

Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
Joanna Ghosh (SBN 272479)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Telephone: (818) 265-1020 / Facsimile: (818) 265-1021

Attorneys for Plaintiff Eddie Fairley

DANIEL F. GAINES, ESQ. SBN 251488
ALEX P. KATOFISKY, ESQ. SBN 202754
EVAN S. GAINES, ESQ. SBN 287668
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985 / Facsimile: (818) 703-8984

Attorneys for Plaintiff Corey Jones

[Additional Counsel On Following Page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

COREY JONES, EDDIE FAIRLEY,
DEMETREIA GRAY, individually, and on
behalf of other members of the general public
similarly situated and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

DAA DRAEXLMAIER AUTOMOTIVE OF
AMERICA LLC, a South Carolina limited
liability corporation; DAN DRAEXLMAIER
AUTOMOTIVE OF NORTH AMERICA LLC,
a South Carolina limited liability corporation;
and DOES 1 through 10, inclusive,

Defendants.

Case No.: HG20062125

Honorable Evelio Grillo
Department 21

CLASS ACTION

**DECLARATION OF JOANNA GHOSH
IN SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: October 5, 2022
Time: 10:00 a.m.
Department: 21

Complaint Filed: May 11, 2020
Trial Date: None Set

1 MATTHEW J. MATERN, ESQ. SBN 159798
2 LAUNA ADOLPH, ESQ. SBN 227743
3 KAYVON SABOURIAN, ESQ. SBN 310863
4 **MATERN LAW GROUP, PC**
5 1230 Rosecrans Avenue, Suite 200
6 Manhattan Beach, CA 90266
7 Telephone: (310) 531-1900 / Facsimile: (310) 531-1901
8
9 *Attorneys for Plaintiff Demetreia Gray*
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DECLARATION OF JOANNA GHOSH

I, Joanna Ghosh, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am a member of Lawyers *for* Justice, PC, attorneys of record for Plaintiff Eddie Fairley (“Plaintiff Fairley”) in the above-captioned action and his separate action entitled *Eddie Fairley v. DAA Draexlmaier of America, LLC, et al.*, Alameda County Superior Court Case No. RG20073122. The facts set forth in this declaration are within my personal knowledge or based on information and belief, and, if called as a witness, I could and would competently testify as follows.

EXPERIENCE AND ADEQUACY OF LAWYERS *for* JUSTICE, PC

EDUCATION

2. Since October 2008, Lawyers *for* Justice, PC has almost exclusively focused on the prosecution of consumer and employment class actions, involving wage-and-hour claims, race discrimination, unfair business practices, or consumer fraud. Currently, the firm is attorney of record in over a dozen employment-related putative class actions in both state and federal courts in the State of California. Lawyers *for* Justice, PC is comprised of attorneys who focus on litigating complex wage-and-hour class and Private Attorneys General Act (“PAGA”) representative actions. The firm has successfully litigated cases involving the executive, administrative, and other overtime exemptions to the State of California and federal overtime compensation requirements. During a relatively short time, in association with other law firms, Lawyers *for* Justice, PC has recovered millions of dollars on behalf of thousands of individuals in California. Below is a summary of the experience and qualifications of attorneys at Lawyers *for* Justice, PC who most recently and primarily have been responsible for the representation of Plaintiff in connection with the above-captioned matter. Additional attorney and non-attorney staff have also worked on the above-captioned matter.

3. Edwin Aiwazian is the Managing Member and Shareholder of Lawyers *for* Justice, PC. He received his Bachelor of Arts degree from Pepperdine University in April of 1999 and earned a Juris Doctor degree from Pepperdine University School of Law in May of 2004. He has extensive formal training in dispute resolution and negotiation from the Straus

Institute for Dispute Resolution as part of its Masters in Dispute Resolution degree program. In addition, he has previously served as a pro bono mediator for the Los Angeles County Superior Court. In October of 2000, he obtained a Litigation Paralegal Certificate from the UCLA Extension Program. During the summer of 2000, he studied Legal Writing at Harvard University. From approximately September 2002 to approximately December 2002, he served as a Judicial Extern to the Honorable Kim McLane Wardlaw of the United States Court of Appeals for the Ninth Circuit. From approximately June 2002 to approximately August 2002, he served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the California Court of Appeal for the Second Appellate District. In December of 2004, he obtained a license to practice law from the California State Bar. From approximately December 2004 to approximately August 2008, he was employed by Girardi & Keese. At Girardi & Keese, his practice focused on class actions and other complex cases involving toxic torts and products liability. In addition, he gained substantial experience on cases involving insurance bad faith, premises liability, and medical negligence. While employed by Girardi & Keese, he argued approximately one hundred (100) motions, took or defended approximately one hundred fifty (150) depositions, and prepared dozens of expert witnesses for deposition or trial. Since in or around October of 2008, through his work at Lawyers for Justice, PC, he has almost exclusively focused on the prosecution of consumer and employment class actions, involving wage-and-hour claims, race discrimination, unfair business practices, or consumer fraud. While employed by Lawyers for Justice PC, he has argued over one hundred (100) motions, taken or defended over one hundred fifty (150) depositions, prepared dozens of expert witnesses for deposition or trial, and attended over one hundred seventy-five (175) mediations. Together with other attorneys at the firm, and in many cases in conjunction with co-counsel, he has successfully litigated cases involving the executive, administrative, and other overtime exemptions to the State of California and federal overtime compensation requirements. Under his supervision, Lawyers for Justice, PC has successfully obtained class certification by contested motion practice in approximately fifteen (15) cases in the last decade, and litigated over 1,000 class action or representative action cases.

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4. Arby Aiwazian is a Member and Shareholder of Lawyers *for* Justice, PC. He received his Bachelor of Arts degree from University of California, Los Angeles and graduated magna cum laude. He earned a Juris Doctor degree, cum laude, from Southwestern Law School. From approximately May 2007 to approximately July 2007, he served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the California Court of Appeal for the Second Appellate District. From approximately August 2008 to approximately December 2008 he served as a Judicial Extern to the Honorable Kim McLane Wardlaw of the United State Court of Appeals for the Ninth Circuit. He was admitted to practice law in California in 2010. He is admitted to practice before all courts of the State of California and all United States District Courts in the State of California. He has worked on many wage-and-hour class action and representative action cases, taking the lead in taking and defending depositions, arguing motions, and attending mediations. He has played an integral role in preparing matters for class certification, including and not limited to, successful certification of a class in *Upson v. Sur La Table* (Los Angeles County Superior Court Case No. BC424012), *Montazemi v. Regus Management* (Los Angeles County Superior Court Case No. BC478769), and *Abdulhaqq v. Urban Outfitters* (Alameda County Superior Court Case No. RG13680477). Under his and Edwin Aiwazian's supervision, dozens of class action or representative cases have resulted in settlements that have been granted court approval, including and not limited to, those listed in paragraph 6 herein. He has worked on over one hundred (100) class action or representative action cases which have resulted in settlement.

5. I, Joanna Ghosh, am a Senior Member of Lawyers *for* Justice, PC. I received a Bachelor of Arts degree from California State University, Los Angeles in 2006, a Master of Science degree from the London School of Economics in 2007, and a Juris Doctor degree from Georgetown University Law Center in 2010. I am admitted to practice in California (since 2010) and in New York (since 2013) and am also admitted to practice in all U.S. District Courts in California, the U.S. Bankruptcy Court for the Central District of California, and the U.S. Supreme Court. I have taken and defended dozens of depositions and successfully handled motion practice in class action cases regarding discovery (including and not limited to, regarding class contact information), class certification (both contested class certification and stipulated

class certification), arbitration agreements, coordination, and intervention. I have successfully handled briefing and oral argument on appeal, and obtained notable decisions regarding the Private Attorneys General Act and employer efforts to compel arbitration, e.g., *Betancourt v. Prudential Overall Supply*, 9 Cal.App.5th 439 (Cal. Ct. App., Mar. 7, 2017), cert. denied (Cal., May 24, 2017), cert. denied (U.S., Dec. 11, 2017) and *ZB, N.A. v. Superior Court*, 8 Cal.5th175 (2019). I also have extensive experience with class action and/or representative action settlements. Under my, Edwin Aiwarzian, and Arby Aiwarzian’s supervision, the firm has handled the class certification and court approval process for hundreds of class action and/or representative action matters that have successfully resolved. I am a member of the California Employment Lawyers Association.

**EXAMPLES OF RESULTS IN WAGE-AND-HOUR CLASS ACTION AND
REPRESENTATIVE ACTION CASES**

6. What follows are just a few examples of the type of results Lawyers for Justice, PC (“LFJ”) has achieved on behalf of its clients:

a) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class action against a major property management company involving allegations of misclassification of various “manager” positions. On September 20, 2010, the court granted final approval of the class action settlement. The Los Angeles County Superior Court Case Number is BC400414.

b) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class action against a national retailer of household items involving allegations of misclassification of the “Assistant Store Manager” position. On October 28, 2010, the court granted final approval of the class action settlement. The Los Angeles County Superior Court Case Number is BC413498.

c) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class action against a national property management company involving allegations of misclassification of the “Property Manager” position. On May 23, 2012, the court granted final approval of the class action settlement. The Los Angeles County Superior Court

Case Number is BC430918.

d) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class action against a national retailer involving allegations of misclassification of the “Store Manager” position. On June 10, 2011, the court granted plaintiffs’ motion for class certification. On August 26, 2013, the court granted final approval of the class action settlement. The Los Angeles County Superior Court Case Number is BC424012.

e) LFJ, in association with co-counsel therein, represented the plaintiff in a wage-and-hour class and PAGA representative action against a bank, involving allegations of misclassification of the “Assistant Branch Manager” position. On August 27, 2013, the court granted final approval of the class and PAGA representative action settlement. The Kern County Superior Court Case Number is S-1500-CV-273194-LHB.

f) LFJ, in association with co-counsel therein, represented the plaintiff in a wage-and-hour class and PAGA representative action against a national wholesale distributor of plumbing and builder supplies, involving allegations of misclassification of multiple salaried “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA representative action settlement. The Sacramento County Superior Court Case Number is 34-2012-00136285.

g) LFJ, in association with co-counsel therein, represented the plaintiff in a wage-and-hour class action against a multinational corporation that provides global workplace solutions, involving allegations of misclassification of the “Operations Manager” position. On September 16, 2014, the court granted plaintiff’s motion for class certification. The Los Angeles County Superior Court Case Number is BC478769.

h) LFJ, in association with co-counsel therein, represented the plaintiff in a wage-and-hour class and PAGA representative action against a national retailer of household items, on behalf of hourly-paid or non-exempt employees. On May 27, 2015, the court granted final approval of the class and PAGA representative action settlement. The San Francisco County Superior Court Case Number is CGC-13-532344.

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1 i) LFJ, in association with co-counsel therein, represented the plaintiff in a
2 wage-and-hour class and PAGA action involving allegations of misclassification of the salaried
3 residential “Property Manager” position. On September 17, 2015, the court granted plaintiff’s
4 motion for class certification. On October 20, 2017, the court granted final approval of the class
5 and PAGA representative action settlement. The Los Angeles County Superior Court Case
6 Number is BC474784.

7 j) LFJ, in association with co-counsel therein, represented the plaintiffs in a
8 wage-and-hour class and PAGA representative action against a national retailer of upscale
9 hardware and home furnishings, on behalf of non-exempt employees. On April 28, 2016, the
10 court granted final approval of the class and PAGA representative action settlement. The Los
11 Angeles County Superior Court Case Numbers are BC516795 and JCCP4794, and the Judicial
12 Council Coordination Proceeding Number is 4794.

13 k) LFJ, in association with co-counsel therein, represented the plaintiffs in a
14 wage-and-hour class action against a national retailer of apparel and fashion accessories, on
15 behalf of non-exempt employees. On August 5, 2016, the court granted final approval of the
16 class action settlement. The Los Angeles County Superior Court Case Number is BC488069.

17 l) LFJ, in association with co-counsel therein, represented the plaintiffs in a
18 wage-and-hour class action against a national retailer of apparel, accessories, and home products,
19 involving allegations of misclassification of the “Department Manager” position. On August 12,
20 2016, the court granted the plaintiffs’ motion for class certification in part and certified a class.
21 On August 6, 2019, the court granted final approval of the class action settlement. The Alameda
22 County Superior Court Case Number is RG13680477.

23 m) LFJ represented the plaintiff in a PAGA representative action against a
24 real estate and property management company, on behalf of non-exempt employees. On
25 November 4, 2016, the court granted approval of the PAGA representative action settlement. The
26 Orange County Superior Court Case Number is 30-2015-00775439-CU-OE-CXC.

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1 n) LFJ, in association with co-counsel therein, represented the plaintiffs in a
2 wage-and-hour class and PAGA representative action against a full-service bank, on behalf of
3 non-exempt employees. On November 18, 2016, the court granted final approval of the class and
4 PAGA representative action settlement. The San Francisco County Superior Court Case Number
5 is CJC-13-004839 and the Judicial Council Coordination Proceeding Number is 4839.

6 o) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
7 representative action against a foodservice distributor, on behalf of non-exempt employees. On
8 January 26, 2017, the court granted final approval of the class and PAGA representative action
9 settlement. The San Bernardino County Superior Court Case Number is CIVDS1507260.

10 p) LFJ, on behalf of the plaintiff and respondent in a PAGA representative
11 action, successfully opposed in the trial court, and briefed and argued an appeal with respect to
12 the employer's motion to compel arbitration, which resulted in a published opinion by the
13 California Court of Appeal in favor of employees. *Roberto Betancourt v. Prudential Overall*
14 *Supply* (Cal. App. 4th Dist., Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S.
15 Supreme Court Docket No. 17-254). The Riverside County Superior Court Case Numbers are
16 RIC1503952 and RICJCCP5046, and the Judicial Council Coordination Proceeding Number is
17 5046.

18 q) LFJ, in association with co-counsel therein, represented the plaintiffs in a
19 wage-and-hour class and PAGA representative action against a consumer packaging company,
20 on behalf of non-exempt employees. On March 10, 2017, the court granted final approval of the
21 class and PAGA representative action settlement. The Los Angeles County Superior Court Case
22 Number is BC590429.

23 r) LFJ, in association with co-counsel therein, represented the plaintiffs in a
24 wage-and-hour class and PAGA representative action against a manufacturer of food service
25 industry supplies on behalf of non-exempt employees. On April 14, 2017, the court granted final
26 approval of the class and PAGA representative action settlement. The Orange County Superior
27 Court Case Number is 30-2015-00810013-CU-OE-CXC.

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1 s) LFJ, in association with co-counsel, represented the plaintiffs in a wage-
2 and-hour class and PAGA representative action against a lumber and hardware company on
3 behalf of non-exempt employees. On April 26, 2017, the court granted final approval of the
4 class and PAGA representative action settlement. The Orange County Superior Court Case
5 Number is 30-2014-00747750-CU-OE-CXC.

6 t) LFJ represented the plaintiff in a wage-and-hour class and PAGA
7 representative action against a property management company, on behalf of non-exempt
8 employees. On June 14, 2017, the court granted final approval of the class and PAGA
9 representative action settlement. The Los Angeles County Superior Court Case Number is
10 BC586234.

11 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
12 representative action against a food company on behalf of non-exempt employees. On June 30,
13 2017, the court granted final approval of the class and PAGA representative action settlement.
14 The Sacramento County Superior Court Case Number is 34-2015-00175871.

15 v) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
16 representative action against a chocolate company on behalf of non-exempt employees. On July
17 19, 2017, the court granted final approval of the class and PAGA representative action
18 settlement. The Alameda County Superior Court Case Number is RG15764300.

19 w) LFJ represented the plaintiff in a PAGA representative action, against the
20 parent company of several restaurants, on behalf of hourly-paid, non-exempt employees. On
21 October 18, 2017, the court granted approval of the PAGA representative action settlement. The
22 Los Angeles County Superior Court Case Number is BC569664.

23 x) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
24 representative action against a manufacturer of plastic containers on behalf of non-exempt
25 employees. On October 31, 2017, the court granted final approval of the class and PAGA
26 representative action settlement. The Los Angeles County Superior Court Case Number is
27 BC577233.

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1 y) LFJ, in association with co-counsel therein, represented the plaintiffs in a
2 wage-and-hour class and PAGA representative action against a bank on behalf of non-exempt
3 employees. On December 11, 2017, the court entered an order granting final approval of the
4 class and PAGA representative action settlement. The Los Angeles County Superior Court Case
5 Number is BC569646.

6 z) LFJ, in association with co-counsel therein, represented the plaintiffs in a
7 wage-and-hour class and PAGA representative action against a property management company
8 on behalf of hourly-paid and non-exempt employees. On January 4, 2018, the court entered an
9 order granting final approval of the class and PAGA representative action settlement. The Los
10 Angeles County Superior Court Case Number is JCCP4819 and the Judicial Council
11 Coordination Proceeding Number is 4819.

12 aa) LFJ, in association with co-counsel therein, represented the plaintiffs in a
13 wage-and-hour class and PAGA representative action against a global provider of flexible office
14 space solutions. On February 15, 2018, the court entered an order granting final approval of the
15 class and PAGA representative action settlement. The Los Angeles County Superior Court Case
16 Number is BC498401.

17 bb) LFJ, in association with co-counsel therein, represents the plaintiff in a
18 wage-and-hour class action against a container manufacturer, on behalf of non-exempt
19 employees. On October 15, 2018, the court granted the plaintiff's motion for class certification.
20 The Tulare County Superior Court Case Number is VCU264528.

21 cc) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
22 representative action against a behavioral health service provider on behalf of non-exempt
23 employees. On November 13, 2018, the court granted final approval of the class and PAGA
24 representative action settlement. The Alameda County Superior Court Case Number is
25 RG16811450.

26 dd) LFJ, in association with co-counsel therein, represented the plaintiff in a
27 PAGA representative action against a global provider of products and services to the energy
28 industry, on behalf of hourly-paid and non-exempt employees. On November 19, 2018, the court

1 granted approval of the PAGA representative action settlement. The Kern County Superior
2 Court Case Number is S-1500-CV-280215-SDC.

3 ee) LFJ, in association with co-counsel therein, represents the plaintiff in a
4 wage-and-hour class action against a parking company on behalf of non-exempt employees. On
5 September 3, 2019, the court granted the plaintiff's motion for class certification and certified a
6 class. The Santa Clara County Superior Court Case Number is 16CV292208 and the Judicial
7 Council Coordination Proceeding Number is 4886.

8 ff) LFJ, in association with co-counsel therein, represents the plaintiffs in a
9 wage-and-hour class and representative action against a bank on behalf of non-exempt
10 employees. On September 27, 2019, the court granted the plaintiffs' motion for class
11 certification in part and certified a class. The Alameda County Superior Court Case Number is
12 RG15757606 and the Judicial Council Coordination Proceeding Number is 4921.

13 gg) LFJ, in association with co-counsel therein, represented the plaintiffs in a
14 wage-and-hour class and PAGA representative action against a national retailer of apparel and
15 fashion accessories, on behalf of non-exempt employees. On October 9, 2019, the court granted
16 the plaintiffs' motion for class certification in part and certified a class. On May 14, 2021, the
17 court granted final approval of the class and PAGA representative action settlement. The
18 Sacramento County Superior Court Case Number is 34-2015-00175330-CU-OE-GDS.

19 hh) LFJ, in association with co-counsel therein, on behalf of the plaintiff and
20 respondent in a PAGA representative action, successfully opposed in the trial court, and briefed
21 and argued an appeal with respect to the employer's motion to compel arbitration, resulting in a
22 notable decision from the California Supreme Court clarifying the law regarding PAGA actions,
23 *ZB, N.A. v. Superior Court* (2019) 8 Cal.5th 175. On February 21, 2020, the court granted
24 approval of the PAGA representative action settlement. The San Diego County Superior Court
25 Case Number is 34-2015-00175330.

26 ii) LFJ, in association with co-counsel therein, represents the plaintiff in a
27 wage-and-hour class and PAGA representative action against a medical equipment supplier on
28 behalf of non-exempt employees. On February 13, 2020, the court granted the plaintiff's motion

jj) LFJ, in association with co-counsel therein, represents the plaintiff in a wage-and-hour class and PAGA representative action against a large national drug testing laboratory on behalf of non-exempt employees. On February 21, 2020, the court granted the plaintiff's motion for class certification and certified a class. The San Diego County Superior Court Case Number is 37-2018-00019611-CU-OE-CTL.

kk) LFJ, in association with co-counsel therein, represents the plaintiffs in a wage-and-hour class and PAGA representative action against a national retailer of sportswear, footwear, and camping equipment on behalf of non-exempt employees. On March 16, 2020, the court granted in part the plaintiff's motion for class certification and certified a class. The Riverside County Superior Court Case Numbers are RIC1507504 and RICJCCP4930, and the Judicial Council Coordination Proceeding Number is 4930.

11) LFJ, in association with co-counsel therein, represents the plaintiffs in a wage-and-hour class action against manufacturer and supplier of power products and services on behalf of non-exempt employees. On July 31, 2020, the court granted in part the plaintiffs' motion for class certification and certified a class. The San Diego County Superior Court Case Number is 37-2015-00025968-CU-OE-CTL.

mm) LFJ represents the plaintiff in a wage-and-hour class action against a nutritional products manufacturer on behalf of non-exempt production line employees. On December 13, 2021, the court granted the plaintiff's motion for class certification in part and certified a class. The Solano County Superior Court Case Number is FCS051001.

7. Lawyers *for* Justice, PC has been actively engaged in this litigation from the inception of the *Fairley* Action and throughout its pendency. Since joining forces with other plaintiff's counsel Gaines & Gaines, APLC, who filed the above-captioned action, and other plaintiff's counsel Matern Law Group, PC who filed the action entitled *Demetreia Gray v. DAA Draexlmaier Automotive of America LLC*, Alameda County Superior Court Case No.

1 RG20072329 (“*Gray* Action”), we have worked closely with those firms to prosecute the cases
2 (together, Lawyers for Justice, PC, Gaines & Gaines, APLC, and Matern Law Group, PC are
3 referred to as “Class Counsel”).

4 8. Before initiating the *Fairley* Action against DAA Draexlmaier Automotive of
5 America LLC and DAN Draexlmaier Automotive North America LLC (together, “Defendants”),
6 Lawyers for Justice, PC conducted extensive investigation and research into the facts and
7 circumstances underlying the pertinent factual and legal issues and applicable law. This required
8 thorough discussions and interviews between attorneys at our firm and Plaintiff Fairley, and
9 research into the various legal issues involved in the *Fairley* Action, namely, the current state of
10 the law as it applied to certification, off-the-clock theory, meal and rest periods, PAGA claims,
11 wage-and-hour enforcement, Plaintiff Fairley’s claims, and potential defenses. After conducting
12 initial investigation, our firm determined that Plaintiff Fairley’s claims were well-suited for class
13 action treatment and representative adjudication owing to what appeared to be a common course
14 of conduct affecting a similarly situated group of current and former hourly-paid or non-exempt
15 employees who worked for Defendants within the State of California, who were not properly
16 compensated for, *inter alia*, all hours worked, non-compliant meal and rest periods, and
17 unreimbursed business expenses.

18 9. Prior to reaching the settlement, Class Counsel investigated the veracity, strength,
19 and scope of the claims, and worked on preparing the cases for class certification and trial.
20 Collectively, the litigation of the cases has involved ongoing investigations, extensive research
21 into legal and factual issues, and significant formal and informal discovery. In the *Fairley*
22 Action, Lawyers for Justice, PC propounded multiple sets of written discovery requests on
23 Defendants (approximately eight (8) sets of discovery requests), served multiple notices of
24 deposition of person(s) most knowledgeable along with accompanying requests for production of
25 documents (approximately six (6) such notices of deposition), and reviewed Defendants’
26 objections and responses to the notices of deposition. Lawyers for Justice, PC also prepared for
27 and took the depositions of Defendant DAA Draexlmaier of America LLC’s Director of Human
28 Resources for the United States and Plant Manager, and other plaintiffs’ counsel were also

present at the depositions. Lawyers *for* Justice, PC obtained information from Plaintiff Fairley, putative class members, and percipient witnesses, reviewed and analyzed a volume of documents and data obtained from Plaintiff Fairley, Defendant, and other sources, researched applicable law, and undertook analyses and calculations of the value of claims and damages and penalties exposure. Lawyers *for* Justice, PC also met and conferred with Defendant's counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, case management, court proceedings, discovery and production of various documents and data prior to the mediation, and mediation. Other work that Lawyers *for* Justice, PC performed included, and was not limited to, case strategy and analysis; drafting, reviewing, and revising the pleadings; drafting, reviewing, and revising plaintiffs' mediation brief; preparing for and attending mediation, settlement negotiations, and court proceedings; and coordinating efforts with other plaintiffs' counsel to attend a global mediation and implement a global resolution of the cases.

10. As outlined herein, the parties have conducted significant investigations and discovery during the course of this litigation. Class Counsel analyzed a volume of documents and data obtained from Plaintiffs Corey Jones, Demetreia Gray, and Eddie Fairley (together, "Plaintiffs"), Defendants, and other sources. These documents and data provided a critical understanding of the nature of the work performed by class members and aggrieved employees, as well as Defendants' operations and employment policies, practices, and procedures, and were used in analyzing liability, damages, and penalties valuation issues in connection with the litigation, and ultimately, in connection with the mediation and settlement negotiation process. Accordingly, sufficient investigation and review of information has taken place in order for the parties to be sufficiently informed of the nature and extent of the claims, and to enable all parties to fully evaluate the Settlement for its fairness, adequacy, and reasonableness.

11. After conducting significant investigation of the facts and law during the prosecution of the cases, counsel for the parties engaged in extensive settlement negotiations to try to resolve the cases. These efforts included participating in a private mediation conducted by Honorable Louis M. Meisinger (Ret.), a well-regarded mediator. During all settlement discussions, the parties conducted their negotiations at arm's length in an adversarial position.

Prior to and during the mediation, the parties discussed all aspects of the cases, including the risks and delays of further litigation, the risks to the parties of proceeding with class certification and/or trial, the law relating to off-the-clock theory, meal and rest periods, PAGA claims, and wage-and-hour enforcement, as well as the evidence produced and analyzed, and the possibility of appeals, among other things. Arriving at a settlement that was acceptable to the parties was not easy. Defendants and their counsel felt very strongly about Defendants' ability to prevail on the merits and to obtain a denial of class certification, while Plaintiffs and Class Counsel believed that class certification would be obtained and that Plaintiffs would prevail at trial. After conducting extensive investigations and discovery, settlement negotiations, and with the aid of the mediator's evaluations, the parties have agreed to resolve the cases given the legal issues relating to Plaintiffs' principal claims, as well as the costs and risks to both sides that would attend further litigation of the cases. These risks of further litigation include, and are not limited to, a determination that the claims are unsuitable for class treatment and/or are unmanageable, class de-certification after certification of a class, allowing a jury to decide the claims, and the real possibility of no recovery after years of litigation.

12. The Settlement provides for enhancement payments in the amount not to exceed ten thousand dollars (\$10,000) each to Plaintiffs Corey Jones, Demetreia Gray, and Eddie Fairley. The contemplated enhancement payments are fair and appropriate in light of the time and effort that Plaintiffs expended to pursue the cases. Plaintiffs spent a substantial amount of time and effort providing the facts and evidence necessary to facilitate prosecution of the cases, and were available whenever Class Counsel needed them and actively tried to obtain and provide information to facilitate the pursuit of the class and PAGA claims. Accordingly, it is appropriate and just for Plaintiffs to each receive a reasonable enhancement payment for their services in the cases, in addition to their individual settlement payments.

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1 13. I submit that the Settlement is fair, reasonable, and adequate. In addition, the
2 Settlement is in the best interests of Plaintiffs, the Class, the State of California, and PAGA
3 Employees.

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

6 Executed this 8th day of September 2022, at Glendale, California.

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10 _____
11 Joanna Ghosh
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