California. Case settled. Awaiting Preliminary Approval hearing. Plaintiff has petitioned
23 the Court for Lead Counsel.

24 n. *Herrador v. Culligan International Company, et al.*, USDC, CENTRAL DISTRICT,
25 Case No. SACV 08-680. Wage and Hour Class Action seeking past wages for field and
26 branch employees of defendant in the State of California. Plaintiffs' counsel appointed
27 as lead counsel. Case settled and awaiting Final Approval.

1 o. *Defries v. Domain Restaurants, et al.*, Orange County Superior Court, Case No.
2 05CC00128. Wage and Hour Class Action seeking past wages for restaurant employees
3 of defendant in the State of California. Plaintiffs' counsel appointed as lead counsel. Case
4 settled, Final Approval granted, no objections and funds fully distributed.

5 p. *Denton v. BLB Enterprises, Inc., et al.*, Orange County Superior Court, Case No.
6 07CC01292. Wage and Hour Class Action seeking unpaid overtime, meal and rest break
7 violations for security guards employed by defendant in the State of California. Plaintiffs'
8 counsel appointed as lead counsel. Case settled, Final Approval granted, no objections
9 and funds fully distributed.

10 q. *Rios v. Sandberg Furniture Manufacturing Co., Inc, et al.*, Los Angeles Superior Court,
11 Case No. BC411477. Wage and Hour Class Action seeking unpaid meal and rest break
12 violations for production employees employed by defendant in the State of California.
13 Plaintiff counsel appointed as lead counsel. Case settled, Final Approval granted, no
14 objections and funds fully distributed.

15 r. *McMurray v. Dave and Busters, Inc., et al.*, Orange County Superior Court, Case No.
16 06CC00099. Wage and Hour Class Action seeking past wages for meal and rest break
17 violations for restaurant employees employed by defendant in the State of California.
18 Plaintiffs' counsel appointed as co-lead counsel. Case settled, Final Approval granted, no
19 objections and funds fully distributed.

20 s. *Osuna v. DFG Restaurants, Inc., et al.*, Los Angeles Superior Court, Case No. BC
21 330145. Wage and Hour Class Action seeking past wages of overtime for mis-
22 classification of managers employed by Defendant, DBA Carl's Jrs. in the State of
23 California. Plaintiffs' counsel appointed as co-lead counsel. Case settled, Final Approval
24 granted, no objections and funds fully distributed.

25 t. *Burns v. Gymboree Operations, Inc., et al.*, San Francisco Superior Court, Case No.
26 CGC-07-461612. Wage and Hour Class Action seeking past wages for meal and rest
27 break violations for retail employees employed by defendant in the State of California.
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1 Plaintiffs' counsel appointed lead counsel. Case settled, Final Approval granted, no
2 objections and funds fully distributed.

3 u. *Willems v. Diedrich Coffee, Inc.*, et al., Orange County Superior Court, Case No.
4 07CC00015. Wage and Hour Class Action seeking past wages of overtime for mis-
5 classification of managers employed by Defendant in the State of California. Plaintiffs'
6 counsel appointed lead counsel. Case settled, Final Approval granted, no objections and
7 funds fully distributed.

8 v. *Davila, et al. v. Beckman Coulter, Inc.*, et al., Orange County Superior Court, Case No.
9 07CC01347. Wage and Hour Class Action seeking past wages for overtime, meal and
10 rest break violations for production workers employed by defendant in the State of
11 California. Plaintiffs' counsel appointed lead counsel. Case settled; final approval
12 granted; no objections and funds fully distributed.

13 w. *Perez v. Naked Juice Company of Glendora, Inc.*, Los Angeles Superior Court, Case
14 No. BC387088. Wage and Hour Class Action seeking past wages for overtime, meal and
15 rest period violations for production employees employed by defendant in the State of
16 California. Plaintiff counsel appointed as lead counsel. Case settled, Final Approval
17 granted, no objections and funds fully distributed.

18 3. Here, the Parties' contractual agreement to pay attorneys' fees of 33.1% of the Maximum
19 Settlement Amount ("MSA") or \$1,411,667 is reasonable. My firm along with co-counsel have been
20 the only counsel to represent Plaintiff and the other Class Members in this matter, and we have borne
21 the entire risk and cost of this litigation on a pure contingency fee basis. The legal issues raised in this
22 case are complex, and drew significantly upon my firm's and co-counsel's experience and the
23 extensive review and analysis of documents and information. In a complex action such as this, the
24 proposed attorneys' fees are, at the very least, on the low side of the market rate for contingency fees.

25 4. A review of my firm's detailed billing system reveals that to date, my firm as Class
26 Counsel, on behalf of Plaintiffs and the Settlement Class Members, invested approximately **386.30**
27 documented hours litigating this matter through the date of this declaration for a total lodestar of
28 **\$295,565.00** in fees, broken down as follows: my rate of \$900 per hour x 130.20 hours = \$117,180.00;

1 Gregory Mauro's rate of \$850 per hour x 194.10 documented hours = \$164,985.00; and paralegal
2 Melissa Whitson's rate of \$200 x 67.80 hours = \$12,400.00. Given the successful resolution of this
3 matter, Plaintiff's counsel is requesting a modest multiplier of approximately 2.72 be applied. All of
4 the work and tasks performed by Class Counsel were reasonable and necessary to the prosecution of
5 this case.

6 5. In addition to the requested attorneys' fees, our office has expended approximately
7 **\$10,215.99** in costs in prosecuting this action. These costs have been necessary costs associated with
8 prosecution of this important matter. Counsel for Plaintiff respectfully requests the Court grant the
9 request to have these costs repaid from the Settlement. Attached hereto as **Exhibit 1** is a true and
10 correct copy of my firm's Billing Detail.

11 6. Despite the complexity of the case, Class Counsel has, through the investment of
12 substantial effort and the resources of my law firm and co-counsel's have; we have been able to secure
13 an outstanding settlement on behalf of the Settlement Class. Plaintiffs would have faced substantial
14 legal and factual obstacles in demonstrating that class certification was appropriate. Plaintiffs would
15 also have been required to establish a significant amount of witness testimony, pattern and practice
16 evidence, statistical evidence, sampling evidence, expert testimony, and other evidence in order to
17 present their case both at the class certification stage and trial. Defendant has vigorously contested
18 liability, the amount of claimed damages, and the propriety of class certification, and would have
19 continued to do so through trial. Accordingly, I believe the Settlement to be fair, reasonable, and
20 adequate and in the best interests of the Settlement Class. The fairness and adequacy of the Settlement
21 is confirmed by all known facts and circumstances, including the risk of significant delay and
22 uncertainty associated with litigation, the various defenses asserted by Defendant, and numerous
23 potential appellate issues. For these reasons the Court should grant Final Approval of the settlement.

24 I declare under penalty of perjury pursuant to the laws of California that the foregoing is true
25 and correct. Executed on August 21, 2023 at Irvine, California.

26
27 
28 James R. Hawkins

EXHIBIT 1

Matter Billing Detail

Report Date: 8/15/2023
 Report Time: 5:18PM
 Page: 1 of 3
 User ID: R. Hawkins

JAMES HAWKINS APLC

Date Range: 01/01/1900 to 08/15/2023
 Client: SHARP001 - Rosanieves Moran
 Matter: JRH 3617 - Sharp Rees-Stealy Medical Group -Rosanieves Moran v. Sharp Medical

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
		Balance Forward:	\$0.00						
09/24/2019	ONE	One Legal Services-Complaint,Civil Case Cover Sheet,Original Summons- In# 02218571	\$1,492.31		Unbilled				
09/24/2019	FIL	Filing Fee- LWDA filing Fee CK#8234	\$75.00		Unbilled				
11/19/2019	FST	First Legal Network- Served complaint, summons, civil case cover sheet, ntc of case assignment (2) IN#30114907	\$311.10		Unbilled				
11/26/2019	ONE	One Legal Services-Proof of Service- In#02347848	\$9.95		Unbilled				
12/04/2019	FED	FED EX- NAR re initial docs	\$21.52		Unbilled				
12/12/2019	ONE	One Legal Services-Amendment to Complaint/Cross-Complaint naming Doe - in# 02364236	\$9.95		Unbilled				
05/28/2020	ONE	One Legal Services- Stipulation- In# 02632802	\$30.61		Unbilled				
06/03/2020	ONE	One Legal Services-Notice of Jury Fee Deposit- In#02641663	\$164.90		Unbilled				
06/15/2020	ONE	One Legal Services-Noticeof Hearing- In#02644510	\$9.95		Unbilled				
06/24/2020	ONE	One Legal Services-Amended Complaint- In# 2677680	\$9.95		Unbilled				
10/02/2020	ONE	One Legal Services-Case Management Statement- In# 02866141	\$9.95		Unbilled				
10/28/2020	CCL	Court Call - 10.16.20 Case Management Conference for GEM	\$94.00		Unbilled				
02/04/2021	ONE	One Legal Services-Case Management Statement - In#03092713	\$12.00		Unbilled				
03/03/2021	CCL	Court Call - 02.19.2021 Case Management Conference for MC	\$94.00		Unbilled				
05/06/2021	ONE	One Legal Services- Case Management Statement- in#03273317	\$12.35		Unbilled				
06/09/2021	CCL	Court Call - 05.21.2021 Case Management Conference for MC	\$94.00		Unbilled				
09/15/2021	ONE	One Legal Services-Case Management Statement- In# 03536680	\$12.35		Unbilled				

Matter Billing Detail

Report Date: 8/15/2023
Report Time: 5:18PM
Page: 2 of 3
User ID: R. Hawkins

JAMES HAWKINS APLC

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
10/27/2021	ONE	One Legal Services- Case management Statement- in#03626709	\$12.35		Unbilled				
02/01/2022	ONE	One Legal Services- Amended Complaint- in#03827627	\$12.35		Unbilled				
03/24/2022	ONE	One Legal Services- Stipulation and proposed order- In#03950562	\$12.87		Unbilled				
04/18/2022	ONE	One Legal Services-Stipulation and Proposed Order - In#04006490	\$12.87		Unbilled				
04/19/2022	ONE	One Legal Services - Stipulation and proposed order- In#04010479	\$12.87		Unbilled				
05/10/2022	ONE	One Legal Services- Stipulation and Proposed order- In#04062298	\$33.46		Unbilled				
06/01/2022	CRT	Court Documents- Order	\$44.60		Unbilled				
06/10/2022	ONE	One Legal Services- Amended Complaint - in#04138091	\$12.87		Unbilled				
06/17/2022	ONE	One Legal Services- Amended Complaint - In# 04155311	\$12.87		Unbilled				
08/16/2022	EXA	Expert Analysis - IN#6415 CK#10161	\$5,700.00		Unbilled				
09/07/2022	ONE	One Legal Services - Case Management Statement- In#04351758	\$12.87		Unbilled				
12/08/2022	ONE	One Legal Services- Case Management Statement - In#04586443	\$12.87		Unbilled				
12/28/2022	FED	FED EX - Crs to Client re MOU	\$20.25		Unbilled				
05/26/2023	ONE	One Legal Services - Notice of Ruling- IN#05025846	\$13.33		Unbilled				
Total:			\$8,390.32	\$0.00					
Balance:			\$8,390.32						

Matter Billing Detail

JAMES HAWKINS APLC

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
Total Fees Billed- - - - -			\$0.00						
Total Fees Unbilled : - - - - -			\$0.00						
Total Fees Received : - - - - -			\$0.00						
Total Soft Cost Billed : - - - - -			\$0.00						
Total Soft Cost Unbilled : - - - - -			\$0.00						
Total Soft Cost Received : - - - - -			\$0.00						
Total Hard Cost Billed : - - - - -			\$0.00						
Total Hard Cost Unbilled : - - - - -			\$8,390.32						
Total Hard Cost Received : - - - - -			\$0.00						
Total Taxes Billed : - - - - -			\$0.00						
Total Taxes Unbilled : - - - - -			\$0.00						
Total Taxes Received : - - - - -			\$0.00						
Total Late Charges Billed : - - - - -			\$0.00						
Total Late Charges Unbilled: - - - - -			\$0.00						
Total Late Charges Received : - - - - -			\$0.00						
Trust Balance: - - - - -			\$0.00						

Matter Billing Detail

JAMES HAWKINS APLC

Date Range: 01/01/1900 to 08/15/2023
Client: SHARP001 - Rosanieves Moran
Matter: JRH 3643 - Sharp Healthcare PAGA Rosanieves Moran v. Sharp Rees-Stealy Medical Groups

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
		Balance Forward:	\$0.00						
10/15/2019	SCN	Scanning- signed cert mail	\$0.50		Unbilled				
05/26/2020	ONE	One Legal Services- Complaint, Summons, Civil Case Cover Sheet- In# 02626708	\$1,494.56		Unbilled				
05/27/2020	FST	First Legal Network - Process, Complaint, Summons, civ cover sheet IN#30128864	\$203.65		Unbilled				
06/30/2020	ONE	One Legal Services-Request for Dismissal- In#02686518	\$12.20		Unbilled				
03/10/2022	FST	First Legal Network - E-Filing, case management statement In#30192286	\$36.50		Unbilled				
04/04/2022	ONE	One Legal Services- Stipulation and proposed order- In#03972747	\$33.46		Unbilled				
07/08/2022	CRT	Court Documents - Re Related Case	\$42.80		Unbilled				
		Total:	\$1,823.67	\$0.00					
		Balance:	\$1,823.67						

Matter Billing Detail

JAMES HAWKINS APLC

Date	Expense Code	Description	Debit	Credit	Billing Status	On Hold	Invoice Number	Check Number	Payee
Total Fees Billed- - - - -			\$0.00						
Total Fees Unbilled : - - - - -			\$0.00						
Total Fees Received : - - - - -			\$0.00						
Total Soft Cost Billed : - - - - -			\$0.00						
Total Soft Cost Unbilled : - - - - -			\$0.00						
Total Soft Cost Received : - - - - -			\$0.00						
Total Hard Cost Billed : - - - - -			\$0.00						
Total Hard Cost Unbilled : - - - - -			\$1,823.67						
Total Hard Cost Received : - - - - -			\$0.00						
Total Taxes Billed : - - - - -			\$0.00						
Total Taxes Unbilled : - - - - -			\$0.00						
Total Taxes Received : - - - - -			\$0.00						
Total Late Charges Billed : - - - - -			\$0.00						
Total Late Charges Unbilled: - - - - -			\$0.00						
Total Late Charges Received : - - - - -			\$0.00						
Trust Balance: - - - - -			\$0.00						