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24 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
25 **COUNTY OF SAN DIEGO**

26 ROSANIEVES MORAN, SHALIECIA
27 WILLIAMS, and MARY CANTERBURY,
28 individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

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

Defendant.

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

ASSIGNED FOR ALL PURPOSES TO
JUDGE Richard S. Whitney, Dept. C-68

**DECLARATION OF JAMES HAWKINS
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: April 7, 2023

Time: 10:30 a.m.

Dept. C-68

Complaint Filed: September 23, 2019

Trial Date: Not Set

DECLARATION OF JAMES HAWKINS

I, James Hawkins, declare as follows:

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 one of the named Plaintiffs, Rosanieves Moran (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 Preliminary 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.

2. Counsel for Plaintiffs negotiated the terms of the Settlement after conducting both formal and informal discovery, and having represented, mediated, settled and tried numerous other employee class actions in wage and hour litigation and I have knowledge of the strengths and weaknesses of the methods of compensation which are sufficient to evaluate the fairness of the proposed settlement herein.

3. I have a great deal of experience in wage and hour class action litigation. I have obtained certification of several classes, I have been approved as class counsel in many other wage/hour class actions, and I am currently litigating numerous others. Although not an all inclusive list, over the years I have prosecuted the following class action matters as lead and/or co-lead counsel, all of which implicated similar law and facts to those associated with this action:

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. Case settled, Final Approval granted, no objections and funds fully distributed.

b. *Carey, et. al. v. Arthur J. Gallagher, et. al.*, USDC, SOUTHERN DISTRICT- Case No.: 09-cv-0168. Wage and Hour Class action seeking past wages of overtime for misclassification of insurance claims adjusters employed by Gallagher Bassett, a third party administrator (TPA) in the State of California. Certification granted. Plaintiffs’ counsel co-lead counsel. Case settled, Final Approval granted, no objections and funds fully

distributed.

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. Plaintiff’s 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. Plaintiff’s 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. Plaintiff’s 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. Plaintiff’s 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. Plaintiff’s 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

1 California. Plaintiff's counsel appointed as co-lead counsel. Case settled, Final Approval
2 granted, no objections and funds fully distributed.

3 i. *Walker v. Sharkeez, et al.*, Orange County Superior Court, Case No. 05CC00293.
4 Wage and Hour Class Action seeking past wages for unlawful deductions, meal and rest
5 break violations for restaurant employees in the State of California. Plaintiff's counsel
6 appointed as lead counsel. Case settled, Final Approval granted and funds fully distributed.

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

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

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

22 m. *Ruiz, et al. v. Unisourse Worldwide, Inc., et al.*, USDC, CENTRAL DISTRICT, Case
23 No. CV09-05848. Wage and Hour Class Action seeking past wages for meal and rest
24 period violations for non-exempt employees employed by defendant in the state of
25 California. Case settled. Awaiting Preliminary Approval hearing. Case settled, Final
26 Approval granted, no objections and funds fully distributed.

27 n. *Herrador v. Culligan International Company, et al.*, USDC, CENTRAL DISTRICT,
28 Case No. SACV 08-680. Wage and Hour Class Action seeking past wages for field and

1 branch employees of defendant in the State of California. Plaintiff's counsel appointed as
2 lead counsel. Case settled Final Approval granted and funds fully distributed.

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

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

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

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

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

27 t. *Burns v. Gymboree Operations, Inc., et al.*, San Francisco Superior Court, Case No.
28 CGC-07-461612. Wage and Hour Class Action seeking past wages for meal and rest break

violations for retail employees employed by defendant in the State of California. Plaintiff's counsel appointed lead counsel. Case settled, Final Approval granted, no objections and funds fully distributed.

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

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

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

4. Despite the complexity of the case, Class Counsel has, through the investment of substantial effort and the resources of my law firm and co-counsel have been able to secure an outstanding settlement on behalf of the Settlement Class. Plaintiffs would have faced substantial legal and factual obstacles in demonstrating that class certification was appropriate. Plaintiffs would also have been required to establish a significant amount of witness testimony, pattern and practice evidence, statistical evidence, sampling evidence, expert testimony, and other evidence in order to present their case both at the class certification stage and trial. Defendant has vigorously contested liability, the amount of claimed damages, and the propriety of class certification, and would have continued to do so through trial. Accordingly, I believe the Settlement to be fair, reasonable, and adequate and in the best interests of the Settlement Class. The fairness and

1 adequacy of the Settlement is confirmed by all known facts and circumstances, including the risk of
2 significant delay and uncertainty associated with litigation, the various defenses asserted by
3 Defendant, and numerous potential appellate issues.

4 5. I declare under penalty of perjury pursuant to the laws of California and the United
5 States that the foregoing is true and correct. Executed on March 14, 2023 at Irvine, California.

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7 James R. Hawkins, Esq.
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