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9 Attorneys for Plaintiff  
10 AARON DICKERSON

11 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

12 **IN AND FOR THE COUNTY OF KERN**

13 \* \* \*

14 AARON DICKERSON, as an individual and on  
15 behalf of all others similarly situated

16 Plaintiff,

17 vs.

18 AERA ENERGY, LLC., a California limited  
19 liability company; and DOES 1 through 50,  
20 inclusive,

21 Defendants.

22 Case No. BCV-21-101646

23 **DECLARATION OF S. BRETT**  
24 **SUTTON IN SUPPORT OF MOTION**  
25 **FOR ATTORNEYS' FEES AND COSTS**

26 Date: March 27, 2023

27 Time: 8:30 a.m.

28 Dept.: 17

Judge: Hon. Thomas S. Clark

*[To be heard concurrently with  
Plaintiff's Motion for Final Approval  
of Class Settlement]*

1 I, BRETT SUTTON, declare:

2 1. I am an attorney licensed to practice law in the states of California and Nevada, and  
3 before this Court. I am an attorney of the law firm Sutton Hague Law Corporation, P.C.,  
4 (hereinafter “Sutton Hague”) attorneys for Plaintiff Aaron Dickerson (“Plaintiff”) in this case. The  
5 facts set forth herein are personally known to me and, unless otherwise noted, are based on my  
6 firsthand knowledge and/or observation. If called as a witness, I could and would competently  
7 testify thereto under oath.

8 1. This declaration is submitted in support of Plaintiff’s Motion for Attorneys’ Fees  
9 and Costs.

10 2. With respect to my qualifications, I have over 34 years of experience as a practicing  
11 attorney, most of which has focused on issues of employment and labor law. I graduated summa  
12 cum laude and Valedictorian from Pepperdine University in 1986, and graduated cum laude from  
13 Pepperdine University School of Law in 1989. While in law school, I was on the Pepperdine Law  
14 Review and Moot Court Honors Board, and was a Roger J. Traynor California Moot Court  
15 Champion (1989) and Pepperdine Trial Advocacy Tournament Champion (1988). I have authored  
16 a number of articles on various legal topics for law reviews and journals.

17 3. I am currently a member of the Fresno County, Los Angeles County, San Francisco,  
18 Clark County (NV) and Washoe County (NV) Bar Associations.

19 4. I began my career as a litigation attorney at Mitchell, Silberberg & Knupp LLP in  
20 Los Angeles. While working in the litigation department, I worked on complex litigation matters.  
21 I then became associated with and later a partner of the Fresno law firm of Kimble, MacMichael  
22 & Upton, where I successfully tried cases to verdict in both state and federal court, including  
23 employment law matters. I then was a partner at the Fresno firm of Sagaser, Franson & Jones,  
24 where I continued my practice, focused primarily on employment law, including the litigation of  
25 a number of wage and hour class action defense cases. I thereafter founded the Fresno firm of  
26 Sutton Hatmaker Law Corporation, again focusing on employment law, with continuing focus on  
27 wage and hour class action cases for both plaintiffs and defendants.

1           5.       I founded Sutton Hague Law Corporation, P.C. in 2014. Our firm specializes in  
2 employment and labor law, and represents both plaintiffs and defendants in such matters. Mr.  
3 Jared Hague and I worked closely together on a number of wage and hour class action cases at  
4 Sutton Hatmaker Law Corporation, where we successfully recovered millions of dollars on behalf  
5 of plaintiffs. I have served as lead counsel on both the plaintiff and defense side of a number of  
6 wage and hour class action cases in both federal and state court, including: *Bermejo, et al. v. Ro's*  
7 *Precise Painting, et al.*, Case No. 10CECG01318 (Fresno Sup. Ct.); *Gonzalez, et al. v. California*  
8 *Dairies, Inc.*, Case No. 08-226450 (Tulare Sup. Ct.); *Valdez, et al. v. Dish Network Corporation*  
9 *et al.*, Case No. A-09-604830-C (Nevada, Clark Sup. Ct., removed to Nevada District, Case No.  
10 2:10-cv-00023-RLH-PAL); *Wright, et al. v. LinkUs Enterprises, Inc.*, Case No. 2:07-cv-01347-  
11 MCE-CMK (California Eastern District); *Heinz v. Pacific Gas & Electric Company, et al.*, Case  
12 No. CGC-10-503452 (San Francisco Sup. Ct.); *Meza v. LinkUs Enterprises, Inc.*, Case No. S-  
13 1500-CV-274733 LHB (Kern County Sup. Ct.); *Gutierrez v. LinkUs Enterprises, Inc.*, Case No.  
14 MCV065774 (Madera County Sup. Ct.); *Buck v. Saputo Cheese USA, Inc.*, Case No. 256347  
15 (Tulare County Sup. Ct.); *Turk v. Gale/Triangle, Inc. et al.*, Case No. 39-2014-00310027-CU-OE-  
16 STK (San Joaquin County Sup. Ct.); *Torchia v. W.W. Grainger, Inc.*, Case No. 1:13-cv-01427-  
17 LJO-JLT (California Eastern District); *Farnsworth v. California Transplant Donor Network*, Case  
18 No. RG13669714 (Alameda County Sup. Ct.); *Hildebrand v. LinkUs Enterprises, Inc.*, Case No.  
19 Dr150155 (Humboldt County Sup. Ct.); *Garcia v. Gordon Trucking, Inc.*, Case No. 1:10-cv-  
20 00324-OWW-SKO (California Eastern District); *Van Kempen v. Matheson Tri-Gas, Inc.*, Case  
21 No. 15-cv-00660-HSG (California Northern District); *Gonzalez-Garcia et al. v. Firefly Westside,*  
22 *LLC*, Case No. A-15-717966-C (Eighth Judicial District Court of Nevada); *Nickeson v. Pacific*  
23 *Distributing, Inc. et al.*, Case No 15CECG00314 (Fresno County Sup. Ct.); *Aguirre v. Mariani*  
24 *Nut Company, Inc.*, Case No. 34-2016-00190252 (Sacramento County Sup. Ct.); *Cruz et al. v.*  
25 *Merry Maids of Fresno et al.*, Case No. 1:15-cv-01563-TLN-EPG (California Eastern District);  
26 *Brewer v. Saputo Dairy Foods USA, LLC*, Case No. VCU266443 (Tulare County Sup. Ct.); *Turk*  
27 *v. Gale/Triangle, Inc. et al.*, Case No. 2:16-cv-00783-MCE-DB (California Eastern District);  
28 *Slattery et al. v. Boot Barn, Inc.*, Case No. 30-2016-00877430-CU-OE-CXC; *Blithe v. A&A*

1 *Concrete Supply, Inc. et al.*, Case No. 34-2016-00190795 (Sacramento County Sup. Ct.); *Haugen*  
2 *v. Big League Dreams Cathedral City, LLC*, Case No. RIC1515377 (Riverside County Sup. Ct.);  
3 *Uribe v. Conduit Language Specialists, Inc.*, Case No. BC589744 (Los Angeles County Sup. Ct.);  
4 *Payne v. Pros, Inc.*, Case No. BCV-16100356LHB (Kern County Sup. Ct.); *Sadler v. Ensignal,*  
5 *Inc.*, Case No. MCV073249 (Madera County Sup. Ct.); *Mikuta et al. v. Swift Pork Company et al.*,  
6 Case No. BC618624 (Los Angeles County Sup. Ct.); *Hamrick et al. v. Wyndham Vacation*  
7 *Ownership, Inc.*, Case No. 37-2018-00014601-CU-OE-CTL (San Diego County Sup. Ct.); *Easley*  
8 *v. Institute of Technology, Inc.*, Case No. 9000308 (Stanislaus County Sup. Ct.); *Uribe et al. v.*  
9 *Conduit Language Specialists, Inc.*, Case No. BC589744 (Los Angeles County Sup. Ct.); *Mikuta,*  
10 *et al. v. Swift Pork Company, et al.*, Case No. BC618624 (Los Angeles County Sup. Ct.); *Calbee*  
11 *North America Wage and Hour Cases*, Consolidated Case No. FCS044527 (Solano Cty. Sup. Ct.);  
12 *Smothers v. Northstar Alarm Services, LLC*, Case No. 2:17-cv-00548-KJM-KJN (California  
13 Eastern District); *Sullivan v. Softpath System, LLC, et al.*, Case No. FCS049482 (Solano County  
14 Sup. Ct.); *Snipes v. Dollar Tree Distribution, Inc.*, Case No. 2:15-cv-00878-MCE-KJN (California  
15 Eastern District); *Stapleton et al. v. Covenant Care California, LLC et al.*, Case No. 37-2018-  
16 00010777 (San Diego County Sup. Ct.); and *Schoelkoph v. North American On-Site, LLC*, Case  
17 No. 18CV333915 (Santa Clara County Sup. Ct.); *Edwards v. HealthComp, LLC*, Case No.  
18 20CECG02338 (Fresno County Sup. Ct.). I have also handled numerous cases on behalf of  
19 plaintiffs and defendants involving wage and hour-related claims brought on a representative basis  
20 under the Labor Code Private Attorneys’ General Act of 2004 (“PAGA”).

21           6.       To my knowledge, I was the first attorney in Central California invited to serve as  
22 a Contributing Editor to the Rutter Group Employment Litigation treatise at the invitation of  
23 Justice Rebecca A. Wiseman of the California Fifth District Court of Appeal. I have served in this  
24 capacity for approximately the past seven years.

25           7.       I have also been retained and formally designated as an expert witness in  
26 employment law by the McCormick Barstow firm in *Stovall v. Veroff*, et al., Fresno County  
27 Superior Court Case No. 07CECG03270 and by the Wilkins, Drolshagen & Czesinski firm in  
28

1 *Hun & Lau, Inc. et al. v. Travelers Casualty and Surety Company of America, et al.*, Case No.  
2 13CECG03502 (Fresno County Superior Court).

3 8. I have been asked to serve as an Early Neutral Evaluator in employment law cases  
4 by the United States District Court Eastern District of California (Fresno Division), and agreed to  
5 do so.

6 9. I am regularly asked to speak on employment law and wage and hour matters and  
7 have done so for many years, to groups such as: The Society for Human Resource Management,  
8 the Employer Advisory Council, the Employment Development Department, California State  
9 University – Fresno, the Tulare County Bar Association, California Association of Workplace  
10 Investigators, and various industry groups, such as the California CPA Society, California Dietetic  
11 Association, the Northern Nevada Human Resource Association, California Council of School  
12 Attorneys, American Association of School Personnel Administrators, Agricultural Personnel  
13 Management Association, the American Payroll Association, and others including local Chambers  
14 of Commerce. I have been joined in some of these presentations by prominent members of the  
15 bench, from both state and federal courts. Through these presentations as well as monthly webinars  
16 on Employment Law I have conducted for many years in both California and Nevada, I have  
17 trained thousands of people including on wage and hour law.

18 10. I have been selected for inclusion on the list of Northern California Super Lawyers  
19 from 2011 to present.

20 11. I am peer review rated as an AV-rating, Martindale-Hubbell’s highest possible  
21 rating through its peer review rating system.

22 12. In June 2016, I was elected by the Governors of the College of Labor and  
23 Employment Lawyers as a Fellow. An attorney may only be considered for election as a Fellow  
24 by invitation of existing members, followed by a rigorous review process before a vote of the  
25 board. My formal induction took place on November 12, 2016 in Chicago, Illinois.

26 13. In 2019, I completed intensive weeklong courses and received certificates in  
27 mediation from both the Straus Institute for Dispute Resolution (Pepperdine School of Law) and  
28 the Harvard Negotiation Institute (Harvard Law School).

1 14. My office is fully committed to dedicating the time and resources to see this case  
2 through to its conclusion.

3 15. My base hourly billing rate for this type of case is \$800.00. Based on my years of  
4 experience in litigating complex wage and hour class actions, this rate is reasonable for this type  
5 of case and well within the market rates for lawyers of similar practices and experience. I  
6 calculated this rate by reference to the Laffey Matrix, available at <http://laffeymatrix.com>, which  
7 several courts have recognized as one measurement of attorneys' fees in the context of wage and  
8 hour class actions and lodestar cross-checks. Under the Laffey Matrix, an attorney with more than  
9 twenty years of practice could have charged an hourly rate of between \$899 and \$919 during the  
10 pendency of this litigation.

11 16. I have spent a total of 46.00 hours on this case for attorneys' fees in the amount of  
12 \$36,800 using the \$800 per hour rate. The work in this case was cumbersome. This case has been  
13 extremely hard-fought over the nearly two years since filing, and has gone through written  
14 discovery, extensive dispute over and review of informally-produced data and information, and a  
15 full day of mediation followed by weeks of informal further negotiations. I have reviewed my time  
16 expended in this matter as well as all attorneys' time and staff time, and all such fees billed in this  
17 case were reasonably necessary to conduct this litigation. The amount of attorneys' fees incurred  
18 is reasonable because the rates are reasonable given the years of experience of the attorneys and  
19 the fact that this firm has offices throughout California and Nevada.

20 17. The total attorneys' fees incurred in this matter by Sutton Hague Law Corporation  
21 are as follows:

<b>Attorney</b>	<b>Hours Worked</b>	<b>Rate</b>	<b>Total Fees</b>
S. Brett Sutton	46.00	\$800.00	\$36,800
Jared Hague	224.65	\$700.00	\$157,255
Jose Carmona	50.00	\$450.00	\$22,500
<b>Totals</b>	320.65		\$216,555

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25  
26  
27 18. Jose Carmona is a former attorney with our firm has been practicing law since 2015.  
28 Mr. Carmona graduated from the University of Nevada, Las Vegas with a degree in Hospitality

1 Studies. Mr. Carmona received his Juris Doctor from the University of Nevada, Las Vegas in June  
2 2017. Mr. Carmona received the CALI Excellence for the Future Award for Federal Civil  
3 Procedure and graduated with the recognition of Highest Pro Bono Honors. He is a member of the  
4 State Bar of Nevada. Under the Laffey Matrix, an attorney with four to seven years of practice  
5 could have charged an hourly rate of between \$458 and \$468 during the pendency of this litigation.

6 19. The invoices for the attorneys' fees are kept in the regular course of Sutton Hague  
7 Law Corporation, P.C.'s business and redacted copies of these records will be provided to the  
8 Court in a supplementary declaration submitted concurrently with Plaintiff's Motion for Final  
9 Approval. It is customary for Sutton Hague Law Corporation, P.C. to retain invoices issued to its  
10 contingency clients, including the Plaintiff. All the hourly rates requested in this case have been  
11 approved as reasonable in the representative action context. For example, state courts approved  
12 these rates in the aforementioned cases entitled *Aguirre et al. v. Mariani Nut Company*, Case No.  
13 34-2016-00190252-CU-OE-GDS (Sacramento County Sup.Ct.), *Slattery et al. v. Boot Barn, Inc.*,  
14 Case No. 30-2016-00877430-CU-OE-CXC (Orange County Sup. Ct.); *Payne v. Pros, Inc. et al.*,  
15 Case No. BCV-16-100356DRL (Kern County Sup. Ct.); *Blithe v. A&A Concrete Supply, Inc. et*  
16 *al.*, Case No. 34-2016-00190795 (Sacramento County Sup. Ct.); *Mikuta, et al. v. Swift Pork*  
17 *Company, et al.*, Case No. BC618624 (Los Angeles County Sup. Ct.); *Stapleton et al. v. Covenant*  
18 *Care California, LLC et al.*, Case No. 37-2018-00010777 (San Diego County Sup. Ct.); *Sarina v.*  
19 *Physician's Automated Laboratory, Inc., et al.*, Case No. 18CV-0143 (San Luis Obispo County  
20 Superior Court); and *Edwards v. HealthComp, LLC*, Case No. 20CECG02338 (Fresno County  
21 Sup. Ct.), as well as in federal courts in California, including in *Turk v. Gale/Triangle, Inc. et al.*,  
22 Case No. 2:16-cv-00783-MCE-DB (California Eastern District); *Snipes v. Dollar Tree*  
23 *Distribution, Inc.*, Case No. Case No. 2:15-cv-00878-MCE-KJN (California Eastern District).

24 20. In addition to our request for fees, our firm further requests reimbursement of the  
25 reasonable out-of-pocket expenses advanced and/or incurred in connection with this litigation in  
26 the amount of \$8,268.91. The costs are all litigation-related costs including filing and Motion fees,  
27 mediation fees, copy charges, postage charged, and delivery fees. We request that the court  
28 approve the request for reimbursement of costs pursuant to the terms of the Settlement Agreement.

1           21.     During the time this case was pending, I turned down dozens of potential cases due  
2 to, among other reasons, the fact that it was unclear how this case was going to be resolved and  
3 the amount of time and expense that might be involved to prosecute this case. I know from my  
4 experience that class action cases can be very expensive to prosecute and take a long time to  
5 resolve. Plaintiff's case was formally filed on July 20, 2021, but investigation of this matter  
6 commenced months prior to that date, during which time our office informally investigated  
7 Plaintiff's claims and began the process of drafting the initial Complaint. This means my firm has  
8 gone without any compensation for our work on this case for very close to two years. In short, this  
9 case has required me to forego significant other work, required the advancement of costs, and  
10 required a significant investment in time and resources, including the advancement of \$8,268.91  
11 in costs at a time when routine business expenses still had to be met.

12           22.     In light of the inherent expense, delay, uncertainty of trial, and potential issues  
13 raised by this case, I believe the Settlement Agreement is fair and equitable for all concerned. I  
14 believe this Settlement Agreement is in the best interest of all involved.


15           23.     Based on all of the facts set forth herein, and as articulated by the Motion for  
16 Attorneys' Fees and Costs, the award is justified and is well within the range of fee awards that  
17 are routinely awarded by California and federal courts in cases of this type.

18           24.     In summary, Plaintiffs' attorney's fees and costs request is reasonable in light of  
19 the highly favorable settlement that was obtained on behalf of the interested parties in this case.

20  
21           I declare under penalty of perjury under the laws of California that the foregoing is true  
22 and correct and that this declaration was executed on this 23rd day of January, 2023, at Las Vegas,  
23 Nevada.

24 Dated: January 24, 2023

SUTTON HAGUE LAW CORPORATION, P.C.

25  
26 By:   
27 \_\_\_\_\_  
28 S. BRETT SUTTON  
Attorney for Plaintiff  
AARON DICKERSON