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8 on behalf of herself and similarly situated employees

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17 Attorneys for Plaintiff MICHAEL JOHNSON
18 on behalf of himself and similarly situated employees

19 **SUPERIOR COURT OF CALIFORNIA**
20 **FOR THE COUNTY OF SACRAMENTO**

21 KALI BATES and MICHAEL JOHNSON,
22 individually and on behalf of all other
23 similarly situated employees,

24 Plaintiffs,

25 vs.

26 MVP EVENT PRODUCTIONS, LLC, and
27 LEGENDS HOSPITALITY, LLC; Does 1
28 through 20, inclusive,

Defendants.

Case No. 34-2022-00317653

*Assigned for All Purposes to Hon. Jill Talley,
Department 27*

CLASS ACTION

**DECLARATION OF TIMOTHY B. DEL
CASTILLO IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT**

Reservation No. A-317653-001

Date: January 19, 2024

Time: 9:00 a.m.

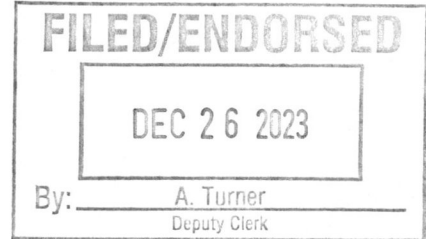
Dept.: 27

Judge: Hon. Jill Talley

Filed: May 18, 2022

FAC Filed: October 25, 2022

Trial Date: None Set



BY FAX

1 I, Timothy B. Del Castillo, declare:

2 1. I am an attorney at law duly admitted to practice before all the courts of the State of
3 California and an attorney of record for Plaintiffs Kali Bates herein. I am making this declaration on
4 behalf of the named Plaintiffs Kali Bates and Michael Johnson (“Plaintiffs”), the putative class
5 members, and in support of Plaintiffs’ Motion for Preliminary Approval of Class Action and PAGA
6 Settlement (“Motion”).

7 2. On April 1, 2022, Plaintiff Kali Bates filed a wage and hour class action in the
8 Sacramento County Superior Court against Legends Hospitality, LLC and MVP Event Productions,
9 LLC. A related wage and hour class action was filed by Plaintiff Michael Johnson in the Sacramento
10 Superior Court against the same defendants on May 18, 2022. Thereafter, Plaintiffs agreed to
11 consolidate their claims into one lawsuit. Accordingly, Plaintiff Michael Johnson dismissed his lawsuit
12 without prejudice and Plaintiff Kali Bates filed a First Amended Complaint to add Michael Johnson as
13 a named plaintiff.

14 3. Plaintiffs exhausted administrative remedies through the Labor and Workforce
15 Development Agency (“LWDA”) prior to adding a Private Attorneys General Act (“PAGA”) claim in
16 the First Amended Complaint. Plaintiff Kali Bates filed a notice with the LWDA on March 23, 2022
17 setting forth facts and theories of liability. A true and correct copy of the notice Plaintiff Kali Bates
18 filed with the LWDA is being filed with this Motion as Exhibit C. A copy of the notice was also sent
19 to the employers identified in the notice via certified mail and the \$75.00 filing fee was remitted to the
20 LWDA at that time. There was no response by the LWDA regarding its intent to investigate the claims
21 alleged in Plaintiff Kali Bates’ notice for more than 65 days. As such, Plaintiff became authorized to
22 commence a civil action under the PAGA and filed a First Amended Complaint on October 25, 2022.

23 4. My office has been actively engaged in litigating this matter, working closely with our
24 co-counsel, Shimoda & Rodriguez Law, PC on behalf of Class Members. During the course of this
25 litigation, myself along with attorneys from Shimoda & Rodriguez Law, PC have reviewed and analyzed
26 policy and payroll documents provided by our clients or MVP Event Productions, LLC, as well as a
27 random sampling of Class Members’ time data produced by Legends Hospitality, LLC and the
28 Temporary Staffing Services Agreement it had with MVP Event Productions, LLC. The investigation

1 and informal discovery in this case covered all aspect of the asserted claims, including certification
2 issues, merits issues, damages, the content and implementation of the wage and hour policies at issue,
3 and issues relating to manageability concerns at trial. In addition, I participated in the mediation on July
4 12, 2023.

5 5. Plaintiff Kali Bates assisted in all aspects of this litigation, including providing factual
6 information relating to her and Class Members' employment conditions, providing a substantial number
7 of documents, answering questions regarding factual contentions in this matter, and participating in the
8 mediation. This was important because it directly related to our ability to maintain this case as a class
9 action and our ability to obtain a favorable settlement for the class.

10 6. I am a seasoned litigation and trial attorney who has litigated numerous wage-and-hour
11 class action cases, both for Defendants and for Plaintiffs. Ever since I began practicing law, I have
12 practiced virtually exclusively California employment law, including individual and representative
13 actions on behalf of both employers and employees. I have worked on numerous class action cases in
14 California, in both Federal and Superior courts, since 2011.

15 7. I graduated with a Bachelor of Arts degree from Franciscan University of Steubenville in
16 2001, summa cum laude, with a double major in philosophy and theology. I received my Juris Doctor
17 degree from Pepperdine University School of Law in 2010, magna cum laude and graduated in the top
18 3% of my class. During law school I was a Lead Articles Editor for the Pepperdine Law Review, served
19 as a teaching assistant, and externed for Chief Judge Alex Kozinkski of the United States Court of
20 Appeals for the Ninth Circuit.

21 8. I started my legal career as a judicial law clerk to Williams H. Pryor Jr. of the United
22 States Court of Appeals for the Eleventh Circuit, immediately after which I practiced employment law
23 for several years with two of the largest and highly-regarded international law firms: Akin Gump Strauss
24 Hauer & Feld LLP in Los Angeles and Orrick Herrington & Sutcliffe LLP. As a Senior Associate in the
25 employment litigation group at Orrick, Herrington & Sutcliffe LLP in its Sacramento, California office,
26 my hourly rate exceeded \$700.00 per hour and I worked on numerous complex wage-and-hour class
27 actions like this one. I have represented numerous Fortune 500 companies in high-stakes employment
28 cases involving discrimination, harassment, retaliation, misclassification, claims for unpaid wages,

1 violations of the California Labor Code, wrongful termination, and many other employment-related
2 claims. For example, I have defended wage-and-hour class and PAGA cases for employers such as
3 Sears, Starbucks, and Morgan Stanley to name a few.

4 9. In 2017, I started my own independent law practice, Castle Law: California Employment
5 Counsel. I now represent both individuals and companies in employment law matters, with a particular
6 emphasis on wage-and-hour issues.

7 10. I have served on the Executive Committee for the Labor and Employment Section of the
8 Sacramento County Bar Association, and on the Board for the Solo and Small Firm Division of the
9 Sacramento County Bar Association. I have given numerous presentations on the topic of California
10 wage-and-hour employment law, including to the National Business Institute and other human resources
11 groups. In 2018 and 2021, I was selected by a vote of my peers to be included in Sacramento
12 Magazine's list of 2018 Top Lawyers in Sacramento. In 2020-2021, I was recognized as a Super
13 Lawyer Rising Star for employment law, which recognizes no more than 2.5 percent of attorneys in each
14 state. In 2022 and 2023, I was selected as a Super Lawyer.

15 11. I have given presentations to numerous legal and business groups on topics related to
16 employment law in California, including but not limited to the following:

- 17 a) *Strategies for a Successful Mediation in Wage and Hour Class and PAGA Actions*, 13th
18 Annual Advanced Wage and Hour Conference, California Lawyers Association
19 b) *Putting in Work: Running a High-Level Employment Law Practice*, Above the Law: The
20 Legal Tech Non-Event with Jared Correia
21 c) *Arbitration Agreements and PAGA Claims: Good News for Employers*, Workplace Wake-Up
22 with Jennifer Shaw
23 d) *Employment Litigation: Perspectives from the "Other Side"* Workplace Wake-Up with
24 Jennifer Shaw
25 e) *Calculating Damages, Exposure & PAGA Penalties for Mediation/Settlement in Wage and*
26 *Hour Class and Representative Actions*, Bridgeport Continuing Education
27 f) *The Mini MBA for Attorneys: Labor and Employment Law Essentials*, National Business
28 Institute

- 1 g) *How to Become a Pivotal Part of Any Wage and Hour Practice Group*, Sacramento County
2 Bar, Labor and Employment Section
3 h) *Alternative Dispute Resolution in Employment*, National Business Institute
4 i) *Easy as ABC?: What Business Owners Need to Know About Worker Classification*, SCORE
5 Association
6 j) *Negotiations, Settlement, and Mediation*, Federal Bar Association: Sacramento Chapter

7 12. I have experience representing clients' interests in trials, appeals, arbitrations, and
8 mediations. I have tried three employment law cases in Sacramento Superior Court together, including a
9 certified class and Private Attorney General Act ("PAGA") action that went to trial in February 2019
10 before Honorable Steven M. Gevercer. (*Baker v. Advanced Disability Management, Inc.*, Case No. 34-
11 2014-00160711).

12 13. My firm has represented numerous individuals in class and PAGA representative actions,
13 including other matters in which class and PAGA action settlements have been approved with me as
14 counsel for Plaintiffs. Courts have routinely awarded my firm common fund fee percentages in class
15 and PAGA cases ranging from 33% to 40%. These cases include, but are not limited to, the following:

- 16 a) *Ryan Devore v. BWW Resources, LLC*, Sacramento Superior Court Case No. 34-
17 2021099304976-CU-OE-GDS (class and PAGA action final approval granted for settlement
18 for \$4,500,000 with 33.33% attorney fee award);
19 b) *Rooney v. Save Mart Supermarkets*, Sacramento Superior Court Case No. 34-2020-00274973-
20 CU-OE-GDS (class and PAGA action final approval granted for settlement for \$7,480,000
21 with 35% attorney fee award);
22 c) *Marie Hogan v. Aecom Technical Services, Inc.*, Los Angeles County Superior Case No.
23 19STCV40072 (counsel for Plaintiff, wage-and-hour class action settlement final approval
24 granted; \$3,680,000.00 settlement with 33.33% attorney fee award);
25 d) *Aaron Carr v. Howroyd-Wright Employment Agency et al.*, Sacramento Superior Court, Case
26 No. 34-2018-00228290 (counsel for Plaintiff, wage-and-hour class and PAGA action, final
27 approval of settlement for \$1,195,000.00 with 35% attorney fee award);
28

- 1 e) *Christian Sipin et al. v. Salesforce.com, Inc.*, San Joaquin County Superior Court, Case No.
2 STK-CV-UOE-2019-0004629 (counsel for Plaintiffs, wage-and-hour class and PAGA action,
3 final approval of settlement for \$1,500,000.00 with 35% attorney fee award);
- 4 f) *Sean Lalor et al. v. Mendocino Farms*, Sacramento County Superior Court, Case. No. 34-
5 2020-00277871 (class and PAGA action, final approval granted for \$1,500,000.00 with
6 33.33% attorney fee award);
- 7 g) *Deena Sakhel v. Cogir Management USA Inc.*, San Joaquin County Superior Court, Case No.
8 STK-CV-UOE-2020-0001215 (class and PAGA action, final approval granted for settlement
9 for \$1,300,000.00 with 35% attorney fee award);
- 10 h) *Melody Armstrong et al. v. Ruan Transport Corp.*, San Bernardino County Superior Court,
11 Case No. CIVDS1605897 (class and PAGA action, final approval granted for \$1,480,000.00
12 with 33.33% attorney fee award);
- 13 i) *Anthony Evans et al v. Direct Delivery Service, Inc. et al.*, San Joaquin County Superior Court
14 Case No. STK-CV-UOE-2020-0003776 (class and PAGA action, preliminary approval
15 granted for settlement for \$900,000.00 with 35% attorney fee award);
- 16 j) *Jerome Williams v. RC Willey Home Furnishings*, Sacramento Superior Court Case No. 34-
17 2019-00272003 (class and PAGA action, final approval granted for settlement for
18 \$750,000.00 with 35% attorney fee award);
- 19 k) *Anthony Trujillo v. Valet Living, LLC*, Sacramento Superior Court Case No. 34-2020-
20 00273711 (class and PAGA action, final approval granted for \$750,000.00 with 35% attorney
21 fee award);
- 22 l) *Susan Tanis v. Laser Eye Care of California, LLC et al.*, Sacramento County Superior Court,
23 Case No. 34-2021-00299140 (class and PAGA action, final approval granted for \$720,000.00
24 with 35% attorney fee award);
- 25 m) *Blythe Ducheneaux v. Villa Sport, et al.*, Placer County Superior Court, Case No. S-CV-
26 0044826 (class and PAGA action, final approval granted for \$626,000.00 with 35% attorney
27 fee award);
- 28

- 1 n) *Nicholas Simon v. Maita Enterprises, Inc.*, Sacramento Superior Court Case No. 34-2020-
2 00276615 (PAGA-only action settlement approval for \$410,000.00 with 40% attorney fee
3 award);
- 4 o) *Robert Amador v. Jeff Thompson's Auto Group, Inc.*, El Dorado County Superior Court, Case
5 No. PC20190146 (PAGA-only settlement approved for \$260,000.00 with 40% attorney fee
6 award);
- 7 p) *Virginia Gottlieb v. Agilent Tech.*, Sacramento Superior Case No. 34-2018-0244298 (PAGA-
8 only settlement approved for \$300,000.00 with 35% fee award);
- 9 q) *Bulos Saliba v. Amerigas Propane*, Sacramento Superior Case No. 34-2019-00257327
10 (counsel for Plaintiff, final approval granted in wage-and-hour class and PAGA action for
11 \$195,000.00 with 40% attorney fee award).

12 14. Additionally, my firm is counsel for Plaintiffs in numerous other currently pending class
13 and PAGA representative actions in Superior Courts throughout the state, which are at various stages of
14 litigation but have not yet gone to judgment or had settlements approved. In several cases my firm has
15 also represented employers in complex wage-and-hour class and PAGA cases.

16 15. I have reviewed the Declaration of Brittany V. Berzin and agree with her statements
17 regarding the case history, the assessment of the value of the claims, the mediation and negotiations that
18 took place, the discovery and investigations performed, and the reasonableness of the settlement.

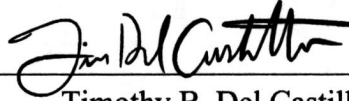
19 16. Class Counsel have advanced all costs in this litigation. Included in **Exhibit E** is a true
20 and correct copy of the costs incurred to date by my firm.

21 17. The intended *cy pres* beneficiaries in this case are Capital Pro Bono, Inc. ("CPB") and
22 The Center For Workers Rights ("CFWR"). Only those funds that remain from uncashed settlement
23 checks will be sent to the *cy pres* beneficiaries pursuant to section 5.6 of the Agreement. I believe the
24 services provided by CPB and the CFWR promote the law consistent with the objective of wage and
25 hour class actions in general and in this case specifically.

26 18. I have spoken with Lisa L. Bradner at my firm to determine whether she has any
27 relationship with either of the proposed *cy pres* beneficiaries. I have referred potential clients to CFWR
28 and my firm has designated CFWR as a *cy pres* beneficiary in other cases, but otherwise my firm has no

1 relationship with either organization. My firm, myself, and Ms. Bradner have not received any
2 compensation, direct or indirect, for designating CFWR or CPB as *cy pres* beneficiaries.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is
4 true and correct. Executed on December 21, 2023 in Roseville, California.

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8 Timothy B. Del Castillo
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