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13 Alyssa Burnthorne-Martinez and the Plaintiff Class

14 *Additional Counsel Listed on Next Page*

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 FOR THE COUNTY OF SAN FRANCISCO  
17 COMPLEX CIVIL LITIGATION

18 COORDINATED PROCEEDINGS SPECIAL  
19 TITLE [RULE 3.550]

20 SEPHORA WAGE AND HOUR CASES

21 Included actions:

22 *Burnthorne-Martinez v. SEPHORA USA, Inc.*  
23 (San Francisco OGC-16-55-894)

24 *Provencio v. SEPHORA USA, Inc.*  
25 (Santa Clara 16CV294112)

26 *Hernandez et al. v. SEPHORA USA, Inc.*  
27 (San Francisco OGC-17-557031)

28 *Duran v. Sephora USA, Inc.*  
(San Francisco CGC-17-561452)

Case No.: CJC-16-004911

Assigned to Coordinated Trial Judge, the  
Honorable Andrew Y.S. Cheng

**CLASS ACTION**

**DECLARATION OF JOSE MARIA D.  
PATINO, JR. IN SUPPORT OF  
COORDINATED PLAINTIFFS' MOTION  
FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT**

*[Filed concurrently with Supplemental  
Declaration of Shaun Setareh in Support of  
Motion for Final Approval]*

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and the Plaintiff Class

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**DECLARATION OF JOSE MARIA D. PATINO, JR.**

I, JOSE MARIA D. PATINO, JR., declare as follows:

1. I am a Senior Attorney of Setareh Law Group (“SLG”), licensed and admitted to practice before the courts of the State of California, and am an attorney-of-record in this action for Plaintiff Alyssa Burnthorne-Martinez and the classes that she and the other Plaintiffs, Rose Provencio, Jessica Duran, Lacey Hernandez, and Brenda Morales (collectively, “Plaintiffs”) represent in this Coordinated Action against Defendant Sephora USA, Inc. (“Defendant” or “Sephora”) (Defendant and Plaintiffs, collectively, the “Parties”).

2. I have personal knowledge of the facts in this Declaration and, if called as a witness, I could and would testify competently thereto. I make this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action Settlement (the “Motion”) and, more specifically, to address a specific issue in connection with the Court in its April 5, 2022 tentative ruling on the Motion (the “Tentative Ruling”).

3. I am the attorney at SLG currently assigned to the settlement approval process in this matter. My involvement with this long-running Coordinated Action began with the supplemental briefing in support of preliminary approval that was submitted in November 2021.

**Erroneous Litigation Costs Items Submitted in Support of Final Approval Motion**

4. An expense summary incorrectly listing SLG’s expenses in this matter was inadvertently submitted in support of the Motion for Final Approval. Specifically, SLG’s expense summary erroneously included costs from a separate class action that Ms. Burnthorne-Martinez had prosecuted against Defendant for violations of the Fair Credit Reporting Act (“FCRA”) (the “Sephora FCRA Action”) concurrently with this matter. These extra cost entries can be identified by the “Sephora USA FCRA” label in the “Account” column on the expense summary. (*See Declaration of Shaun Setareh in Support of Coordinated Plaintiffs’ Motion for Final Approval of Class Action Settlement, Ex. 1.*) Correct entries are labeled “Sephora USA” only. (*Id.*)

5. I originally submitted a correct total of \$109,143.47 in litigation costs sought for approval of in SLG’s supplemental papers in support of Plaintiffs’ Motion for Preliminary Approval. (*See Declaration of Jose Maria D. Patino, Jr. in Support of Coordinated Plaintiffs’ Motion for*

1 Preliminary Approval of Class Action Settlement (“Patino MPA Declaration”), ¶ 12.) I submitted this  
2 total based upon prior account queries that were run prior to my involvement in this Action.

3 6. When preparing and drafting the declaration from SLG in support of final approval, the  
4 cost item query again had to be run. However, instead of the total amount, the purpose of the query  
5 was to obtain an enumerated listing of the individual cost items in this case. Unbeknownst to me, by  
6 requesting a report of all cost items from the “Sephora” case with Ms. Burnthorne-Martinez, I had  
7 obtained the cost items not only from the present action, but also from the Sephora FCRA Action,  
8 which had been a separate but concurrent action. Since this matter and the Sephora FCRA Action  
9 overlapped in time, and since, due to my only recent involvement in this Action, I did not know that  
10 there had been a separate class action between Ms. Burnthorne-Martinez and Sephora, I had no reason  
11 to believe at the time that any of the cost items listed were from a different case.

12 7. After the Tentative Ruling came down, and the submitted SLG cost items were  
13 reviewed in preparation to draft a response, it was noticed that several of the items were categorized as  
14 “Sephora USA FCRA” while a majority of the items were categorized as “Sephora USA” in the  
15 “Account” column. It was brought to my attention that the Sephora FCRA Action had existed, that it  
16 was a concurrent class action between Ms. Burnthorne-Martinez and Sephora for alleged FCRA  
17 violations, and that it settled in 2018. With this newly learned information, and after comparing the  
18 cost items categorized as “Sephora USA FCRA,” I realized and confirmed that these cost items were  
19 made in the Sephora FCRA Action and not this Action.

20 8. The cost items belonging to the Sephora FCRA Action have since been removed from  
21 SLG’s expense summary. (*See* Supplemental Declaration of Shaun Setareh in Support of Coordinated  
22 Plaintiffs’ Motion for Final Approval of Class Action Settlement, Ex. B.) A true and correct copy of a  
23 spreadsheet enumerating the costs from the Sephora FCRA Action—now removed from SLG’s  
24 expense summary—is attached hereto as **Exhibit 1**. For the Court’s ease of reference, I have  
25 highlighted the items in Exhibit 1 that were identified by the Tentative Ruling for further explanation  
26 by SLG, but which are actually attributable to the Sephora FCRA Action, and which have been  
27 accordingly removed.

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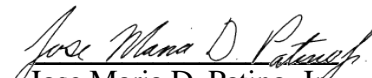
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**No Relationship with or Interest in the Designated *Cy Pres* Recipient**

9. I do not have any relationship with or interest in Legal Aid at Work.

10. On May 2, 2022, at the direction of Shaun Setareh, I sent out an email to the attorneys and staff of SLG inquiring whether any of them had any relationship with or interest, financial or otherwise, in Legal Aid at Work, the *cy pres* recipient designated in the First Amended Class Action Settlement and Agreement (the “Settlement”). To date, no attorney or staff member of SLG has reported any relationship with or interest in Legal Aid at Work.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 5th day of May 2022 in Beverly Hills, California.

  
Jose Maria D. Patino, Jr.

# **EXHIBIT 1**

Law Office of Shaun Setareh, APC  
**Find Report**  
All Transactions

<u>Date</u>	<u>Name</u>	<u>Memo</u>	<u>Account</u>	<u>Amount</u>
06/30/2018	PACER	2nd Qtr., Inv.# 2957234-Q22018	Sephora USA FCRA	26.00
05/14/2018	One Legal LLC	Sales Order # 11971420, Case# 4:16-CV-02843	Sephora USA FCRA	50.00
04/30/2018	Thomson Reuters-West	Inv.# 838145969, 4/1/18-4/30/18	Sephora USA FCRA	1.01
04/25/2018	Uber Technologie		Sephora USA FCRA	28.65
04/24/2018	Fountain Cafe Oakland		Sephora USA FCRA	8.09
04/24/2018	Uber Technologie		Sephora USA FCRA	3.00
04/24/2018	Uber Technologie		Sephora USA FCRA	27.57
04/24/2018	Uber Technologie		Sephora USA FCRA	22.85
04/24/2018	Uber Technologie		Sephora USA FCRA	20.39
04/23/2018	Southwest Air	Conf# QFB4ML, Setareh Chaim, 4/24/2018	Sephora USA FCRA	60.00
04/20/2018	Southwest Air	Conf# Q2MTLL, Wilson Dale, 4/24/2018	Sephora USA FCRA	275.96
04/20/2018	Southwest Air	Conf# QFB4ML, Setareh Chaim, 4/24/2018	Sephora USA FCRA	271.96
03/31/2018	PACER	1st Qtr., Inv.# 2957234-Q12018	Sephora USA FCRA	18.80
03/31/2018	Thomson Reuters-West	Inv.# 837975611, 3/1/18-3/31/18	Sephora USA FCRA	7.23
03/15/2018	One Legal LLC	Sales Order # 11812616, Case# 4:16-cv-02843	Sephora USA FCRA	50.00
03/14/2018	One Legal LLC	Sales Order # 11808139, Case# 4:16-cv-02843	Sephora USA FCRA	50.00
03/09/2018		Postage	Sephora USA FCRA	15.20
03/09/2018		Copies	Sephora USA FCRA	75.00
01/12/2018	Thomas A Segal	12/19/17	Sephora USA FCRA	85.45
01/09/2018	One Legal LLC	Sales Order # 11640677, Case# 4:16-CV-02843	Sephora USA FCRA	47.90
12/31/2017	Thomson Reuters-West	Inv.# 837466722, 12/1/17-12/31/17	Sephora USA FCRA	2.31
12/31/2017	PACER	4th Qtr., Inv.# 2957234-Q42017	Sephora USA FCRA	8.10
12/11/2017	Southwest Air	Conf# OB79QN, Segal Thomas, 12/19/17	Sephora USA FCRA	267.96
11/13/2017	One Legal LLC	Sales Order # 11512697, Case# 4:16-CV-02843	Sephora USA FCRA	47.90
06/30/2017	PACER	2nd Qtr., Inv.# 2957234-Q22017	Sephora USA FCRA	8.50
05/31/2017	Thomson Reuters-West	Inv.# 836228868, 5/1/17-5/31/17	Sephora USA FCRA	0.70
05/22/2017	Bar Bacco SF		Sephora USA FCRA	42.46
05/19/2017	Thomas A Segal	5/18/17	Sephora USA FCRA	72.20
05/19/2017	LAX Airport Lot		Sephora USA FCRA	60.00
05/19/2017	Uber Technologie		Sephora USA FCRA	42.51
05/18/2017	Shaun Setareh	Alyssa Martinez reimbursed for travel,Mediation on 5/18/17	Sephora USA FCRA	200.00
05/18/2017	Firewood Cafe		Sephora USA FCRA	14.77

Law Office of Shaun Setareh, APC  
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All Transactions

05/18/2017	Intercontinental		Sephora USA FCRA	666.22
05/18/2017	Intercontinental		Sephora USA FCRA	626.50
05/18/2017	Cafe Venue		Sephora USA FCRA	34.67
05/18/2017	Uber Technologie		Sephora USA FCRA	9.22
05/17/2017	MG-252 Cal LLC		Sephora USA FCRA	40.98
05/17/2017	Jamber		Sephora USA FCRA	33.21
05/17/2017	Uber Technologie		Sephora USA FCRA	13.89
05/17/2017	Uber Technologie		Sephora USA FCRA	22.06
05/15/2017	Southwest Air	5/17-18/2017, Thomas Segal, conf# V3K05J	Sephora USA FCRA	394.95
05/15/2017	Southwest Air	5/17-18/2017, Shaun Setareh, conf# V3K05J	Sephora USA FCRA	394.95
05/03/2017	Michael E. Dickstein	Case name: Alyssa Martinez v Sephowa (WT), 5/18/17	Sephora USA FCRA	7,000.00
03/31/2017	PACER	1st Qtr., Inv.# 2957234-Q12017	Sephora USA FCRA	44.40
03/31/2017	Thomson Reuters-West	Inv.# 835878194, 3/1/17-3/31/17	Sephora USA FCRA	127.00
03/16/2017	One Legal LLC	Sales Order # 10930603, Case# 4:16-02843-YGR	Sephora USA FCRA	48.65
03/14/2017	Diane Skillman	refund, inv.# Inv.# 5737	Sephora USA FCRA	-30.25
03/10/2017	Thomas A Segal	2/10/17	Sephora USA FCRA	81.00
03/09/2017	One Legal LLC	Sales Order # 10914109, Case# 4:16-02843 YGR	Sephora USA FCRA	46.90
03/03/2017	FedEx	Inv.# 5-725-37920, 3/3/17	Sephora USA FCRA	24.98
02/28/2017	Diane Skillman	VOID:	Sephora USA FCRA	0.00
02/28/2017	Diane Skillman	Inv.# 5737	Sephora USA FCRA	151.25
02/28/2017	FedEx	Inv.# 5-704-00234, 2/10/17	Sephora USA FCRA	24.92
02/28/2017	Thomson Reuters-West	Inv.# 835709515, 2/1/17-2/28/17	Sephora USA FCRA	135.00
02/24/2017	U.S Legal Support	Inv.# 110015710	Sephora USA FCRA	2,055.17
02/24/2017	One Legal LLC	Sales Order # 10880093, Case# 16-CV-02843-YGR	Sephora USA FCRA	46.90
02/22/2017	Southwest Air	Conf.# 59JF7S, Segal Thomas	Sephora USA FCRA	8.94
02/20/2017	Miller & Company Reporters	Inv.# 84115***	Sephora USA FCRA	289.40
02/10/2017	Southwest Air	Conf.# 59JF7S, Segal Thomas	Sephora USA FCRA	90.00
02/09/2017	One Legal LLC	Sales Order # 10854140, Case# 4:16-02843	Sephora USA FCRA	97.85
02/09/2017	Southwest Air	Conf.# 55C62N, Segal Thomas	Sephora USA FCRA	441.88
02/07/2017	Alyssa Martinez	mileage reimbursement	Sephora USA FCRA	144.45
02/07/2017	Alyssa Martinez	parking reimbursement	Sephora USA FCRA	31.50
02/07/2017	LAX Airport Lot		Sephora USA FCRA	30.00
02/06/2017	Uber Technologie		Sephora USA FCRA	37.28
02/06/2017	Uber Technologie		Sephora USA FCRA	3.75



Law Office of Shaun Setareh, APC  
**Find Report**  
All Transactions

02/06/2017	Ryokos Restaurant		Sephora USA FCRA	44.00
02/05/2017	OMNI HOTELS	Sahun Setareh 2/6/17	Sephora USA FCRA	13.15
02/03/2017	OMNI HOTELS	Sahun Setareh 2/6/17	Sephora USA FCRA	238.13
02/03/2017	Southwest Air	Sahun Setareh 2/6/17	Sephora USA FCRA	220.94
01/31/2017	FedEx	Inv.# 5-688-62696, 1/27/17	Sephora USA FCRA	25.69
01/10/2017	Southwest Air	Thomas Segal, 1/12/17	Sephora USA FCRA	-220.94
01/06/2017	Southwest Air	Thomas Segal, 1/12/17	Sephora USA FCRA	-172.04
01/06/2017	Southwest Air	Thomas Segal, 1/9/17	Sephora USA FCRA	172.04
01/06/2017	Southwest Air	Thomas Segal, 1/12/17	Sephora USA FCRA	220.94
01/06/2017	Southwest Air	Thomas Segal, 1/12/17	Sephora USA FCRA	-48.90
01/05/2017	Southwest Air	Thomas Segal, 1/9/17	Sephora USA FCRA	48.90
12/31/2016	PACER	4th Qtr., Inv.# 2957234-Q42016	Sephora USA FCRA	0.30
12/02/2016	One Legal LLC	Sales Order # 10710667, Case# 4:16-02843	Sephora USA FCRA	26.95
11/09/2016	One Legal LLC	Sales Order # 10661814, Case# 4:16-02843 YGR	Sephora USA FCRA	46.90
10/31/2016	Thomson Reuters-West	Inv.# 834997714, 10/1/16-10/31/16	Sephora USA FCRA	4.56
10/27/2016	One Legal LLC	Sales Order # 10636398, Case# 3:16-CV-02843-YJR	Sephora USA FCRA	46.90
09/29/2016	Southwest Air	Thomas Segal, 10/3/16	Sephora USA FCRA	447.96
09/09/2016	File and Serve Express	Inv.# 201608695799301	Sephora USA FCRA	0.00
08/11/2016	File and Serve Express	Inv.# 201605695799301	Sephora USA FCRA	82.00
08/11/2016	File and Serve Express	Inv.# 201605695799301	Sephora USA FCRA	10.00
05/31/2016	Rapid Legal, Inc.	Inv.# 1191170-02	Sephora USA FCRA	70.00
05/04/2016	Rapid Legal, Inc.	Inv 1191170-01 Advance	Sephora USA FCRA	1,450.00
04/30/2016	Rapid Legal, Inc.	Inv.# 1191170-01 (the difference)	Sephora USA FCRA	112.78
				<b><u>17,920.35</u></b>