

06/28/2024

By:           A. Turner           Deputy

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7 Attorneys for Defendant,  
LEGENDS HOSPITALITY, LLC  
8  
9

10 SUPERIOR COURT OF CALIFORNIA

11 COUNTY OF SACRAMENTO

12  
13 KALI BATES and MICHAEL JOHNSON,  
14 individually and on behalf of all others similarly  
situated,

15 Plaintiffs,

16 v.

17 MVP EVENT PRODUCTIONS, LLC, and  
18 LEGENDS HOSPITALITY, LLC; Does 1  
through 20, inclusive,

19 Defendants.  
20

Case No. 34-2022-00317653-CU-OE-GDS

**DECLARATION IN RESPONSE TO  
PLAINTIFFS' SUPPLEMENTAL  
BRIEFING IN SUPPORT OF MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS ACTION AND PAGA  
SETTLEMENT**

Trial Date: None Set  
Complaint Filed: April 1, 2022

**DECLARATION OF ALISON HAMER**

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2           1.       I am an attorney duly authorized to practice law before the courts of the State of  
3 California. I am an associate at the law firm of K&L Gates LLP (“K&L Gates” or the “Firm”),  
4 attorneys for Defendant Legends Hospitality LLC (“Legends”) in the above-captioned matter and in  
5 *Domingo Murchison v. MVP Event Productions, LLC, et al*, Case No. 30-2021-01234789-CU-OE-  
6 CXC (“*Murchison* Action”). I make this supplemental declaration in response to this Court’s May  
7 10, 2024 Order and in response to Plaintiffs Bates and Johnson’s Supplemental Briefing in Support  
8 of Motion for Preliminary Approval. I have personal knowledge of the facts set forth herein and  
9 could and would testify competently thereto if called upon to do so. I am familiar with the  
10 discovery, pleadings, and other documents in this case and in the *Murchison* Action, all of which are  
11 maintained in the Firm’s files and systems in the ordinary course of business.

12           2.       The settlement class members consist of individuals who were temporarily staffed to  
13 Legends by MVP Event Productions (“MVP”). Legends has phone numbers for approximately  
14 eighteen percent and email addresses for approximately thirty-one percent of the settlement class  
15 members in this action; however, it does not have mailing addresses or social security numbers for  
16 any of the settlement class members.

17           3.       When MVP was still represented by counsel in this action, I requested that MVP  
18 provide information and documents relating to the putative class that would normally be used to  
19 administer a wage and hour class action settlement and did not receive anything in response.

20           4.       On June 21, 2024, I sent a letter via overnight delivery to the address on file for MVP,  
21 requesting confirmation that MVP confirm by June 27, 2024, it would provide information that  
22 would alleviate the need for a claim form to administer this statement to our firm or the settlement  
23 administrator. A true and correct copy of the letter is attached hereto as **Exhibit 1**. As of today, I  
24 have not received any response.

25           5.       The plaintiff in the *Murchison* Action filed Motions to Compel MVP’s Further  
26 Responses to Requests for Production of Documents and Special Interrogatories, as well as a Motion  
27 to Compel MVP to appear at deposition, which the Orange County Superior Court granted. The  
28 Orange County Superior Court also ordered MVP’s answer to be stricken due to MVP not having an

1 attorney of record. A true and correct copy of the court's March 15, 2024 Minute Order is attached  
2 hereto as **Exhibit 2**.

3 6. Despite the Orange County Superior Court's March 15, 2024 Order compelling  
4 MVP's responses to discovery and deposition, to my knowledge MVP has not served discovery  
5 responses. Nor has MVP appeared for deposition.

6 7. Based on MVP's lack of response to my inquiries and MVP's lack of response to the  
7 Orange County Superior Court's order, I do not anticipate MVP will comply with an order by this  
8 Court to produce information to administer the settlement that would alleviate the need for  
9 settlement class members to submit a claim form that provides their mailing address and social  
10 security number. Therefore, I believe the claim submission process set forth in the settlement  
11 agreement is appropriate.

12  
13 I declare under penalty of perjury under the laws of the State of California that the foregoing  
14 is true and correct.

15  
16 Executed this 28th day in June, 2024 in Los Angeles, California.

17  
18 

19 \_\_\_\_\_  
Alison Hamer

# **EXHIBIT 1**

June 21, 2024

Alison Hamer  
Associate  
Alison.Hamer@klgates.com

**VIA OVERNIGHT DELIVERY**

T +1 310 552 5092  
F +1 310 552 5001

MVP Event Productions LLC  
374 James Bowie Ct.  
Alamo, CA 94507

**Re: Bates v. MVP Event Productions, LLC; Case No. 34-2022 00317653-CU-OE-GDS**

To Whom it May Concern:

As you should know from the documents you have been served in the above-referenced case, Plaintiffs Kali Bates and Michael Johnson have reached a settlement with Defendant Legends Hospitality, LLC, on behalf of all individuals staffed to Legends by MVP Event Productions, LLC at any time from April 1, 2018 up to December 22, 2023. Legends previously requested information from MVP relating to such individuals and reiterates its request for the following: (1) a list of the full name, social security number, last known home address, email address and phone number for all individuals staffed to Legends by MVP Event Productions, LLC at any time from April 1, 2018 up to December 22, 2023; and (2) the number of weeks in which each individual was staffed to Legends by MVP.

Please confirm by June 27, 2024 that MVP will either provide such information to our firm or the settlement administrator. Should you wish to discuss, please do not hesitate to call me.

Yours sincerely



Alison Hamer  
Associate

AH

# **EXHIBIT 2**

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CIVIL COMPLEX CENTER**

**MINUTE ORDER**

DATE: 03/15/2024

TIME: 10:00:00 AM

DEPT: CX105

JUDICIAL OFFICER PRESIDING: Randall J. Sherman

CLERK: J. Phu

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: R. Lau

CASE NO: **30-2021-01234789-CU-OE-CXC** CASE INIT.DATE: 12/06/2021

CASE TITLE: **Murchison vs. MVP Event Productions, LLC**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

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EVENT ID/DOCUMENT ID: 74164055

**EVENT TYPE:** Motion to Compel Further Responses to Special Interrogatories

MOVING PARTY: Domingo Murchison

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Answers to Interrogatories Special Interrogatories, 12/05/2023

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EVENT ID/DOCUMENT ID: 74164064

**EVENT TYPE:** Motion to Compel Further Responses to Special Interrogatories

MOVING PARTY: Domingo Murchison

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Answers to Interrogatories Special Interrogatories, 12/05/2023

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EVENT ID/DOCUMENT ID: 74164072

**EVENT TYPE:** Motion to Compel Production

MOVING PARTY: Domingo Murchison

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Answers to Interrogatories Special Interrogatories, 12/05/2023

Additional events listed on last page.

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**APPEARANCES**

Natalie Mirzayan, from Mirzayan Law APLC, present for Plaintiff(s) remotely.

Alison Hamer, from K&L Gates, present for Defendant(s) remotely.

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Tentative Ruling posted on the Internet .

Hearing held, all participants appearing remotely.

The Court confirms the tentative ruling as follows:

Plaintiff's unopposed Motion to Compel MVP Event Productions, LLC's Further Responses to Special Interrogatories, Set One, Nos. 1-55, and Plaintiff's unopposed Motion to Compel Gregory Fielding's Further Responses to Special Interrogatories, Set One, Nos. 1-55, are granted. It is ordered that within 20 days of this ruling, defendants MVP and Fielding must each serve plaintiff with complete, code-compliant, verified responses to Plaintiff's Special Interrogatories, Set One, Nos. 1-55, without objections.

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DATE: 03/15/2024

MINUTE ORDER

DEPT: CX105

Page 1  
Calendar No.

Plaintiff propounded special interrogatories on defendants seeking information regarding the preparation of the discovery responses, the nature of plaintiff's employment with defendants and their employment of putative class members and aggrieved employees, details regarding compensation of defendants' employees, defendants' compliance with various wage and hour laws, and defendants' policies. Defendants failed to meet their discovery obligations, providing only boilerplate objections and unverified responses. (See CCP §§2030.220 and 2030.240.)

Plaintiff's unopposed Motion to Compel MVP Event Productions, LLC's Further Responses to Requests for Production of Documents, Set One, Nos. 1-117, and Plaintiff's unopposed Motion to Compel Gregory Fielding's Further Responses to Requests for Production of Documents, Set One, Nos. 1-117, are granted. It is ordered that within 20 days of this ruling, defendants MVP and Fielding must each serve plaintiff with complete, code-compliant, verified responses to Plaintiff's Request for Production of Documents, Set One, Nos. 1-117, without objections.

Plaintiff's requests for production seek documents relating to plaintiff's employment with defendants, defendants' employment of putative class members, complaints of any violation by defendants of California law, defendants' policies, potential witnesses and experts, and other documents relating to the claims in this action. Defendants failed to meet their discovery obligations, providing only boilerplate objections and unverified responses. Plaintiff has established good cause to compel supplemental responses. (See CCP §§2030.220 and 2030.240.)

Plaintiff's requests for monetary sanctions are granted against MVP and Fielding in the amount of \$8,030 against each of the two defendants, payable to plaintiff within 30 days of this ruling. The court has awarded plaintiff attorneys' fees at the hourly rate of \$700 rather than the \$1,050 requested. Plaintiff also sought issue and evidentiary sanctions, but those requests were not properly noticed, and monetary sanctions are the appropriate remedy for a first violation.

A Status Conference and an Order to Show Cause why defendant MVP Event Productions, LLC's Answer should not be stricken due to that defendant being an LLC but not having an attorney of record are set for today and will go forward.

Status Conference Statement filed on 3/15/2024 is read and considered.

Court orders Defendant MVP Event Productions, LLC DBA MVP Event Staffing Answer filed on 12/16/2022 stricken due to the defendant being an LLC but not having an attorney of record.

Discussions held between the Court and counsel regarding the status of this case.

On the Court's own motion, Plaintiff's two discovery motions currently set for 4/26/2024 are continued to 5/24/2024 at 10:00 AM in this department.

The next Status Conference is scheduled for 05/24/2024 at 10:00 AM in Department CX105.

A Joint Status Report must be filed at least one week before the hearing.

Court orders plaintiff to give notice of ruling on the motions.

Court orders defendant to give notice on defendant's Answer being stricken, continuance of the discovery motions, and the next Status Conference.





ADDITIONAL EVENTS:

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EVENT ID/DOCUMENT ID: 74164082

**EVENT TYPE:** Motion to Compel Production

MOVING PARTY: Domingo Murchison

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Production/Inspection of Documents  
or Things, 12/06/2023

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EVENT ID/DOCUMENT ID: 74248991

**EVENT TYPE:** Order to Show Cause

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EVENT ID/DOCUMENT ID: 74206828

**EVENT TYPE:** Status Conference

1 **PROOF OF SERVICE**

2 Case No. 34-2022-00317653-CU-OE-GDS

3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of California, over the age of eighteen  
5 years, and not a party of the within action. My business address is 10100 Santa Monica Blvd, Eighth  
6 Floor, Los Angeles, CA 90067.

6 On **June 28, 2024** , I served the foregoing document(s) described as:

7 **DECLARATION IN RESPONSE TO PLAINTIFFS’ SUPPLEMENTAL BRIEFING IN**  
8 **SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND**  
9 **PAGA SETTLEMENT**

9 on the interested parties in this as follows:

10 Tim Del Castillo  
11 Lisa Bradner  
12 **CASTLE LAW**  
13 2999 Douglas Blvd., Suite 180  
14 Roseville, CA 95661  
15 [tdc@castleemploymentlaw.com](mailto:tdc@castleemploymentlaw.com)  
16 [LB@castleemploymentlaw.com](mailto:LB@castleemploymentlaw.com)  
17 [RB@castleemploymentlaw.com](mailto:RB@castleemploymentlaw.com)  
18 [TP@castleemploymentlaw.com](mailto:TP@castleemploymentlaw.com)  
19 Telephone: (916) 245-0122  
20 Facsimile: (916) 587-9106  
21 *Attorneys for Plaintiff Kali Bates*

18 Galen T. Shimoda  
19 Justin P. Rodriguez  
20 Renald Konini  
21 **SHIMODA & RODRIGUEZ LAW, PC**  
22 9401 East Stockton Boulevard, Suite  
23 120 Elk Grove, CA 95624  
24 Telephone: (916) 525-0716  
25 Facsimile: (916) 760-3733  
26 [attorney@shimodalaw.com](mailto:attorney@shimodalaw.com)  
27 [jrodriguez@shimodalaw.com](mailto:jrodriguez@shimodalaw.com) ss  
28 [rkonini@shimodalaw.com](mailto:rkonini@shimodalaw.com)  
*Attorneys for Plaintiff Michael Johnson*

25  **(BY ELECTRONIC MAIL)** Pursuant to C.R.C. 2.251 or agreement by all parties, I  
26 served the described document(s) by emailing to it each of the aforementioned  
27 electronic mail addresses and the transmission was reported as complete and without  
28 error. My email address is [nicole.adasha@klgates.com](mailto:nicole.adasha@klgates.com)

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

Executed on **June 28, 2024**, at Los Angeles, California.

*Nicole Adasha*  
\_\_\_\_\_  
Nicole Adasha

1 **PROOF OF SERVICE**

2 Case No. 34-2022-00317653-CU-OE-GDS

3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of California, over the age of eighteen  
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8 **SUPPORT OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND**  
9 **PAGA SETTLEMENT**

9 on the interested parties in this as follows:

10 **MVP Event Productions LLC**  
11 374 James Bowie Ct.,  
12 Alamo, CA 94507

- 12  **(VIA U.S. MAIL)** In accordance with the regular mailing collection and processing  
13 practices of this office, with which I am readily familiar, by means of which mail is  
14 deposited with the United States Postal Service at Los Angeles, California that same  
15 day in the ordinary course of business, I deposited such sealed envelope, with postage  
16 thereon fully prepaid, for collection and mailing on this same date following ordinary  
17 business practices, addressed as set forth above.

16 I declare under penalty of perjury under the laws of the State of California that the above is  
17 true and correct.

18 Executed on **June 28, 2024**, at Los Angeles, California.

19 *Nicole Adasha*  
20 \_\_\_\_\_  
21 Nicole Adasha