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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO-CENTRAL DIVISION

LAN HO, an individual, on behalf of
herself and on behalf of all persons
similarly situated,

Plaintiffs,

vs.

MHF MV MANAGER VI LLC, a
Delaware limited liability company;
MHF MV OPERATING VI LLC dba
COURTYARD SAN DIEGO MISSION
VALLEY/HOTEL CIRCLE, a Delaware
limited liability company; MHF MV VI
LLC, a Delaware limited liability
company; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 37-2024-00023005-CU-OE-
CTL

**DECLARATION OF THOMAS D.
RUTLEDGE ISO PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND PAGA
ACTION SETTLEMENT**

Judge: Hon. Euketa Oliver
Dept.: C-75
Hearing Date: February 27, 2026
Hearing Time: 9:00 a.m.

Complaint Filed: May 17, 2024
Trial Date: NA
Discovery Cutoff: NA

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12 **DECLARATION OF THOMAS D. RUTLEDGE**

13 I, THOMAS D. RUTLEDGE, declare and state as follows:

14 1. I am the counsel of record for the named Plaintiff Marlene Benitez and
15 her representative PAGA enforcement action against the same Defendants, Superior
16 Court of California, County of San Diego, Case No. 37-2024-0090160-CU-MC-CTL
17 (formerly ACSC Case No, 24CV080932). As such, I am fully familiar with the facts,
18 pleadings, and history of this matter. The following facts are within my own personal
19 knowledge, and if called as a witness, I could testify competently to the matters stated
20 herein.

21 2. This declaration is submitted in support of Plaintiff Lan Ho's Motion for
22 Preliminary Court Approval of Class and PAGA Settlement.

23 **Introduction and Summary of Litigation.**

24 3. On May 22, 2024, before pursuing her claims against the Defendants,
25 Plaintiff Marlene Benitez complied with all aspects of the Labor Code by filing and
26 serving notice on the Labor and Workforce and Development Agency (LWDA) of the
27 facts and theories underlying the violations, and the specific Labor Code sections that
28 were violated pursuant to the Private Attorneys General Act (PAGA).

4. On June 24, 2024, Plaintiff Benitez, on behalf of herself and the State of
California as its designated proxy pursuant to the PAGA, filed a PAGA enforcement

1 action in the Superior Court of California for the County of Alameda under case
2 number 24CV080932.

3 5. On July 31, 2024, Plaintiff Benitez filed a first amended complaint in the
4 Superior Court of California for the County of Alameda, Case Number 24CV080932.

5 6. On August 29, 2024, per stipulation between Plaintiff Benitez and the
6 Defendants and by court order, the Plaintiff Benitez PAGA enforcement action was
7 transferred from the County of Alameda to the Superior Court of California for the
8 County of San Diego and was issued case number 37-2024-00900160-CU-MC-CTL
9 and assigned to C-62.

10 7. Thereafter, Plaintiff Benitez, through the undersigned counsel, and
11 Plaintiff Lan Ho, through her counsel, entered into a joint prosecution agreement to
12 collectively pursue their claims against the Defendants in connection with the
13 foregoing litigation.

14 8. On October 30, 2024, a notice of related case was filed and, effectively,
15 the Benitez PAGA enforcement action and the Ho class and PAGA action were
16 deemed related.

17 9. On June 11, 2025, per Local Rule, the Benitez PAGA enforcement
18 action was reassigned to C-75.

19 10. Thereafter, the parties engaged in settlement discussions and attended, in
20 one form or another, private mediation during which the parties reached an arms-
21 length settlement.

22 11. I believe the settlement achieved in this case, a non-reversionary gross
23 settlement amount of \$550,000, is fair, reasonable, and adequate when considering
24 the strengths and weaknesses of the foregoing case, the Defendants' defenses, and the
25 delays and risks associated with continued litigation, including trial and potential
26 appeals in the event this case was not settled.

27 **My Experience Handling Class and Representative Actions.**

28 12. The Law Office of Thomas D. Rutledge consists of me, one associate,

1 several paralegals, and various support staff during all times relevant to this litigation.

2 13. I have had the privilege of practicing law for 30 years.

3 14. I have served the public my whole adult life.

4 15. Before practicing law, from about April 1987 to April 1994, beginning at
5 the age of 21, I proudly served in the U.S. Army National Guard in various capacities:
6 first, as a Private First Class in a combat engineer's unit; and in 1990, after receiving
7 my commission from the Commonwealth of Massachusetts's State Officers'
8 Candidate School, as a field artillery officer, mortar platoon leader, and infantry
9 company executive officer in the Commonwealth of Pennsylvania (1992-1994) and
10 Massachusetts (1987-1992) Army National Guard.

11 16. In 1990, I earned a B.A. in History and Political Science from the
12 University of Massachusetts, Boston, Massachusetts.

13 17. In 1992, I earned a C.S.S. in Management and Administration from
14 Harvard University, Cambridge, Massachusetts.

15 18. In 1995, I earned a J. D. from Temple University and became a member
16 of the State Bars of Florida and Massachusetts.

17 19. In 1999, I obtained admission to the California Bar.

18 20. I am a former active member in the San Diego County Bar Association
19 (and several committees therein, such as the Labor and Employment Law Section,
20 Litigation Section, and Family Law Section), a current member of the California
21 Employment Lawyers Association, Consumer Attorneys of San Diego (CASD), and a
22 former member of the National Employment Lawyers Association.

23 21. I am the former Co-Chairman to the San Diego County Bar Association
24 Labor and Employment Law Section.

25 22. I am a former Board of Director for CASD (served 2013-2016).

26 23. I am a former U.S. Navy Judge Advocate General's (JAG) Corps
27 attorney.

28 24. From 1995 to 2002, I served in various capacities on active duty as a

1 prosecutor, defense attorney, and staff judge advocate in the U.S. Navy JAG Corps
2 handling hundreds of criminal and civil litigation matters.

3 25. I served a total of 20 years in the U.S. military retiring from the U.S.
4 Naval Reserve in 2008.

5 26. From 2002 to 2004, I was a litigation associate at Christensen, Miller,
6 Fink, Jacobs, Glaser, Weil & Shapiro LLP in Los Angeles, California, a firm of more
7 than 100 lawyers at that time, working on complex litigation.

8 27. From 2004 to 2009, I was a litigation associate for Branton & Wilson,
9 APC, a firm of more than 15 lawyers at the time, working mostly on employment law
10 matters (defense and plaintiff).

11 28. From 2009 to the present, I have focused my practice exclusively on
12 prosecuting employment law claims on behalf of employee-plaintiffs, with a very
13 small amount of my practice devoted to personal injury, landlord-tenant, and family
14 law matters.

15 29. All my employee-plaintiffs' cases, including this case, are accepted on a
16 nothing down contingency fee basis.

17 30. I personally have represented thousands of class members and aggrieved
18 employees in over three dozen class and/or representative (Private Attorney General
19 Act) actions prosecuting wage and hour claims, more than 20 of which were certified
20 as class actions. *See, e.g., Julio, et al. v. Express Tires*, S.D. Superior Court Case No.:
21 37-2010-00097801; *Epton v. ADP TotalSource, et al.*, U.S.D.C. Case No.: 11cv0856-
22 JM; *Tuter, et al. v. King's Seafood Company, LLC, et al.*, San Diego Superior Court
23 Case No.: 37-2011-00084756; *Crosby v. CHMB*, San Diego Superior Court Case No.:
24 37-2011-0087583-CU-OE-CTL; *Diego v. JMS Properties LLC, et al.*, San Diego
25 Superior Court Case No.: 37-2013-00056177-CU-0E-CTL; *Mitchell, et al. v. Phone*
26 *Ware Inc., et al.*, San Diego Superior Court Case No.: 37-2014-00008449-CU-OE-
27 CTL; *Long, et al. v. Stanley Black & Decker, Inc., et al.*, U.S.D.C. Case No.:
28 14CV1246 JLS BGS; *Villagrana v. 7-Eleven*, San Diego Superior Court Case No.:

37-2014-00008449-CU-OE-CTL; *Parnell, et al. v. Harte-Hanks Shoppers, Inc., et al.*,
Orange Superior Court Case No.: 10-2014-00736236-CU-OE-CXC; *Martz v. T.R.L.*
Systems, Inc., San Bernardino Superior Court Case No.: CIVDS1515312; *Rosentein v.*
Pratt and Whitney, et al., U.S.D.C. Case No.: 15CV2183 JM/JLB; *Don v. Penn*, San
Diego Superior Court Case No.: 37-2016-00025005; *Ramirez v. Coastal Trans. Serv.*,
San Diego Superior Court Case No.: 37-2016-00020248; *Velez v. CoWorx Staffing*
Services LLC, San Bernardino Superior Court Case No.: CIVDS1803229; *Martz v.*
HCI Systems Inc., San Bernardino Superior Court Case No.: CIVDS1607545,
Babouchian, et al. v. Soleil Communications Inc., et al., San Diego Superior Court
Case Number: 37-2017-00044756-CU-OE-CTL, and many others.

31. I have attended dozens of lectures presented by legal professionals on the
topic of prosecuting class and representative action litigation in the last 25 years, I
have tried wage and hour cases in Superior Court, AAA, and JAMS private
arbitrations, I have appeared before the Labor Commissioner on scores of wage
claims, and I have handled the representation of parties in dozens of mediations
before well-known mediators, such as Mark Rudy, Jeff Ross, Mike Dickstein, David
Rotman, Robert Kaplan, Judge Herbert B. Hoffman (Ret.), and many others.

Conclusion.

32. I recommend the court approve the settlement.

Except as to those matters made upon information and belief, I declare under
penalty of perjury under the laws of the State of California that the foregoing is true
and correct.

Executed this day of January 30, 2026, in the County of San Diego, California.

/s/Thomas D. Rutledge

Declarant