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Attorneys for Plaintiff, LAURA SMITH, on  
behalf of herself and others similarly  
situated.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF SAN JOAQUIN**

JESSE GALINDO and LAURA SMITH,  
individually, and on behalf all persons similarly  
situated,

Plaintiffs,

vs.

PAQ, INC., DBA FOOD 4 LESS and/or  
RANCHO SAN MIGUEL MARKETS; and  
DOES 1 through 50, Inclusive;

Defendants.

Lead Case No. STK-CV-UOE-2022-0000452  
[Consolidated Case No. STK-CV-UOE-2022-  
0001799]

**DECLARATION OF JAMES R. HAWKINS,  
ESQ. IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION AND  
PAGA SETTLEMENT**

Date:

Time:

Judge: Hon. Blanca Banuelos

Dept.: 10B

I, JAMES R. HAWKINS, declare as follows:

2. On July 9, 2020, Plaintiff Laura Smith initiated this action in the Superior Court for the County of San Joaquin on behalf of herself and all others similarly situated, styled *Smith v. PAQ, Inc.*, Case No. STK-CV-UOE-2020-0005825. The Complaint asserts causes of action for; (1) failure to pay lawful wages; (2) failure to provide lawful meal periods or compensation in lieu thereof; (3) failure to provide lawful rest periods or compensation in lieu thereof; (4) failure to pay timely wages; (5) knowing and intentional failure to comply with itemized employee wage statement provisions and; (6) violations of the unfair competition law (Bus. & Prof. Code § 17200 *et seq.*) (the “*Huerta Action*”).

4. On December 1, 2020, Laura Smith filed a First Amended Complaint, which included one additional cause of action for violations of the Private Attorney General Act (Labor Code § 2699 *et seq.*).

6. Throughout this litigation, Defendant (hereinafter “Defendant” or “PAQ”) has

1 denied Plaintiffs' allegations and raised defenses to their claims, individually and on a  
2 representative basis. Defendant maintains that its employment policies and practices meet the  
3 requirements of the Labor Code and applicable Wage Orders

4 7. After conducting formal and informal discovery, exchanging relevant information  
5 and engaging in numerous discussions regarding the claims alleged, on June 28, 2023, Plaintiff,  
6 along with the Plaintiff in a related action, *Galindo v. PAQ, Inc.* Case No. STK-CV-UOE-2022-  
7 0000452 (the "*Galindo*" Action) and Defendant participated in a private mediation with Jeff  
8 Ross, Esq., an experienced wage and hour class action mediator. During the course of the  
9 mediation, the parties exchanged further information and documentation concerning Plaintiffs'  
10 claims and PAQ's defenses thereto, and aggressively advocated for their respective positions.  
11 After arms-length negotiations and bargaining, the Parties reached an agreement to settle based  
12 on the Mediator's proposal and signed a Memorandum of Understanding. After reaching an  
13 agreement in principle, the Parties drafted and negotiated a long-form settlement agreement.

14 8. The Class Representative Service Payment is intended to compensate named  
15 Plaintiffs Jesse Galindo and Laura Smith as the Class Representatives for their willingness to  
16 accept the responsibility of representing the interests of all Class Members. The purpose is to  
17 provide an incentive payment, taking into consideration the risks, time, and effort expended by  
18 their coming forward to provide invaluable information and to litigate this matter on behalf of all  
19 Class Members. The Class Representative Service Payment is also in consideration for executing  
20 a general release of all their claims against Defendant. Finally, Plaintiffs also risked this lawsuit  
21 having a negative impact on future employment opportunities, as prospective employers may be  
22 less inclined to hire an employee who has served as a class representative.

23 9. Through their counsel, Plaintiffs took into consideration the significant risk that  
24 class certification could be denied on the central claims, or that a merits decision on the central  
25 claims would not favor the Class. Plaintiffs considered the expense and length continued  
26 proceedings necessary to continue the Action against Defendant through trial and any possible  
27 appeals along with Defendant's financial position. Thus, the settlement for Settlement Class  
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members is fair, reasonable, and adequate, given the inherent risk of litigation, the risk relative to class certification and the costs of pursuing such litigation

10. Class Counsel also has considerable experience and has demonstrated competence with litigating wage and hour class actions and all facets of litigation in state and federal court, including discovery, law and motion, trial, appeals, arbitration and mediation. Class Counsel has litigated numerous class actions on behalf of plaintiffs and have been lead counsel or otherwise exercised significant case handling responsibilities in numerous cases resulting in millions of dollars in class action settlements.

11. Class Counsel has represented, mediated and settled many other employee class actions in wage and hour litigation. In 2007, I incorporated my wage and hour class action practice as James Hawkins, APLC, and the Court has preliminarily approved my firm as Class Counsel in this matter. Since its inception, this law firm has been exclusively involved in class actions and complex litigation. Our office is litigating at least 60 other class actions

12. Since 2002, I have been lead or co-lead counsel in all of the cases listed below, along with many others. Plaintiffs' counsel has been certified and approved as Class Counsel in other wage/hour class actions including: *Mancel v. United Parcel Service, Inc. dba UPS*, LASC No. BC 325902 [Wage and Hour Class Action]; *Acosta v. Fleetwood Travel Trailers of California, Inc., et al.*, RSC, No. RIC 440630 [Wage and Hour Class Action]; *Adame v. Pacific Messenger Service, Inc.*, OCSC No. 05CC00013 [Wage and Hour Class Action]; *Chandler v. Mi Piacce, LLP, et al.*, LASC No. BC 337780 [Wage and Hour Class Action]; *Defries v. Domain Restaurants, et al.*, OCSC No. 05CC00128 [Wage and Hour Class Action]; *Denton v. BLB Enterprises, Inc., et al.*, OCSC No. 07CC01292 [Wage and Hour Class Action]; *Maciel v. Orkin Exterminating Company, Inc.*, LASC No. BC 357911 [Wage and Hour Class Action]; *Martinez v. Securitas Security Services USA, et al.*, SCSC No. 105-CV047499, et al. J.C.C.P. No. 4460 [Wage and Hour Class Action]; *Martinez v. Saint-Gobain Containers, USDC CD Cal. No. SA CV06-00690-CJC* [Wage and Hour Class Action]; *McMurray v. Dave and Busters, Inc.*, OCSC No. 06CC00099 [Wage and Hour Class Action]; *Osuna v. DFG Restaurants, Inc., et al.*, LASC No. BC330145 [Wage and Hour Class Action]; *Padron v. Universal Protection Service*, OCSC

1 No. 05CC00013 [Wage and Hour Class Action]; *Ortiz v. Kmart*, USDC CD Cal. No. SACV 06-  
2 638 ODW (Anx) [Wage and Hour Class Action]; *Willems v. Diedrich Coffee, Inc.*, OCSC No.  
3 07CC00015, and numerous others.

4 13. Ms. Fernandez, my co-counsel on this matter, has been a member of the  
5 Florida Bar since January 1996 and member of the California Bar since August 2002. Ms.  
6 Fernandez has specialized in employment related litigation including complex wage and hour  
7 civil litigation since 2003. Ms. Fernandez has been, and currently is, co-counsel in over 60 wage  
8 and hour class action litigations for our firm and has produced excellent results for this firm's  
9 clients in the wage and hour class actions.

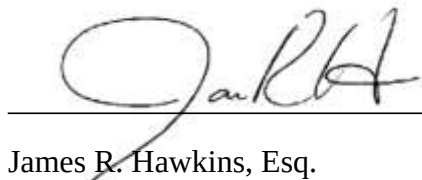
10 14. Mr. Draper joined the law firm on October 25, 2021. He held a provisional license  
11 to practice law, and has been a member of the California bar since June 2022. Mr. Draper is  
12 actively working on over 40 wage and hour class action litigations for our firm.

13 15. Mr. Dacre joined the law firm on February 7, 2022. He has been a member of the  
14 California bar since November 1997. His experience has been in both criminal and civil  
15 litigation. Mr. Dacre is currently working on over 40 wage and hour class action litigations for  
16 our firm.

17 16. Ms. Cook, an associate who worked on this matter, has been a member of the  
18 California Bar since June 2021 and involved in class action litigation since 2019. Prior to joining  
19 our firm, she participated in litigating mass tort cases, including California wildfire and mudslide  
20 cases. Ms. Cook is currently working on over 40 wage and hour class action litigations for our  
21 firm.

22 I declare under penalty of perjury that the foregoing is true and correct. Executed on this  
23 11<sup>th</sup> day of March, 2024 at Irvine, California.

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James R. Hawkins, Esq.