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15 Attorneys for Representative Plaintiffs Lacey Hernandez, Brenda Morales
16 and the Plaintiff Class

17 (Additional Counsel on Following Page)

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 FOR THE COUNTY OF SAN FRANCISCO
20 (UNLIMITED JURISDICTION)

21 COORDINATION PROCEEDING SPECIAL
22 TITLE [RULE 3.550]

23 **SEPHORA WAGE AND HOUR CASES**

24 Included actions:

25 *Burnthorne-Martinez v. Sephora USA, Inc.*
26 (San Francisco CGC 16-550894)

27 *Provencio v. Sephora USA, Inc.* (Santa Clara
28 16CV294112)

Hernandez v. Sephora USA, Inc. (San
Francisco CGC-17-557031)

Judicial Council Coordination Proceeding
No.: 4911

CLASS ACTION

**SUPPLEMENTAL DECLARATION OF
MATTHEW F. ARCHBOLD IN SUPPORT
OF MOTION FOR APPROVAL OF
ATTORNEY FEES AND LITIGATION
COSTS**

Judge: Hon. Andrew Y.S. Chang
Dept.: 613

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Attorneys for Plaintiff JESSICA DURAN and the Certified Subclasses

1 I, Matthew F. Archbold, hereby declares as follows:

2 1. I have personal knowledge of the facts contained in this declaration.

3 2. I am a Partner at the law firm of DEASON & ARCHBOLD and am
4 counsel of record for Named Plaintiffs Lacey Hernandez and Brenda Morales and
5 as Class Counsel for the Class along with co-counsel of record.

6 3. I make this Supplemental Declaration in support of the Plaintiffs'
7 Motion for Approval of Attorney Fees and Litigation Costs in connection to the
8 pending Class Action Settlement, and at the Court's request for additional detail in
9 supplement to my previous declaration filed with our initial moving papers.

10 4. Neither I, nor any other attorney and/or employee of Deason &
11 Archbold, or any family member of same, has any relationship with Legal Aid at
12 Work. I do not refer clients or receive referrals from them, and do not have any
13 expectation of personally or professionally benefitting from their appointment.

14 5. As was disclosed in the initial settlement approval paperwork, Class
15 Counsel entered into a co-counseling agreement whereby we agreed to split work
16 and fees received according to the following percentages: 38.25% by Allen
17 Attorney Group PC; 38.25% by the Setareh Law Group; 5% by Hathaway, Perrett,
18 Webster, Powers Chrisman & Gutierrez; 5% by Palay Hefelfinger Law Firm;
19 13.5% by Matthew Norton & Associates, P.C./Deason & Archbold. Each Class
20 Counsel was also responsible for a proportional share of the costs incurred in the
21 lawsuit. However, we did not require strict compliance with the costs spit. Some
22 firms paid more or less than their share since it was not always efficient or
23 practical for every invoice to split into five parts nor for the firms to pay all of the
24 invoices, especially smaller ones, in five separate parts. All costs set forth in this
25 declaration pertain to costs paid directly by Deason & Archbold.

26 6. The Court has requested greater specificity regarding the litigation
27 costs incurred by Deason & Archbold including the four specific factors of (1)
28 title, (2) description (including why necessary), (3) cost of expense (with

1 reasonableness), and (4) date. As a typical procedure, Deason & Archbold
2 maintains a contemporaneous cost record for each case. As of the date of this
3 declaration, Deason & Archbold incurred **\$12,808.08** in direct costs for the
4 prosecution of this action, including but not limited to \$11,358.08 in expert fees,
5 and \$1,450.00 in filing fees.

- 6 a. Initial case filing fees of \$1,450.
 - 7 (i) Initial case filing fee with complex designation fee.
 - 8 (ii) The fee charged by the Court when filing a Complaint
9 which includes a complex case designation (class
10 action).
 - 11 (iii) \$1,450.00 charged by the Superior Court of California,
12 County of San Francisco.
 - 13 (iv) February 7, 2017 (#1993).
- 14 b. Proportionate share of expert survey fees in the amount of
15 \$2,672.75 to Davis Research, LLC.
 - 16 (i) Proportionate share of expert fees.
 - 17 (ii) See declarations of Kevin Allen (¶12-¶27), Thomas
18 Segal, and John M. Norton (¶8-¶9) filed concurrently
19 herewith.
 - 20 (iii) \$2,672.75 proportionate share charged by administrators
21 of class member damages survey.
 - 22 (iv) Paid on December 2, 2019 (#2078) via Matthew Norton
23 & Associates.
- 24 c. Proportionate share of expert survey fees in the amount of
25 \$5,569.00 to Allman & Petersen Economics, LLC.
 - 26 (i) Proportionate share of expert fees.

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1 (ii) See declarations of Kevin Allen (¶12-¶27), Thomas
2 Segal, and John M. Norton (¶8-¶9) filed concurrently
3 herewith.

4 (iii) \$5,569.00 proportionate share charged by expert
5 designers of class member damages survey.

6 (iv) April 1, 2020 (#2102).

7 d. Proportionate share of expert survey fees in the amount of
8 \$3,115.33 to EmployStats.

9 (i) Proportionate share of expert fees.

10 (ii) See declarations of Kevin Allen (¶12-¶27), Thomas
11 Segal, and John M. Norton (¶8-¶9) filed concurrently
12 herewith.

13 (iii) \$3,115.33 proportionate share charged by EmployStats to
14 ensure that the survey was designed and administered in
15 a scientifically reliable manner and, later, to summarize
16 the results so that Allman & Petersen could opine on
17 damages.

18 (iv) July 17, 2020 (#2113) via Matthew Norton & Associates.

19 7. In December, 2000 I was licensed to practice by the California State
20 Bar. In 2005, I, along with my business partner David Deason, formed the law firm
21 of Deason & Archbold.

22 8. Deason & Archbold has focused its practice on employment matters,
23 including but not limited to wage and hour issues.

24 9. In addition to this Court approving Deason & Archbold as Class
25 Counsel in this case, I have litigated numerous wage and hour class and collective
26 action while at Deason & Archbold. Excluding the instant action, the name and
27 case number of several such matters are as follows: Nordstrom Commission
28 Cases, Orange County Superior Court - Judicial Council Coordination Proceeding

1 No. 4419 (unpaid commission wages class action with approximately 65,000 class
2 members); Esparza v. Two Jinn, Inc., et al., USDC Case No. SACV09-00099
3 AG(RNBx) (unpaid overtime class action disputing application of the Retail Sales
4 Commission exemption under the FLSA); Maraventano/Balasanyan v. Nordstrom,
5 Inc., Case No. 10cv2671 JM (WMc) (unpaid commission wages class action with
6 approximately 45,000 class members); Balsamo v. Orange Courier, Inc., OCSC
7 Case No. 30-2010-00406066-CU-OE-CXC (unpaid minimum wage and meal
8 period class action); Flowers, et al. v. HSBC Auto Finance, Inc., et al., Case No.
9 07CV 2146 MMA (“off the books” overtime class action with Rule 23 state law
10 and FLSA claims); Rico v. Chick’s Sporting Goods, Case No. BC 297826 (retail
11 overtime exemption class action); Santa Ana v. Eurostar, Inc., Case No.
12 BC310739; Jue v. Crawford & Company, Case No. CV03-7014 RGK (FMOx)
13 (Surveillance investigator overtime class action); Bernal v. International
14 Reupholstery Corporation of America, Case No. EDCV 04-01272VAP (SGLx)
15 (national FLSA overtime class action); Anchondo v. Faticon Incorporated, Case
16 No. SACV04-1453 (500+ putative class member national overtime class action
17 under the FLSA); Wonsch v. Faticon Incorporated, Case No. 06CC00053 (Non-
18 reimbursed employment related expenses and overtime class action; Anchondo vs.
19 Hospital Inventories Specialists, Inc., Case No. BC375250 (450+ class member
20 overtime class action).

21 10. The partners of Deason & Archbold have also fully litigated numerous
22 FLSA collective actions with hundreds of Opt-In Plaintiffs against major
23 employers such as the Los Angeles Police Department, the City of Los Angeles,
24 national workers compensation investigation firms and bail bonds companies, and
25 the County of San Bernardino.

26 11. Deason & Archbold is a small firm, which means that as Class has
27 had to devote a significant percentage of possible resources to this case that could
28 have been devoted to other matters, and Deason & Archbold took this case on a

1 contingent fee basis and agreed to advance all litigation costs, resulting in a
2 significant financial risk to the firm.

3 I declare under penalty of perjury under the laws of the State of California
4 that the foregoing is true and correct.

5 Dated: May 4, 2022

DEASON & ARCHBOLD

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7 By: /s/ Matthew F. Archbold

8 Matthew F. Archbold

9 Attorneys for Plaintiffs/Class Members
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