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11 *Attorneys for Plaintiffs and the Putative Class*

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF LOS ANGELES**

14 CLAUDIA GRANCIANO, individually and
on behalf of all others similarly situated,

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16 Plaintiff,

17 v.

18 SOUTHWIND FOODS, LLC, a California
limited liability company; STAFFPOINT,
19 LLC, a California limited liability company;
and DOES 1 through 50, inclusive,

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21 Defendants.

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Case No. BC538900

CLASS ACTION

**DECLARATION OF NAMED PLAINTIFF
CLAUDIA GRANCIANO IN SUPPORT
OF PLAINTIFFS' MOTIONS FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND FEES, COSTS, AND
SERVICE AWARDS**

Date: November 27, 2018

Time: 10:00 A.M.

Dept.: 14 (SSC)

Assigned for All Purposes to:
Hon. Kenneth R. Freeman, Dept. 14 (SSC)

Action Filed: March 11, 2014

Trial Date: None

Five Year Statute: March 11, 2020

1 **DECLARATION OF CLAUDIA GRANCIANO**

2 I, Claudia Granciano, declare as follows:

3 1. I am the named plaintiff and preliminarily-appointed class representative who
4 initially filed this class action and representative action lawsuit on behalf of a class of all current
5 and former, non-exempt employees employed by Defendants Southwind Foods, LLC, Staffpoint,
6 LLC, and/or Alliance Professional Business Solutions, Inc. who worked in any of Southwind
7 Foods, LLC's facilities located in California at any time from March 11, 2010 through May 1,
8 2016. As explained below, I am a member of this class.

9 2. I make this declaration in support of Plaintiffs' Motions For Final Approval Of
10 Class Action Settlement And Fees, Costs, And Service Awards.

11 3. I have personal knowledge of the facts stated in this declaration, except as to those
12 stated on information and belief and, as to those, I am informed and believe them to be true. If
13 called as a witness, I could and would competently testify to the matters stated herein.

14 4. I respectfully ask the Court to provide final approval of the proposed class action
15 settlement with Defendants, grant my attorneys' request for payment of their fees and
16 reimbursement of litigation costs, and grant my request for reasonable service awards to me and to
17 Named Plaintiff Ricardo Contreras for the risks and efforts we undertook on behalf of the Class
18 members, which resulted in a good settlement with a significant monetary recovery, and for my
19 general release of all claims against Defendants.

20 5. I am a former employee of Defendants. I worked for Defendants as an hourly-paid,
21 non-exempt clerical employee at Southwind Foods, LLC's office in Los Angeles, California from
22 approximately September, 2005 to September, 2013. I decided to bring this lawsuit as a class and
23 representative action, not just on my own behalf, because other employees in California were also
24 affected by Defendants' employment practices. It is my understanding that this lawsuit could not
25 go forward or settle on behalf of Class members unless I, or some other current or former
26 employee, served as the named plaintiff and proposed class representative.

27 6. I decided to bring this lawsuit because I did not feel that I was treated fairly as an
28 employee of Defendants. During my employment, I believe I was not paid for all the time I

1 worked, because Defendants rounded the actual time worked and recorded at the beginning and
2 end of shifts and meal periods. I understand through my attorneys' investigation that in the
3 majority of the instances my former employer was rounding down the time worked, such that,
4 during my employment, it appears I was paid far less than I would have been paid for the actual
5 recorded time I worked. Also, during my employment, I was regularly not provided an opportunity
6 to take a meal break for every five hours I worked. I often had to work through my meal periods,
7 and if I did receive a meal break, it was typically late because the break started more than five
8 hours after my shift started. I did not receive a premium wage penalty payment for days that I was
9 not provided an opportunity to take a compliant meal break. Additionally, I did not receive
10 accurate, itemized wage statements because of Defendants' non-payment of all wages owed for
11 work I performed for the company, and the Defendants' non-payment of meal period premium
12 wages or overtime at the proper rate of one and a half times the regular rate of pay. Additionally,
13 the Defendants' wage statements did not list the inclusive dates for the payment period or the
14 name and address of the employer.

15 7. In deciding to serve as a named plaintiff and proposed class representative in this
16 case, I understood that my name would be publicly attached to this lawsuit and that my work
17 experiences to some extent would be set forth in a public court file. I accepted that public
18 exposure. I recognized that I would need to devote a certain amount of time that I could have spent
19 otherwise. I accepted that responsibility. I also recognized that my bringing the lawsuit carried
20 some degree of risk, as described below. I accepted that risk. Knowing all of this, I decided to
21 serve as the named plaintiff and proposed class representative without any promise of recovery or
22 compensation.

23 8. I am familiar with the work involved in prosecuting this case. I have participated in
24 many meetings and other communications with my lawyers regarding this case, beginning in
25 approximately January, 2014 when I retained my lawyers and onward through today. I regularly
26 communicate with my lawyers to understand the issues in the case and next steps. I am familiar
27 with the allegations and defenses of the claims in this case. I am familiar with the major events in
28 this case, including the exchanges of information and documents through written discovery, the

1 mediation that resulted in this proposed settlement, the additional settlement negotiations after
2 mediation, the preparation of settlement papers and the need and requests to obtain court approval
3 of the proposed class-wide settlement in two phases. I have participated in all stages of the
4 litigation on behalf of Class members, up to and including preparation of this request for final
5 approval of class action settlement.

6 9. Based on my involvement in the case, I believe that the proposed settlement
7 obtained on behalf of the Class is very good, given the issues and risks involved with the case.

8 10. I believe I have fulfilled my duties as a proposed class representative, which
9 required a significant amount of time and effort during the course of this case. These efforts
10 required dedicating numerous hours to lawsuit activities including, but not limited to:

11 a. Communicating with my attorneys to share my work experience, to stay
12 informed of ongoing developments in the case, and to discuss the proposed settlement negotiated
13 on behalf of Class members;

14 b. Searching for and providing documents and other materials relating to my
15 work experience in response to requests;

16 c. Responding to many requests for information relating to my work
17 experience;

18 d. Having my deposition testimony taken by Defendants in July 2015;

19 e. Preparing for the February 2016 mediation, and participating in it; and

20 f. Reviewing and discussing with my attorneys the court filings and key
21 documents, including drafts of the complaints and the settlement agreement.

22 g. I estimate that the above tasks required my dedication of approximately 45
23 hours of my time since I decided to pursue the case, which time could have been spent with my
24 family, or as personal time, or at work. At all times I was ready, willing and able to testify at trial,
25 just as I testified during my day-long deposition. I believe I have been diligent in pursuing this
26 case and that I have acted as expected of a named plaintiff and proposed class representative to
27 date, and will continue to do so. Moreover, I have and always will maintain the best interests of
28 the Class members.

1 h. It is my opinion that \$10,000 is a fair and adequate award for my service as
2 the named plaintiff and proposed Class Representative, and in consideration for my general release
3 of all claims against Defendants. I understand that courts often consider service awards to be
4 reasonable when they are around one percent of total settlement value. Here, the requested award
5 is very slightly above one percent (1.33%) of the total settlement amount of \$750,000.

6 11. The requested service award is fair and reasonable for several reasons. First, it is
7 reasonable and fair in light of the work I have and will continue to perform on behalf of the Class.

8 12. Second, this lawsuit has also resulted in a valuable benefit to the Class Members
9 who will participate in the money payout of this settlement because of my decision to bring the
10 lawsuit and my involvement. This lawsuit is not providing coupons or pennies on the dollar to
11 Class Members – it is providing a significant recovery of wages and penalty payments owed to
12 them by law, which may help them in their lives. I understand that no Class Members have
13 decided not to participate in the settlement, and no Class Members have objected to the settlement.
14 That is a good response from Class Members. I believe that the high rate of participation by Class
15 members in this settlement helps to demonstrate that it is a good settlement.

16 13. Additionally, I accepted the potential risk of being liable for the Defendants’
17 litigation costs if we were unsuccessful in this lawsuit. I believed in this case, so I was willing to
18 be a named plaintiff and proposed class representative to risk this and pursue this class action
19 litigation.

20 14. Finally, and perhaps most importantly, I accepted a big risk that news of this
21 lawsuit could potentially impact my ability to secure other work. I have accepted the risk that
22 news of this lawsuit and settlement, which is a public matter, may spread to potential future
23 employers and may impact my current and future job prospects. But I took on this case because I
24 believe it is the right thing to do and would greatly help the other Class members who participate
25 in the settlement.

26 15. Also, as I stated above, I have signed a general release for any and all claims
27 related to my employment with Defendant. I decided not to pursue other potential individual
28 claims, and am now releasing them. In part, I decided to pursue my individual claims against

1 Defendants because of the greater impact that it could have by helping former co-workers who
2 dealt with the same wage and hour issues I did.

3 16. I have participated in this settlement by not requesting exclusion from the
4 settlement. I also have not objected to the settlement. In fact, I fully support the settlement. Based
5 on the Class Notice I received from the Settlement Administrator, I understand that I can expect to
6 receive an estimated individual settlement payment of \$497.12.

7 17. I signed a retainer agreement for representation by my lawyers, Boucher, LLP and
8 Law Offices of Sahag Majarian II, in January 2014, which set forth a division of legal fees
9 between these two firms. In October, 2018, I again confirmed in writing my agreement to a fee
10 split of any court-awarded attorneys' fees of 50% to my lawyers at Boucher, LLP and 50% to my
11 lawyers at Law Offices of Sahag Majarian II.

12 18. Based on the time, service, risk, stress, potential stigma, loss of benefits and
13 excellent outcome of this case, I believe that the requested service award for me is fair and
14 reasonable.

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

17 Executed on this 19 day of October, 2018, at Los Angeles, California.

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20 Claudia Granciano, Named Plaintiff

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 21600 Oxnard Street, Suite 600, Woodland Hills, CA 91367-4903.

On October 26, 2018, I served true copies of the following document(s) described as **DECLARATION OF NAMED PLAINTIFF CLAUDIA GRANCIANO IN SUPPORT OF PLAINTIFFS' MOTIONS FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND FEES, COSTS, AND SERVICE AWARDS** on the interested parties in this action as follows:

BY ELECTRONIC SERVICE: Pursuant to Court Order Authorizing Electronic Service entered in this case, I provided the document(s) listed above electronically on the CASE ANYWHERE Website to the parties on the Service List maintained on the CASE ANYWHERE Website. Case Anywhere is the on-line e-service provider designated in this case.

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

Executed on October 26, 2018, at Woodland Hills, California.


Tricia Yue