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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

PEDRO RODRIGUEZ and JOSE GARCIA,
individuals, on behalf of themselves and on behalf
of all persons similarly situated,

Plaintiff,

v.

FERMA GREENBOX, INC. a California
Corporation, and DOES 1-50, inclusive,

Defendants.

Case No. RG21101104

[Complaint Filed: 05/21/2021]

**DECLARATION OF JEAN-CLAUDE
LAPUYADE, ESQ. IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Hearing Date: February 7, 2023

Hearing Time: 10:00 a.m.

Reservation ID: 485754779697

Judge: Evelio Grillo

Dept.: 21

1 I, JEAN CLAUDE LAPUYADE, declare as follows:

2 1. I am the managing partner of the law firm of The JCL Law Firm, APC, and counsel of
3 record for Plaintiffs PEDRO RODRIGUEZ and JOSE GARCIA, on behalf of themselves, and on behalf
4 of all persons similarly situated ("Plaintiffs") in this matter. As such, I am fully familiar with the facts,
5 pleadings and history of the matter. I am submitting this declaration in support of Plaintiffs' Motion for
6 Preliminary Approval of Class Action Settlement.

7 **JCL LAW FIRM EXPERIENCE**

8 2. The JCL Law Firm, APC, has extensive class action experience in multiple fields and has
9 represented tens-of-thousands of persons in class actions. Counsel has previously litigated similar wage
10 and hour class actions involving similar meal and rest period violations. Class Counsel has been
11 approved as class counsel in similar wage and hour class actions throughout the State of California,
12 including in the Superior Court for the County of Alameda. As such, courts throughout the California
13 have deemed Class Counsel experienced and knowledgeable in this area of law. Class Counsel has
14 participated in every aspect of the settlement discussions and has concluded the settlement is fair,
15 adequate and reasonable and in the best interests of the Class.

16 3. Plaintiff, the Class Members and the Aggrieved Employees are represented by competent
17 and experienced counsel to pursue their claims. I established the JCL Law Firm, APC ("Firm"), in 2010.
18 The Firm is a boutique plaintiff firm representing aggrieved employees and consumers throughout
19 California in wage and hour class actions, PAGA Actions and complex multi-party product liability
20 matters. The Firm currently consists of myself, Jean-Claude Lapuyade, Esq. (Partner/Owner), Monnett
21 De La Torre (Associate), Sydney Castillo-Johnson (Associate) Tesla Stone (Paralegal), and Jennifer
22 Heming (Legal Secretary).

23 4. I am qualified to represent the Plaintiff, the State of California and the Aggrieved
24 Employees. I have extensive experience with wage and hour class and representative actions litigation
25 like this matter, and employment matters in general. Additionally, I have extensive complex mass tort
26 litigation experience and complex construction product liability experience. I can, will and have
27 adequately represented the interests of the Plaintiff, the State of California and the Aggrieved Employees
28 throughout this action.

1 5. I have represented consumers and employees in California class actions, and complex
2 multi-party product liability actions exclusively for more than 14 years. I have been in practice as a
3 plaintiffs' civil litigation attorney since April 2007.

4 6. I have significant class counsel and collective action counsel experience. I served as class
5 and/or collective (PAGA) counsel in, among other cases, the following matters:

6 a. *Felix v. TVI, Inc., d.b.a. Savers*, Santa Clara Superior Court Case No. 21CV376407
7 (February 18, 2022) Hon. Sunil R. Kulkarni approved a \$1.8 million dollar class action and
8 PAGA action settlement for, *inter alia*, unpaid off-the-clock work. The Court appointed
9 JCL Law Firm, APC as Class Counsel and as representative PAGA counsel for the State
10 of California.

11 b. *Munoz v. AMTCR*, San Bernardino Superior Court Case No. CIV-DS2001914
12 (August 24, 2021) Hon. David Cohn approved a \$1.8 million dollar class and PAGA
13 settlement for, *inter alia*, inaccurate itemized wage statements. The JCL Law Firm, APC
14 acted as class counsel for the settlement class and as representative PAGA counsel the State
15 of California and the Aggrieved Employees.)

16 c. *Nunes v. Home Depot U.S.A., Inc.*, San Joaquin Superior Court Case No. STK-CV-
17 UOE-2020-0011011 (October 20, 2021 – Hon. Roger Ross approved a \$1.5 million dollar
18 class and PAGA settlement for, *inter alia*, miscalculated meal period premiums and
19 appointed Jean-Claude Lapuyade, Esq, as Class Counsel.)

20 d. *Pillsbury v. T&T Restaurants CA, Inc.*, Del Norte Superior Court Case No. CVUJ-
21 20-1214 (December 14, 2021 – Hon. Darren McElfresh approved \$550 billing rate and
22 appointed Jean-Claude Lapuyade, Esq, as Class Counsel in a wage and hour class action
23 settlement.)

24 e. *Rodriguez v. RSI Home Products, Inc.*, San Bernardino Superior Court Case No.
25 CIVDS2023354 (July 30, 2021 – Hon. David Cohn approved a \$1.45 million class and
26 PAGA settlement for, *inter alia*, failure to comply with piece-rate laws, and appointed the
27 JCL Law Firm, APC as Class Counsel)
28

- f. *Elias Kaser v. Aviation Consultants, Inc.*, Orange County Superior Court Case No. 30-2021-01191204-CU-OE-CXC (September 22, 2021 – Hon. Peter J. Wilson approved \$550 billing rate in a representative California Labor Code Private Attorney General Act settlement).
- g. *Jer Vang v. Bridge Property Management*, Alameda County Superior Court, Case No RG19047434 (January 8, 2021 – Hon. Winifred Smith approved a class and PAGA settlement for, *inter alia*, unpaid off the clock work. The JCL Law Firm, APC acted as class counsel for the settlement class and as representative PAGA counsel the State of California and the Aggrieved Employees.)
- h. *Johnson v. Volt Management Corp., Inc. et al.*, Los Angeles County Superior Court, Case No. 19STCV16466 (December 11, 2020 – Hon. Amy Hogue approved a PAGA Settlement negotiated on behalf of the State of California and the aggrieved employees by the JCL Law Firm, APC.)
- i. *Salazar v. Frontier Auto Sales Inc., dba Frontier Toyota*, Los Angeles Superior Court, Case No. 19STCV20382 (November 24, 2020 – Hon. John P. Doyle appointed the JCL Law Firm, APC as class counsel and approved a class and PAGA settlement for, *inter alia*, missed meal and rest periods.)
- j. *Villalobos v. Alterra Group, LLC et al.*, Los Angeles County Superior Court, Case No. 19STCV19448 (November 11, 2020 – Hon. Richard Fruin approved a PAGA Settlement for, *inter alia*, unreimbursed business expenses. The JCL Law Firm, APC acted as counsel for the plaintiff, the State of California and the Aggrieved Employees.)
- k. *Stevens et al., v. Bank of England*, San Diego County Superior Court Case No. 37-2019-00018662-CU-OE-CTL (October 16, 2020 – Hon. John Meyer appointed JCL Law Firm as Class Counsel and granted final approval of wage and hour class action for, *inter alia*, off-the-clock work.)
- l. *Frazier v. ASA Carlton, Inc.*, San Diego Superior Court Case No. 37-2019-00036147 (October 9, 2020 Hon. Kenneth Medel appointed the JCL Law Firm as Class Counsel and granted final approval of wage and hour class action for off-the-clock work.)

1 m. *Krake et al., v. Central Valley Diner, Inc.*, Placer County Superior Court Case No.
2 SCV0041645 (September 4, 2020 – Hon. Michael Jones appointed JCL Law Firm as class
3 counsel and granted final approval of wage and hour class action for meal period
4 violations.)

5 n. *Conner v. Ascendant Marketing, LLC et al.*, San Diego Superior Court Case No.
6 37-2019-00026864-CU-OE-CTL (July 24, 2020 Hon. Joel Wohlfeil granted approval of
7 PAGA Settlement for, among other things, off-the-clock work. JCL Law Firm, APC acted
8 as lead counsel.)

9 o. *Guerrero v. Estancia Operations, LLC.*, San Diego Superior Court Case No. 37-
10 2019-00028963 (August 25, 2020 – Hon. Katherine Bacal approved PAGA Settlement for,
11 *inter alia*, missed meal and rest periods. JCL LAW Firm, APC, acted as lead counsel.)

12 p. *Moreno v. Dash Lube, et al.*, United States District Court, Southern District of
13 California, Case No. 18cv1922 DMS (AHG) (December 13, 2019 – Granted class
14 certification of Labor Code Section 226 claim and appointed JCL Law Firm, APC, as Class
15 Counsel.)

16 q. *Perkins et al., v. Tahiti Enterprises, Inc., et al.*, Orange County Superior Court Case
17 No. 30-2016-00863095 (October 22, 2019 – Hon. Peter Wilson appointed JCL Law Firm,
18 APC, as Class Counsel and granted final approval for an unlawful housing class action
19 settlement arising out of Civil Code Section 1940.1.)

20 r. *Hill v. Stemak Holdings, Ltd.*, San Diego Superior Court Case No., 37-2018-
21 00000747 (January 28, 2020 – Hon. Kenneth Medel appointed JCL Law Firm, APC as
22 class counsel and granted final approval of wage and hour class action for unpaid
23 overtime.)

24 s. *Shachno et al., v. KT Hotels, LLC, et al.* San Diego Superior Court Case No Case
25 No. 37-2018-00043601 (May 31, 2019 – Hon, Gregory Pollack appointed JCL Law Firm,
26 APC, as Class Counsel and granted preliminary approval for the wage and hour class action
27 settlement involving nearly 900 current and former employees. Final approval scheduled
28 for October 4, 2019)

- t. *Almanza v. The Express Group, Inc.*, San Bernardino Superior Court Case No. CIVDS1722542 (April 19, 2019 – Hon. David Cohn appointed the JCL Law Firm, APC, as Class Counsel and granted final approval for a wage and hour class action settlement for *inter alia*, missed meal and rest periods and independent contractor misclassification.)
- u. *Moschetto v. Pillow Global, Inc. San Diego Superior Court*, Case No. 37-2017-00024031-CU-OE-CTL (April 5, 2019 – Hon. John S. Meyer appointed JCL LAW Firm, APC, as Class Counsel and granted final approval for a wage and hour wage class action settlement involving misclassified house cleaners.)
- v. *Burke v. Friendship Hotel, LLC*, San Diego County Superior Court Case No. 37-2017-00022517-CU-OE-CTL (March 10, 2019 – final approval granted on for an unlawful housing class action arising under Civil Code Section 1940.2)
- w. *Terrado et al., v. Accredited Debt Relief, LLC*, San Diego County Superior Court Case No. 37-2018-00014181-CU-OE-CTL (February 8, 2019 – Hon. Gregory W. Pollock appointed JCL Law Firm, APC as Class Counsel and granted final approval for a wage and hour class action settlement for meal and rest period violations);
- x. *Macaspac v. San Antonio Regional Hospital*, San Bernardino Superior Court Case No. CIVDS1512625, (July 27, 2018 – Hon. Thomas S. Garza appointed JCL Law Firm, APC, as Class Counsel and granted final approval for a wage and hour class action settlement involving claims for on duty meal and rest periods.);
- y. *Summerlin et al. v. Maplebear, Inc. dba Instacart*, Los Angeles Superior Court Case No. BC603030 (2018 - certified and settled wage and hour class action.)
- z. *Ortega v. Prime Healthcare*, San Diego Superior Court Case No. 37-2014-00011240-CU-OE-CTL (2018 – Approved PAGA only settlement for on duty meal and rest periods)
- aa. *Engstrom v. Bender-Rosenthal, Inc.* San Diego Superior Court Case No. 37-2016-00012373-CU-OE-CTL (2017 - Certified and settled class action for employee misclassification);

bb. *Crawford v. Outlook Amusements, Inc.*, Los Angeles Superior Court Case No. BC617160 (2017 - Certified and settled wage and hour class action.);

cc. *Hernandez v. Sunglass Hut Trading, LLC*, San Bernardino Superior Court Case No. CIVDS1505181 (2016 - Certified and settled wage and hour class action);

dd. *Burns v. Shalom, LLC*, San Diego Superior Court, Case No., 37-2013-00058356-CU-BT-CTL (2015 - certified and settled class action for unlawful housing practices arising out of Civil Code Section 1940.1);

7. Since 2010, I have successfully tried two (2) cases to conclusion, each resulting in a favorable verdict for the firm’s clients.

8. Finally, I have published appellate experience in *William Blanchette et al., v. The Superior Court of Imperial County, (GHA Enterprises)*, 8 Cal.App.5th 521.

9. Consequently, I was named to the prestigious Thomson Reuters, Super Lawyers, Rising Star in 2015, 2016, 2017 and, again, in 2018. According to Thomson Reuters, the Super Lawyers, Rising Star list recognizes the top 2.5% of eligible attorneys. (see https://www.superlawyers.com/about/selection_process.html.)

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 5th day of January 2023, at San Diego, California.

JCL LAW FIRM, APC

By: 
Jean-Claude Lapuyade
Attorneys for Plaintiff