

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

CHERRY LYN MICLAT and BENZOR  
SHEM VIDAL, individually and on behalf of  
all others similarly situated,

*Plaintiffs,*

v.

ADVANCED CARE STAFFING, LLC, and  
PRIORITY CARE STAFFING, LLC,

*Defendants.*

Civ. No.: 23-cv-5296 (NRM)(MMH)

**DECLARATION OF PATRICIA KAKALEC IN SUPPORT OF MOTIONS FOR  
FINAL APPROVAL/FINAL CERTIFICATION AND FOR ATTORNEYS' FEES,  
COSTS, AND SERVICE AWARDS**

I, Patricia Kakalec, an attorney duly licensed to practice law in the State of New York and in this Court, declare pursuant to 28 U.S.C. § 1746 that the following is true and correct:

1. I am an attorney with Kakalec Law PLLC, co-counsel for Plaintiffs in the above-referenced action. As such, I am familiar with the facts and documents relevant to this dispute.
2. I make this declaration in support of Plaintiffs' motion for motion for attorneys' fees, costs, and settlement administration expenses.
3. Our firm filed, together with Towards Justice, the *Vidal v. ACS* case on behalf of Plaintiff Benzor Vidal. That case was litigated through a preliminary injunction and an appeal to the Second Circuit.
4. Our firm then filed, together with Towards Justice and the Nichols Kaster firm, the instant (*Miclat*) case. Katz Banks Kumin later appeared as counsel in *Miclat*.

5. As described in Plaintiffs’ application for preliminary approval of their settlement, the parties to this case after extensive settlement efforts reached a settlement of Plaintiffs’ claims. In accordance with the Court’s Order, notice of the action was sent out by administrator CPT Group. Counsel for Plaintiffs have been in regular contact with CPT Group and have received reports of notices sent.
6. To date, no one has opted out of the *Miclat* action in response to the notices sent, and there have been no objections to the settlement filed.
7. Class Counsel have incurred a total of \$22,605.23 in costs in this case; they seek reimbursement of \$21,333.59 of those costs. Costs incurred include filing fees, service fees, travel costs, shipping and postage, and the costs of the JAMS mediator.
8. To date, my firm Kakalec Law has incurred a total of \$4,225.05 in unreimbursed out-of-pocket costs to litigate the *Vidal* and *Miclat* actions.
9. These costs are as follows:

<b>Expense Type</b>	<b>Description</b>	<b>Cost Paid by Kakalec Law</b>
Copying/binding	Second Circuit appeal copies and binding	\$111.80
Filing fees	\$402 <i>Vidal</i> ; \$402 <i>Miclat</i>	\$804.00
Service of process	Process server fees in both cases	\$419.10
Mediator	Paid to JAMS for mediation	2890.15
		<i>TOTAL: \$4,225.05</i>

10. Plaintiffs also seek \$175,443.78 in attorneys’ fees. This amount is 1/3 of the total settlement amount attributed to this litigation (and excludes recoveries by

the New York State Attorney General’s Office and the U.S. Department of Labor.) This 1/3 is consistent with the applicable retainer in this action, and the amount is approximately 29% of the total lodestar among all counsel.

11. Kakalec Law has incurred attorneys’ fees in connection with both the *Vidal* case and the *Miclat* case. These hours are summarized below using the listed hourly rates. I have excluded time for administration and travel, and have excluded time which may have been duplicative or unnecessary. I have also excluded time spent by a paralegal and an intern in our office.

12. The total attorney time is as follows:

<b>Timekeeper</b>	<b>Position</b>	<b>Hours</b>	<b>Current Rate</b>	<b>Lodestar Using Current Rate</b>
Patricia Kakalec	Attorney	91.2	\$725	\$66,120
Hugh Baran	Attorney (for time billed at Kakalec Law)	147.6	\$600	\$88,560
Jennifer Peterson	Paralegal	18.3	\$150	\$2,745
<b>TOTAL</b>		<b>257.10</b>		<b>\$157,425</b>

13. The rate of \$725 used in calculating my lodestar is justified in light of my qualifications and experience. I have more than 30 years of legal experience, 25 of those years litigating employment and labor law cases. At my firm Kakalec Law PLLC we represent employees in class, collective, and individual employment actions.

14. Before forming Kakalec Law, I was the Bureau Chief, Deputy Bureau Chief, and

Special Counsel of the New York State Attorney General's Labor Bureau.

Before that, I represented migrant farmworkers throughout New York state with Farmworker Legal Services of New York, Inc. and was the Executive Director of the Workers' Rights Law Center of New York, Inc., a not-for-profit law firm representing low-wage and immigrant workers.

15. I am a *cum laude* graduate of Harvard Law School and Duke University. I was a law clerk to the Hon. Denis R. Hurley in the United States District Court for the Eastern District of New York. I was also a litigation associate with the former firm LeBoeuf, Lamb, Greene & MacRae, LLP.
16. I have been appointed as class counsel in multiple class actions, most of which have been brought on behalf of low-wage workers. These cases include the following: *Luis v. Peppy's Foods, Inc.*, 05-CV-5595 (S.D.N.Y.); *Perez v. Newburgh Auto Spa*, 05-CV-8883 (S.D.N.Y.); *Chavez-Rodriguez v. Hermes*, 17-CV-2142 (D. Kansas); *Nieves v. Monsanto Company*, 17-cv-50188 (N.D. Illinois); *Bejines Gonzalez v. Southern Valley Fruit & Vegetable, Inc.*, 19-CV-0055 (M.D. GA); *Boreham v. Dana Motors, Ltd.*, 152690/2019 (Supreme Ct. New York, Richmond County); *Hernandez-Lara v. Las Princesas et al.*, 24-CV-346 (E.D. VA, Norfolk Division); and *Jackson v. Proampac*, 22-CV-3120 (S.D.N.Y.). I am also counsel for putative classes in pending cases including *Kumar v. Bochanawasi Shri Akshar Purushottam Swaminarayan Sanstha, Inc.*, 21-CV-11048 (D. N.J.); *Zambrano et al v. Strategic Delivery Solutions, LLC et al.*, 15-CV-8410 (S.D.N.Y.); and *Villarin v. Healthcare Facility Management LLC*, 23-CVC-97 (S.D. Ohio).

17. In several of these class actions I have sought attorneys' fees, generally based on a percentage basis and including a lodestar cross-checks. In 2021 in the *Bejines Gonzalez* case, my hourly rate was \$650. In the *Jackson v. Proampac* case, approved in 2025, my hourly rate was \$700. The hourly rate that I presently charge non-contingency clients is \$750-\$800 per hour. For the purpose of the lodestar cross check in connection with this application, I have used a \$725 hourly rate.
18. Attorney Hugh Baran formerly of our firm also worked on these cases for Kakalec Law. His time is reflected above, and his qualifications are addressed in his declaration, filed separately.
19. This submission also includes 18.3 hours of paralegal time spent by Kakalec Law paralegal Jennifer Peterson. Ms. Peterson's time is billed at \$150 per hour. Ms. Peterson holds a bachelor's degree from St. Joseph's University in Philadelphia, PA and has been with Kakalec Law since 2018.

Dated: New York, NY  
February 3, 2026



Patricia Kakalec