

1 JCL LAW FIRM, APC
2 Jean-Claude Lapuyade (SBN 248676)
3 Sydney Castillo-Johnson (SBN 343881)
4 Perssia Razma (SBN 351398)
5 John L. Nitti (SBN 330752)
6 Carolina Faccin (SBN 340855)
7 5440 Morehouse Drive, Suite 3600
8 San Diego, CA 92121
9 Telephone: (619) 599-8292
10 jlapuyade@jcl-lawfirm.com
11 scastillo@jcl-lawfirm.com
12 prazma@jcl-lawfirm.com
13 jnitti@jcl-lawfirm.com
14 cfaccin@jcl-lawfirm.com

11 Attorneys for Plaintiff Lan Ho (Additional Counsel listed on next page)

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN DIEGO-CENTRAL DIVISION

14
15 LAN HO, and MARLENE BENITEZ,) Case No.: 37-2024-00023005-CU-OE-
16 individuals, on behalf of themselves, and) CTL
17 on behalf of all persons similarly)
18 situated,)
19 Plaintiffs,)
20 vs.)
21)
22)
23)
24)
25)
26)
27)
28)

**DECLARATION OF MARLENE
BENITEZ ISO PLAINTIFFS'
MOTION FOR FINAL APPROVAL
OF CLASS AND PAGA ACTION
SETTLEMENT**

20 MHF MV MANAGER VI LLC, a) Judge: Hon. Euketa Oliver
21 Delaware limited liability company;) Dept.: C-75
22 MHF MV OPERATING VI LLC dba) Hearing Date: June 26, 2026
23 COURTYARD SAN DIEGO MISSION) Hearing Time: 9:00 a.m.
24 VALLEY/HOTEL CIRCLE, a Delaware)
25 limited liability company; MHF MV VI)
26 LLC, a Delaware limited liability)
27 company; and DOES 1 through 10,)
28 inclusive,)
Defendants.)

1 ZAKAY LAW GROUP, APLC
Shani O. Zakay (SBN 277924)
2 Jackland K. Hom (SBN 327243)
3 Jaclyn Joyce (SBN 285124)
5440 Morehouse Drive, Suite 3600
4 San Diego, CA 92121
5 Telephone: (619) 255-9047
shani@zakaylaw.com
6 jackland@zakaylaw.com
7 jaclyn@zakaylaw.com
8 Attorneys for Plaintiff Lan Ho
9
10 Thomas D. Rutledge, Esq. (SBN 200497)
Attorney-at-Law
11 16956 Via de Santa Fe, Suite 1847
Rancho Santa Fe, CA 92091-4606
12 Telephone: (619) 886-7224
thomasrutledgelaw@gmail.com
13
14 Joel Larabee, Esq. (SBN 243117)
Larabee Law Firm
15 9655 Granite Ridge Dr., #200
16 San Diego, CA 92123
17 Telephone: (619) 376-1777
joel@larabeelaw.com
18
19 Attorneys for Plaintiff Marlene Benitez
20
21
22
23
24
25
26
27
28

DECLARATION OF MARLENE BENITEZ

I, MARLENE BENITEZ, declare and state as follows:

1. I am one of the named Plaintiffs and Class Representatives in this matter. As such, I am fully familiar with the facts, pleadings, and history of this matter. The following facts are within my own personal knowledge, and if called as a witness, I could testify competently to the matters stated herein.

2. This declaration is submitted in support of Plaintiffs' Motion for Final Approval of the Class and PAGA Action Settlement.

3. I am the second named Plaintiff in this case.

4. From May 30, 2022 to about April 17, 2024, Defendants employed me as a non-exempt employee at their Courtyard Marriot hotel located in Mission Valley, California.

5. During my employment, I witnessed Defendants commit a wide range of Labor Code violations.

6. Based on what I observed in the workplace while being employed by the Defendants, I decided to contact Messrs. Joel Larabee and Thomas D. Rutledge.

7. Mr. Larabee interviewed me regarding the merits of my case and based upon his interview, he agreed to represent me on a contingency fee basis.

8. Mr. Larabee thereafter requested my personnel file and payroll records from the Defendants and forwarded them to me for my review.

9. On June 24, 2024, through my counsel's offices, I filed a representative action via the PAGA in the Superior Court of California for the County of Alameda.

10. On July 31, 2024, per stipulation, the case was transferred to the Superior Court of California for the County of San Diego.

11. On February 4, 2026, I was added as a named Plaintiff to this case.

12. Throughout the course of this case, I remained actively involved by regularly communicating with Class Counsel, reviewing legal filings for accuracy, reviewing my employment and payroll records, being available for questions during

1 settlement discussions, and providing factual context for the claims.

2 13. I knew that by getting involved in this lawsuit, I had to consider the
3 interests of the other employees, above my own interests, and I agreed to actively
4 participate in this case as their representative.

5 14. I spoke with Class Counsel over the phone and we spent copious hours
6 discussing the case and preparing for trial over the course of numerous phone calls,
7 texts, and emails.

8 15. During this litigation, I met via telephone with Class Counsel regarding
9 my employment records and we discussed the case more thoroughly.

10 16. Class Counsel reminded me again that my case had significant merit and
11 that I would help many people, other than myself.

12 17. I have invested a significant amount of time in this matter and have
13 risked my reputation for being a named Plaintiff in this matter due to my desire to
14 obtain justice for the Class.

15 18. Including the time spent reviewing legal pleadings and communicating
16 with Class Counsel, the total estimate time doing all the foregoing has been about 45
17 hours on the low side.

18 19. But for this lawsuit, I firmly believe Defendants would not have
19 corrected the way they pay their employees.

20 20. As someone who works in the field of janitorial cleanup where
21 employers are closely networked, I feared potential blacklisting or reputational harm
22 that might affect my future job prospects.

23 21. I accepted this risk because I felt strongly about advocating for
24 coworkers who were unaware of their rights or afraid to come forward.

25 22. In consideration of the amount of work, hours, and effort I have
26 dedicated to this case, as well as the financial and professional risks I took in pursuing
27 a lawsuit against an employer, and in consideration of the § 1542 release I have given
28 to the Defendants for my claims, I believe the requested \$10,000 incentive award for

1 my service is fair, reasonable, and well-deserved.

2 23. I understand that service awards are not automatic and must be earned.

3 24. I respectfully believe that my contributions, which helped advance this
4 litigation to a successful outcome, justify the modest \$10,000 service award
5 requested.

6 25. I took this responsibility seriously and have no regrets about standing up
7 on behalf of other workers who may not have had the ability to do so.

8 26. I am very pleased with the work of Class Counsel in this case and
9 believe the Class Members and Aggrieved Employees will agree that we obtained
10 justice on their behalf in this matter.

11 27. I believe Class Counsel worked very efficiently to get excellent results
12 for the benefit of the Class Members and Aggrieved Employees.

13 28. Accordingly, I very respectfully request the Court to award me \$10,000
14 as an enhancement payment and grant final approval of the settlement.

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

18 Executed this day of May 27, 2026, in San Diego, California.

19 /s/Marlene Benitez

20 Declarant, Marlene Benitez
21
22
23
24
25
26
27
28