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9 ATTORNEYS FOR PLAINTIFFS

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 RODRIGO CAMILO, an individual,
14 ALVARO CAMILO, an individual,
15 RICARDO G. SANCHEZ, an individual,
JOSE MANUEL LOPEZ, an individual,

16 Plaintiffs and Class Action
17 Plaintiffs,

18 vs.

19 SERVERO C. OZUNA, an individual,
20 DON VITO OZUNA FOOD
CORPORATION, a California
21 corporation

22 Defendants.

Case No. 5:18-CV-02842-VKD

**DECLARATION OF VICTORIA BOOKE IN
SUPPORT OF UNOPPOSED MOTION FOR
ORDER GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT, ATTORNEYS'
FEES, COSTS AND ENHANCEMENT
PAYMENTS**

DATE:
TIME:
DEPT:

Date Action Filed: May 14, 2018

23 I, Victoria Booke, declare:

24 1. I am the attorney of record for Plaintiffs in the above-captioned action along with my
25 co-counsel, James Dal Bon—lead counsel. I am admitted to practice law in the State of California. I
26 have personal knowledge of the matters set forth herein, except for matters stated on information and
27 belief. If called upon to testify, I could and would competently testify to the facts stated herein.
28

1 2. I am a principal of my law firm, Booke & Ajlouny, formerly Fahmy & Booke. I have
2 approximately thirty years of experience litigating dozens of wage and hour cases in both State and
3 Federal Court, including wage and hour class actions and PAGA actions. For most of my career, I
4 defended small employers in numerous wage and hour cases brought by individuals, class allegations
5 and representative actions. Approximately, six years ago I successfully tried a wage and hour
6 collective action involving misclassification and claims of unpaid overtime on behalf of a small
7 employer before the Hon. Ronald Whyte (Ret.). Following that successful federal wage and hour trial,
8 I began to change focus and started litigating wage and hour claims on behalf of employees,
9 specifically: individual actions, collective actions and wage and hour class actions on behalf of the
10 employees with my current co-counsel. During the past six years my co-counsel and I have together
11 prosecuted approximately ten wage and hour claims on behalf of employees on an individual basis,
12 collective basis and class wide basis. I have been approved and appointed as Class counsel twice in
13 the past five years, excluding the instant matter.

14 3. In this class action, Plaintiffs RODRIGO CAMILO, ALVARO CAMILO, RICARDO G.
15 SANCHEZ, and JOSE MANUEL LOPEZ, brought this wage and hour class action against SERVERO
16 C. OZUNA, an individual and DON VITO OZUNA FOOD CORPORATION, a California corporation
17 alleging a total of six causes of action on their behalf and on behalf of all similarly situated current and
18 former employees of Defendants working in their tortilla manufacturing and processing company for
19 (1) Failure To Properly Pay all Wages Under the Fair Labor Standards Act; (2) Failure To Pay All
20 Wages Including California Overtime Wages; (3) Failure to Pay all Wages at the End of Employment;
21 (4) Failure to Provide Accurate California Itemized Employee Wage Statements; (5) Failure to Provide
22 Breaks; (6) Violation of California Business and Profession Code § 17200;

23 4. While Defendants deny these claims, the parties engaged in arm's length negotiations and
24 came to the gross settlement amount of \$375,000 as set forth herein: Participating Class Members;
25 enhancement of \$5,000 to be paid to each of the class representatives, RODRIGO CAMILO, ALVARO
26 CAMILO, RICARDO G. SANCHEZ, and JOSE MANUEL LOPEZ, for a total of \$20,000; \$112,500 in
27 attorneys' fees; costs of \$ 7,776.63; payment of \$15,000 to the third party administrator, CPT Group,
28

1 (“CPT”).

2 5. Plaintiffs’ unopposed motion for Preliminary Approval was granted on October 22, 2019.
3 Defendants do not oppose this present motion.

4 6. The complaint in this action was filed on May 14, 2018.

5 7. Thereafter, Class counsel conducted a thorough investigation into the facts of the
6 Lawsuit, including extensive document review and analysis. Although no discovery motions were
7 ultimately required, Class and defense counsel, all experienced in wage and hour litigations, agreed
8 early on to informally produce records, relevant wage and hour related records. These meet and confer
9 efforts included both written correspondence, telephone conferences and an in person meeting with
10 defense counsel. The informal production of documents and investigation included review of
11 approximately 5,000 pages of relevant documents, including written policies and procedures,
12 handbooks, time records and payroll records, and a detailed analysis of payroll. Class counsel further
13 investigated the facts alleged in the Complaint by conducting multiple interviews of Class Members.
14 Moreover, Plaintiffs and many of their witnesses are predominantly Spanish speaking, necessitating
15 the use of a Spanish translator for each meeting with Plaintiffs and witnesses, which required more
16 time for each meeting.

17 8. Class counsel spent a significant amount of time examining and analyzing thousands of
18 pages of payroll, timesheet and US Department of Labor records in order to determine damages and
19 prepare a meaningful mediation brief.

20 9. Plaintiffs were intricately involved in each aspect of the case, and therefore attended
21 numerous meetings with counsel to prepare their case for mediation and attended the full day long
22 mediation.

23 10. On December 12, 2018, the parties engaged in mediation at ADR Services before the
24 Hon. George Hernandez (Ret.). As stated, Plaintiffs and Defendant all attended that full day
25 mediation. After a full day of mediation, the case settled. I have recorded approximately 115 hours to
26 date in this matter, having participated significantly in all aspects of this litigation, including without
27 limitation, participation in the significant written discovery; meetings with Plaintiffs and the
28

1 interpreters and co-counsel; document review and analysis of thousands of time sheets, analyzing said
2 time sheets, payroll records, in the context of this action; supervision of paralegal staff in regard to
3 document organization, summaries and mediation; participating in strategy session; attended the
4 approximately ten (10) hours of mediation, and participating in preparation of this present motion.

5 11. To date, my co-counsel and I have expended costs in this action in the amount of
6 \$7,776.63, I have attached hereto as **Exhibit A**, my contemporaneous billing summary, which includes
7 the breakdown of these costs.

8 12. I also have a paralegal who assists us with our class action cases. Our paralegal is
9 graduate from UC Davis and she is a law school graduate. She has worked as a paralegal at other law
10 firms for the several years prior to joining my firm. Her regular billable hourly rate is \$125.00. Based
11 solely on the paralegal time recorded, her costs have been \$ 2,312.50, this amount is included in the
12 total costs.

13 13. The work of Plaintiffs' counsel is not yet complete as I will spend additional time
14 attending the hearing on this matter, coordinating the Settlement with defense counsel and the third-
15 party administrator, and meeting with Plaintiffs. I will likely spend in excess of 10 to 15 hours reading
16 and responding to numerous emails and phone calls between the class administrator, co-counsel and
17 defense counsel, and phone calls with class members, which will facilitate the class members obtaining
18 payment. My prior experience in class actions involving local employers, during the claims period we
19 had several class members come unannounced directly to our office to help complete the claim forms,
20 or the potential class members may come to our office because they heard of the class action but for
21 some reason or another did not receive a claim form. I will, undoubtedly, meet with the potential class
22 member and assist them to gather proof of employment to submit and qualify them as a class member.

23 14. My billing rate of \$500 for class actions is well below the *Laffey Matrix* rates for counsel
24 with the 20 plus years of experience of each of Plaintiff's counsel, the amount requested is reasonable.
25 Many lawyers with my years of wage and hour litigation and trial experience in the Bay Area are well
26 over \$500 per hour. Based on review of my contemporaneously maintained billing entries I have entered
27 approximately 115 hours. Thus, to date I have expended approximately \$57,500 in attorney time
28

1 prosecuting this matter. As stated above, I believe I will spend another 10 to 15 hours for the Final
2 Approval hearing and during the class administration process. I believe my co-counsel has expended a
3 similar amount of time, consequently we agreed to share equally in the \$112,500 of attorney fees, if the
4 Court awards what counsel agreed to accept as part of the resolution of this matter. In 2015, I was
5 appointed as class counsel by the Honorable Peter Kirwan in case no: 13CV249431 *Lopez vs. Delivery*
6 *Logistics et al.* In the *Lopez* case the court approved my co-counsel and I for 1/3 of the award, which
7 was approximately \$430.00 per hour. In December 2017, I was again appointed as class counsel by the
8 Honorable Brian Walsh in case no: 16-CV-295143, *Diaz vs. Heavenly Construction, Inc.* In the *Diaz*
9 case the court approved my co-counsel and I for 1/3 of the award, which was approximately \$450.00 per
10 hour.

11 I declare under penalty of perjury of the laws of the State of California, that the foregoing is
12 true and correct. Executed by me on November 25, 2019, at San Jose, California.



Victoria Boone
Attorney for Plaintiffs

EXHIBIT "A"

BOOKE & AJLOUNY, LLP
606 NORTH FIRST STREET
SAN JOSE, CA 95112

November 26, 2019

PLEASE PAY \$7,776.63 BY
12/16/2019
THANK YOU

PLEASE MAIL PAYMENT TO:

BOOKE & AJLOUNY, LLP
606 NORTH FIRST STREET
SAN JOSE, CA 95112

Client #8880

Ozuna

Invoice #002210

PLEASE DETACH AND RETURN WITH YOUR PAYMENT OF \$7,776.63

Client #8880

Ozuna

Invoice #002210

Default Matter**Professional Services Since the Last Statement**

			Hours	Fees
04/11/18	VLB	MEETING WITH clients	1.00	\$0.00
04/23/18	VLB	Outlined claims based on documents provided by clients	2.40	\$0.00
04/24/18	VLB	Online research of Ozuna Foods	.70	\$0.00
05/10/18	VLB	REVIEW AND REVISE Draft Complaint	1.20	\$0.00
08/07/18	VLB	MEETING WITH JDB and Gina re:CMC	.30	\$0.00
08/13/18	VLB	APPEAR AT COURT HEARING	1.00	\$0.00
09/10/18	VLB	Conference call regarding CMC	.50	\$0.00
09/10/18	VLB	DRAFT CMC Statement	.60	\$0.00
09/18/18	VLB	Conference call regarding Joint CMC	.60	\$0.00
09/18/18	VLB	DRAFT Joint CMC Statement	.80	\$0.00
10/01/18	VLB	Receive preliminary review of Defendant's initial disclosure	.60	\$0.00
10/03/18	VLB	MEETING WITH JDB and FS re: discovery plan	.40	\$0.00
10/04/18	VLB	Joint conference call re: Discovery	.80	\$0.00
10/08/18	VLB	TELEPHONE CALL ATTEMPTED. LEFT MESSAGE TO CALL BACK investigator	.20	\$0.00
10/08/18	VLB	Call to investigator re: asset search	.30	\$0.00
10/09/18	VLB	REVIEW docs to send to investigator	.40	\$0.00
10/11/18	VLB	MEETING WITH JDB and FS re: set out discovery plan	.70	\$0.00
10/11/18	VLB	4 email exchange w/ o/c re: joint discovery prod.	.50	\$0.00
10/12/18	VLB	REVIEW & analyze asset report follow up w/ online research	1.20	\$0.00
10/12/18	VLB	Review & edit Protective Order	.60	\$0.00
10/30/18	VLB	TELEPHONE CALL TO OPPOSING COUNSEL re: status of Production of Documents	.30	\$0.00
10/30/18	VLB	Pull file review to determine dates DOL 11/16/14 to 11/19/16 claim 5/14/14 to 5/14/18	1.30	\$0.00
10/30/18	VLB	TELEPHONE CALL TO OPPOSING COUNSEL re: docs	.30	\$0.00
11/06/18	VLB	emails w/ o/c	.30	\$0.00
11/08/18	VLB	TELEPHONE CALL TO OPPOSING COUNSEL regarding docs	.20	\$0.00
11/08/18	VLB	MEETING WITH clients	1.50	\$0.00
11/08/18	VLB	PREPARE for meeting	.40	\$0.00
11/08/18	VLB	MEETING WITH clients to discuss history, facts and document issues and mediation	1.80	\$0.00
11/12/18	VLB	Analyze state claim and impact of DOL; confer with JDB and Flora	.60	\$0.00

Default Matter (Continued)

11/15/18	VLB	Contact investigator to conduct Asset search of Ozuna; forwarded info.	.80	\$0.00
11/19/18	VLB	Met w/ opposing counsel to explain clients' payroll records	1.50	\$0.00
11/19/18	VLB	email o/c	.30	\$0.00
11/26/18	VLB	Began payroll overtime analysis	5.00	\$0.00
12/03/18	VLB	RECEIPT OF CORRESPONDENCE email re: briefs	.20	\$0.00
12/04/18	VLB	Analyze payroll records, breaks and overtime	4.00	\$0.00
12/05/18	VLB	Analyze and index payroll records and timesheets	3.00	\$0.00
12/05/18	VLB	Discuss document with JDB	.30	\$0.00
12/06/18	FS	TELEPHONE CALL ATTEMPTED. LEFT MESSAGE TO CALL BACK plaintiff/clients	.30	\$37.50
12/06/18	FS	Commenced draft Mediation Brief	.80	\$100.00
12/06/18	VLB	DRAFT Mediation brief	2.00	\$0.00
12/06/18	VLB	MEETING WITH JDB and FS re mediation and records	.50	\$0.00
12/07/18	FS	Telephone call to Alvaro Camilo and J. Lopez regarding mediation on 12/12/2018	.20	\$25.00
12/07/18	VLB	REVIEW AND REVISE mediation brief and email to JDB for calculations	.60	\$0.00
12/07/18	VLB	Confer with JDB re: damages	.50	\$0.00
12/07/18	VLB	TELEPHONE CALL TO OPPOSING COUNSEL re understanding timecards	.30	\$0.00
12/07/18	VLB	Modify mediation brief	2.00	\$0.00
12/07/18	VLB	Confer with opposing counsel Stacy Zartler	.30	\$0.00
12/07/18	VLB	DETAILED ANALYSIS OF DOCUMENTS and evaluate break deductions	4.00	\$0.00
12/08/18	VLB	Email w/ opposing counsel	.30	\$0.00
12/10/18	FS	Proofread and made corrections to mediation brief; drafted email to mediation Judge and forwarded mediation brief	2.00	\$250.00
12/10/18	FS	Telephone call to A. Camilo and R. Sanchez confirming meeting time and location	.20	\$25.00
12/11/18	FS	Review and compare employer's time records against R. Camilo's time records	1.00	\$125.00
12/11/18	FS	Create mediation folder and organize files for mediation	.50	\$62.50
12/11/18	FS	Compiled individual time sheet records in preparation for review and mediation	.50	\$62.50
12/11/18	VLB	DETAILED ANALYSIS OF DOCUMENTS	3.80	\$0.00
12/12/18	VLB	Index and evaluate time punches and calculate overtime skimming and breaks	5.80	\$0.00
12/12/18	VLB	Travel to and attend mediation	10.50	\$0.00
12/14/18	VLB	MEETING WITH JDB re: next steps	.50	\$0.00
01/16/19	VLB	DRAFT Notice of Settlement Stip and forward to opposing counsel Stacey Zartler.	.50	\$0.00
01/17/19	FS	Draft certificate of service, make edits to Joint Notice of Conditional Class Settlement and Request For Hearing On Approval of Settlement and prepared for ecf filing	.50	\$62.50
01/28/19	FS	Meeting with JDB and VB to review Court Order Re Notice of Conditional Settlement and Request for Hearing ; calendar court dates; discuss case status and case moving forward	.40	\$50.00
01/28/19	VLB	Calendar all new Order dates and left message for opposing counsel	.40	\$0.00
01/28/19	VLB	TELEPHONE CALL FROM OPPOSING COUNSEL re: class cert motion	.30	\$0.00
01/29/19	VLB	TELEPHONE CALL TO OPPOSING COUNSEL re: Stipulated Settlement	.20	\$0.00
02/04/19	VLB	DRAFT Proposed Order and Claim Notices	4.00	\$0.00
02/05/19	FS	Made edits to Proposed Order Granting Final Approval of Class Action Settlement; Edit to Claim Form; Check court docket to verify dates	2.00	\$250.00
02/05/19	VLB	RECEIPT OF CORRESPONDENCE email from opposing counsel and respond	.30	\$0.00
02/05/19	VLB	DRAFT Stipulated settlement	6.50	\$0.00
02/05/19	VLB	email w/ o/c re: Stip	.20	\$0.00

Default Matter (Continued)

02/06/19	VLB	emails with opposing counsel	.20	\$0.00
02/06/19	VLB	MEETING WITH JDB to discuss claim form format	.40	\$0.00
02/06/19	VLB	DRAFT notice of claim	4.00	\$0.00
02/07/19	FS	Telephone call to Plaintiff Alvaro Camilo to schedule office appointment to sign settlement docs	.20	\$25.00
02/07/19	VLB	DRAFT 6 page claim notice	5.00	\$0.00
02/07/19	VLB	DRAFT follow up email to opposing counsel	.20	\$0.00
02/07/19	VLB	RECEIPT OF CORRESPONDENCE responsive email	.10	\$0.00
02/07/19	VLB	TELEPHONE CALL ATTEMPTED. LEFT MESSAGE TO CALL BACK JDB re: counsel's request	.20	\$0.00
02/11/19	FS	Telephone call to Plaintiffs to schedule office meeting with JDB to review docs	.10	\$12.50
02/11/19	VLB	emails w/ oc re: settlement	.20	\$0.00
02/12/19	FS	Proofread and make edits to Joint Stipulation for Class Action Settlement and Release, Consent and Notice of Settlement; prepared exhibits for filing with the Court	3.00	\$375.00
02/12/19	VLB	REVIEW AND REVISE settlement two payments call with Administration	.80	\$0.00
02/12/19	VLB	REVIEW AND REVISE memo of points and authorities	1.50	\$0.00
02/12/19	VLB	Finalize stipulated settlement	.70	\$0.00
02/12/19	VLB	MEETING WITH clients	.40	\$0.00
02/12/19	VLB	Confer with JDB re: Motion	.40	\$0.00
02/12/19	VLB	emails w/ o/c re: settlement	.20	\$0.00
02/13/19	FS	Review court docket and download copies of Motion Documents filed; worked on file maintenance	1.00	\$125.00
02/13/19	VLB	REVIEW AND REVISE proposed Order	.40	\$0.00
02/13/19	VLB	Confer with Flora re: filing issue with exhibits	.50	\$0.00
02/14/19	FS	Prepare amended exhibit B; telephone conference with Clerk regarding amending documents and filing additional exhibits; prepare Declarations of Alvaro and Rodrigo Camilo for filing with the Court; filed Amended Schedule B, Declarations and Order on ECF; draft email to Judge with copy of Proposed Order in word version.	2.00	\$250.00
03/19/19	VLB	TRAVEL TIME to office and to Court	.40	\$0.00
03/19/19	VLB	ATTEND Preliminary Approval hearing	1.50	\$0.00
03/19/19	VLB	Confer with JDB and Stacy re: Court's concerns	.30	\$0.00
03/21/19	VLB	Conference with JDB and Stacy	.60	\$0.00
03/26/19	VLB	Call to CPT	.30	\$0.00
03/27/19	VLB	Call to CPT	.20	\$0.00
03/28/19	VLB	REVIEW AND REVISE Notice	2.50	\$0.00
03/29/19	FS	DRAFT Declaration	2.50	\$312.50
03/29/19	FS	Work on notice	.60	\$75.00
03/29/19	VLB	email exchange w/ CPT Group	.30	\$0.00
04/01/19	FS	REVIEW AND REVISE supporting declaration	.40	\$50.00
04/01/19	FS	INSTRUCTIONS to staff re filing which docs and email to judge	.30	\$37.50
05/28/19	VLB	Discuss with JDB	.30	\$0.00
05/30/19	FS	Meeting with VB and JDB regarding renewed motion date; review the Judge's standing order regarding reserving date for motion; email to S. Zartler filed endorsed copy and word version copy of Joint Stipulation For Class Action Settlement and Release; email to S. Zartler reserved date for Motion for preliminary approval	.40	\$0.00
05/30/19	VLB	Conference with Stacey Zartler	.80	\$0.00
09/11/19	VLB	Discuss follow up	.20	\$0.00
10/29/19	VLB	INSTRUCTIONS re filing	.20	\$0.00
10/29/19	VLB	Exchange emails with opposing counsel	.30	\$0.00
10/31/19	VLB	Review court's re: claim ntc revisions	.60	\$0.00
11/01/19	VLB	go over in detail revisions & line by line review	.80	\$0.00

Default Matter (Continued)

11/08/19	VLB	Call to class Administration to coordinate meeting all deadline	.30	\$0.00
11/18/19	VLB	REVIEW Case Administrator's forms; dates & other info; call CPT	1.40	\$0.00
11/18/19	VLB	REVIEW AND REVISE Declarations for App. of Final Motion	1.70	\$0.00
11/18/19	VLB	Conference call w/ Administrator	.30	\$0.00
11/18/19	VLB	DRAFT email to defense counsel re: conference call w/ administrator	.30	\$0.00
11/18/19	VLB	Gather information for Representative Plaintiffs' Declarations	.80	\$0.00
11/19/19	VLB	REVIEW AND REVISE declarations for all former class representatives	1.80	\$0.00
11/19/19	VLB	REVIEW CPT's email re: to class members	.40	\$0.00
11/19/19	VLB	call w/ CPT re: Jose Manuel Lopez	.20	\$0.00
11/19/19	VLB	DRAFT email	.30	\$0.00
11/19/19	VLB	TELEPHONE CALL ATTEMPTED. LEFT MESSAGE TO CALL BACK Stacy re: FLSA issue for Lopez	.10	\$0.00
11/20/19	VLB	DRAFT email to CPT re: Jose Manuel Lopez	.40	\$0.00
11/20/19	VLB	F/U call to Sofia @ CPT Group	.20	\$0.00
11/20/19	VLB	TELEPHONE CALL ATTEMPTED. LEFT MESSAGE TO CALL BACK Stacey re: Jose Morales	.10	\$0.00
11/20/19	VLB	2 calls w/ CPT re: Lopez	.30	\$0.00
11/21/19	VLB	Began formulating final approval motion	1.30	\$0.00
11/22/19	VLB	Draft and formulate declaration; review complaint for details	3.50	\$0.00
Total:			136.90	\$2,312.50

Summary of Hours, Rates and Fees

VLB	Victoria L. Boone	118.00	\$0.00 / Hour =	\$0.00
FS	Flora Salcedo	18.50	\$125.00 / Hour =	\$2,312.50
FS	Flora Salcedo	.40	\$0.00 / Hour =	\$0.00

Costs Advanced Since the Last Statement

08/29/18	Serve Servero Ozuna		Costs	\$300.00
11/12/18	Cost advanced ADR Services, Inc. Mediation			\$3,250.00
11/13/18	PHOTOCOPY CHARGES			\$124.13
11/15/18	Asset Search of Ozuna Foods			\$500.00
12/12/18	PARKING charges at Mediation			\$40.00
11/21/19	5 K photocopies @.25/Photocopy charges			\$1,250.00
Total:				\$5,464.13

Statement Summary

Balance From the Last Statement:	\$0.00
Plus Charges Listed Above:	\$7,776.63
Please Pay the Total Balance Due:	\$7,776.63