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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN

ANTHONY MASINAS, individually,
and on behalf of other members of the
general public similarly situated; JUAN
PARTIDA, individually, and on behalf of
other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the
California Private Attorneys General Act;

Plaintiffs,

vs.

FLEETPRIDE, INC., an Alabama
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: STK-CV-UOE-2018-0015792

Honorable Jayne Lee
Department 10C

CLASS ACTION

**DECLARATION OF EDWIN AIWAZIAN IN
SUPPORT OF PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS' FEES AND
COSTS, AND ENHANCEMENT PAYMENTS**

[Notice of Motion and Motion for Final Approval
of Class Action Settlement; Declarations of Class
Counsel (Kevin T. Barnes and Raphael A. Katri);
Declarations of Class Representatives (Anthony
Masinas and Juan Partida); Declaration of
Settlement Administrator (Kevin Lee); and
[Proposed] Final Approval Order and Judgment
filed concurrently herein]

Date: January 5, 2022
Time: 9:00 a.m.
Department: 10C

Complaint Filed: December 18, 2018
FAC Filed: August 3, 2021
Trial Date: None Set

DECLARATION OF EDWIN AIWAZIAN

I, Edwin Aiwazian, 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 Plaintiffs Anthony Masinas (“Plaintiff Masinas”) and the Class. 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.

PRELIMINARY APPROVAL OF SETTLEMENT

2. On August 3, 2021, in Department 10C of the above-entitled Court, the Honorable Jayne Lee preliminarily approved the Stipulation of Class Action and PAGA Settlement (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiffs Anthony Masinas and Juan Partida (“Plaintiffs”) and Defendant Fleetpride, Inc. (“Defendant”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiffs Anthony Masinas and Juan Partida as Class Representatives. The Court also preliminarily appointed and designated Edwin Aiwazian, Arby Aiwazian, and Joanna Ghosh of Lawyers *for* Justice, PC, Kevin T. Barnes and Gregg Lander of Law Offices of Kevin T. Barnes, and Raphael A. Katri of Law Offices of Raphael A. Katri as Class Counsel. The Court approved and ordered the mailing of the Notice of Class Action Settlement (“Notice”), adopted the notice, opt-out, and objection procedures, and ordered their implementation. The Court appointed Phoenix Class Action Administration Solutions (“Phoenix”) to serve as Settlement Administrator for handling the notice and settlement administration process.

3. As of the date of filing the accompanying Motion for Final Approval, no Class Members have objected to the Class Settlement or the request for Attorneys’ Fees and Costs, Enhancement Payments, Settlement Administration Costs, or allocation for the penalties under the Private Attorneys General Act of 2004, California Labor Code section 2698, et seq. (“PAGA”).

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WORK PERFORMED BY CLASS COUNSEL

4. This matter involves litigation in two (2) cases: the above-captioned action entitled *Anthony Masinas v. Fleetpride, Inc.*, Case No. STK-CV-UOE-2018-0015792 (the “*Masinas* Action”) and the action entitled *Juan Partida v. Fleetpride, Inc.*, Case No. 20STCV15187 (the “*Partida* Action”) (together, the “Actions”). I have been actively engaged in litigating this matter since prior to the commencement of the *Masinas* Action on December 18, 2018, as have several other attorneys and members in our firm.

5. Before initiating the *Masinas* Action, Lawyers for Justice, PC investigated and researched the facts and circumstances underlying the pertinent factual and legal issues and applicable law. This required thorough discussions and interviews between attorneys at our firm and Plaintiff Masinas, and research into the various legal issues involved in the cases, namely, the current state of the law as it applied to certification, off-the-clock theory, meal and rest periods, wage-and-hour enforcement, the claims of Plaintiffs, and potential defenses. After conducting initial investigation, our firm determined that the claims of Plaintiffs were well-suited for class-wide adjudication owing to what appeared to be a common course of conduct affecting a similarly situated group of current and former hourly-paid non-exempt employees who worked for Defendant, who were not properly compensated for, *inter alia*, all hours worked, and non-compliant meal and rest periods.

6. Class Counsel used the pre-mediation time period to investigate the veracity, strength, and scope of the claims, and also to prepare the matter for class certification, representative adjudication, and trial. The parties conducted significant formal and informal discovery and investigation into the facts of the cases, and also informally exchanged information and data in preparation for mediation. Class Counsel propounded multiple sets of formal written discovery requests on Defendant, reviewed Defendant’s responses and supplemental responses thereto; worked with Plaintiffs to provide objections and responses to multiple sets of discovery requests that were propounded by Defendant; noticed the depositions of Defendant’s Person Most Knowledgeable designees regarding organizational structure and job duties; as well as and prepared for and defended a full-day deposition of Plaintiff Anthony

1 Masinas. Class Counsel also interviewed and obtained information from Plaintiffs and other
2 Class Members, including and not limited to the names of potential witnesses, and reviewed and
3 analyzed thousands of pages of documents and data produced by Defendant and obtained
4 through other sources. The documents and data reviewed and analyzed by Class Counsel
5 included, and were not limited to, employment records of Plaintiffs and other Class Members, a
6 detailed sampling of Class Members' time and pay data, company policy acknowledgements
7 (including, but not limited to, regarding Defendant's California Meal/Rest Break Policy and exit
8 process), internal memoranda, job descriptions, operations and employment practices (including,
9 but not limited to, Defendant's Employee Handbook and Team Member Handbook, as well as a
10 California Handbook Supplement), procedures (including, but not limited to, Defendant's
11 Distribution Center Guidelines), and policies (including, but not limited to, Defendant's policies
12 regarding Meal and Rest Periods, Recording of Hours, Pay Practices, Overtime, Call-
13 Back/Report In Pay, Payday, and Expense Reimbursement), among other documents and data.
14 Class Counsel researched applicable law, developed damages/valuation models in preparation
15 for mediation, and met and conferred with Defendant's counsel on numerous occasions, e.g., to
16 discuss issues relating to the pleadings, case management, discovery, and production of various
17 documents and data prior to mediation. Other work performed by Class Counsel included, and
18 was not limited to, case strategy and analysis; drafting, reviewing, and revising pleadings and
19 mediation brief; preparing and appearing for court proceedings; and preparing for and attending
20 mediation and settlement negotiations.

21 7. As outlined herein, the parties have conducted significant formal and informal
22 discovery and investigation during the course of litigating the Actions. Class Counsel analyzed
23 thousands of pages of documents and data either produced by Plaintiffs and Defendant or
24 obtained by Class Counsel through other sources. These documents and data provided a critical
25 understanding of the nature of the work performed by the Class Members, as well as Defendant's
26 operations and employment policies, practices, and procedures, and were used in analyzing
27 liability, damages, and valuation issues in connection with all phases of the litigation, and
28 ultimately with the mediation and settlement negotiation process. Class Counsel also performed

1 significant research into the law concerning Defendant's defenses.

2 8. After conducting significant investigation of the facts and law during the
3 prosecution of the Actions, counsel for the parties engaged in extensive settlement negotiations
4 to try to resolve the entire matter. These efforts included participating in a formal, full-day
5 mediation conducted by David A. Rotman, Esq., a well-regarded mediator experienced in
6 mediating complex labor and employment matters. During all settlement discussions, the parties
7 conducted their negotiations at arm's length in an adversarial position. Prior to and during
8 mediation, the parties exchanged information and data, and discussed all aspects of the cases,
9 including the risks and delays of further litigation, the risks to the parties of proceeding with
10 class certification and trial, the law relating to off-the-clock theory, meal and rest periods,
11 representative PAGA claims, and wage-and-hour enforcement, the evidence produced and
12 analyzed, and the possibility of appeals, among other things. Arriving at a settlement that was
13 acceptable to the parties was not easy. Defendant also contended that individualized questions of
14 fact predominate over any common issues, and these issues would pose challenges to
15 certification and representative adjudication. Defendant and its counsel felt very strongly about
16 Defendant's ability to prevail on the merits and to obtain a denial of class certification, while
17 Plaintiffs and Class Counsel believed that class certification would be obtained and that they
18 would prevail at trial. With the aid of the mediator's evaluation, the parties agreed that the
19 Actions were well-suited for settlement given the legal issues relating to Plaintiffs' principal
20 claims, as well as the costs and risks to the parties that would attend further litigation. These
21 risks of further litigation include, and are not limited to, a determination that the claims are
22 unsuitable for class treatment and/or representative adjudication, failure to obtain certification,
23 class de-certification after certification of a class, allowing a jury to decide the claims asserted in
24 the cases, and the real possibility of no recovery after years of litigation.

25 9. As set forth more fully in the accompanying Motion for Final Approval, Class
26 Counsel seek attorneys' fees in the amount of \$875,000.00, which is thirty-five percent (35%) of
27 the Total Settlement Amount of \$2,500,000.00, as set forth in the Settlement Agreement and the
28 Notice. Pursuant to the contingency-fee agreement entered into by and between Plaintiff

1 Masinas and Lawyers *for* Justice, PC, Plaintiff Masinas has agreed to contingency fees of at least
2 thirty-five percent (35%) of the recovery. The attorneys' fees sought are commensurate with:
3 (1) the risk that Class Counsel took in commencing the cases; (2) the time, effort, and expense
4 that Class Counsel dedicated to the cases; (3) the skill and determination that Class Counsel have
5 shown; (4) the results that Class Counsel have achieved throughout the litigation; (5) the value of
6 the settlement that Class Counsel have achieved for the Class Members; and (6) the other cases
7 that Class Counsel have turned down in order to devote their time and efforts to this matter.

8 10. I am aware that the common and acceptable rate for contingency representation in
9 wage and hour class action litigation is normally 40% before trial, with the range being from
10 33.3% up to 50%.

11 11. While not necessarily required to be demonstrated because the contingent fee is
12 proper for this settlement, Class Counsel have incurred many hours of work in connection with
13 prosecuting the cases such that the award of attorneys' fees is also justified under a simple
14 lodestar analysis with a multiplier of 1.28. Lawyers *for* Justice, PC, Law Offices of Kevin T.
15 Barnes, and Law Offices of Raphael A. Katri have collectively spent a total of **886.10 hours**,
16 with 724.50 hours spent by Lawyers *for* Justice, PC, 128.30 hours spent by the Law Offices of
17 Kevin T. Barnes, and 33.30 hours spent by the Law Offices of Raphael A. Katri, performing
18 tasks and obtaining recovery on behalf of Plaintiffs and the Class Members. Attached hereto as
19 **"EXHIBIT 1"** is an Attorney Task and Time and Chart that sets forth in detail the nature of the
20 legal services provided by Lawyers *for* Justice, PC and the time incurred in performing those
21 services. These hours include work done by myself and several of the firm's other members.
22 We also had litigation support personnel actively engaged in assisting with the prosecution of
23 this matter.

24 12. The work performed in this particular matter, the background of our firm, as well
25 as the individual backgrounds, training, and experience of the attorneys who worked on this
26 matter, in litigating complex wage-and-hour matters, and in particular, employment class actions,
27 support a reasonable hourly rate of compensation at the rate of \$775 for work performed by
28 Lawyers *for* Justice, PC. Lawyers *for* Justice, PC has been awarded attorneys' fees,

1 compensating the firm at the rate of at least \$775 per hour for legal services performed, by courts
2 granting final approval in other cases: final approval of the class and representative action
3 settlement in *Seth Swan v. Pace Supply Corp.* (Sonoma County Superior Court Case No.
4 SCV258764) was granted on February 6, 2019, and the award of attorneys' fees involved a
5 higher hourly rate of \$855.96; final approval of the class and representative action settlement in
6 *Stanley Bland, et al. v. Telecare Corporation* (Alameda County Superior Court Case No.
7 RG16811450) was granted on November 21, 2018, and the award of attorneys' fees involved a
8 higher hourly rate of \$831.38; final approval of the class and representative action settlement in
9 *Maryjo Ungerbuhler Anderson v. Boyett Petroleum* (Stanislaus County Superior Court Case No.
10 2020582) was granted on May 15, 2018, and the award of attorney's fees involved a higher
11 hourly rate of \$780.77; and final approval of the class and representative action settlement in
12 *Demetrius Camarillo v. Blue Diamond Growers* (Sacramento County Superior Court Case No.
13 34-2015-00175871) was granted on June 30, 2017, and the award of attorneys' fees involved a
14 higher hourly rate of \$845.64.

15 **ADEQUACY OF LAWYERS for JUSTICE, PC**

16 ***EDUCATION***

17 1. In May of 2004, I graduated from *Pepperdine University School of Law* with a
18 Juris Doctor degree. I have extensive formal training in dispute resolution and negotiation from
19 the Straus Institute for Dispute Resolution as part of its Masters in Dispute Resolution degree
20 program. In addition, I have previously served as a *pro bono* mediator for the Los Angeles
21 County Superior Court. In October of 2000, I obtained a Litigation Paralegal Certificate from
22 the *UCLA Extension Program*. During the summer of 2000, I studied Legal Writing at *Harvard*
23 *University*. In April of 1999, I obtained a Bachelor of Arts degree in Communication with a
24 concentration in Natural Sciences from *Pepperdine University*.

25 ***JUDICIAL EXTERNSHIPS***

26 2. From approximately September 2002 to approximately December 2002, I served
27 as a Judicial Extern to the Honorable Kim McLane Wardlaw of the *United States Court of*
28 *Appeals for the Ninth Circuit*. From approximately June 2002 to approximately August 2002, I

1 served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the *California Court of Appeal*
2 *for the Second Appellate District.*

3 ***LITIGATION AND CLASS ACTION EXPERIENCE***

4 3. In December of 2004, I obtained a license to practice law from the California
5 State Bar. From approximately December 2004 to approximately August 2008, I was employed
6 by *Girardi & Keese*.

7 4. At *Girardi & Keese*, my practice focused on class actions and other complex
8 cases involving toxic torts and products liability. In addition, I gained substantial experience on
9 cases involving insurance bad faith, premises liability, and medical negligence. While employed
10 by *Girardi & Keese*, I argued approximately 100 motions, took or defended approximately 150
11 depositions, and prepared dozens of expert witnesses for deposition or trial.

12 5. Since its inception, in or around October of 2008, our firm has almost exclusively
13 focused on the prosecution of consumer and employment class actions, involving wage-and-hour
14 claims, race discrimination, unfair business practices or consumer fraud. Currently, we are the
15 attorneys of record in over a dozen employment-related putative class actions in both state and
16 federal courts in the State of California. Our firm has successfully litigated cases involving the
17 executive, administrative, and other overtime exemptions to the State of California and federal
18 overtime compensation requirements. During this relatively short time, in association with other
19 law firms, we have obtained millions of dollars on behalf of thousands of individuals in
20 California.

21 ***EXAMPLES OF CLASS ACTION RESULTS***

22 6. What follows are just a few examples of the type of results we have achieved on
23 behalf of our clients:

24 a) Our firm, in association with other co-counsel, represented the plaintiffs in
25 a wage-and-hour class and representative action against a major property management company
26 involving allegations of misclassification of various “manager” positions. On September 20,
27 2010, the court granted final approval of the class and representative action settlement. The Los
28 Angeles County Superior Court Case Number is BC400414.

b) Our firm, in association with other co-counsel, represented the plaintiffs in a wage-and-hour class action against a national retailer 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) Our firm, in association with other co-counsel, represented the plaintiffs in a wage-and-hour class and representative 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 and representative action settlement. The Los Angeles County Superior Court Case Number is BC430918.

d) Our firm, in association with other co-counsel, 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) Our firm, in association with other co-counsel, represented the plaintiffs in a wage-and-hour class and 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 representative action settlement. The Kern County Superior Court Case Number is S-1500-CV-273194-LHB.

f) Our firm, in association with other co-counsel, represented the plaintiffs in a wage-and-hour class and 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 representative action settlement. The Sacramento County Superior Court Case Number is 34-2012-00136285.

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1 g) Our firm, in association with other co-counsel, represented the plaintiffs in
2 a wage-and-hour class action involving allegations of misclassification of the “Operations
3 Manager” position. On September 16, 2014, the court granted plaintiffs’ motion for class
4 certification. The Los Angeles County Superior Court Case Number is BC478769.

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

10 i) Our firm, in association with other co-counsel, represented the plaintiffs in
11 a wage-and-hour class action involving allegations of misclassification of the salaried residential
12 “Property Manager” position. On September 17, 2015, the court granted plaintiffs’ motion for
13 class certification. The Los Angeles County Superior Court Case Number is BC474784.

14 j) Our firm, in association with other co-counsel, represented the plaintiffs in
15 a wage-and-hour class and representative action against a national retailer of upscale hardware
16 and home furnishings, on behalf of non-exempt employees. On April 28, 2016, the court granted
17 final approval of the class and representative action settlement. The Los Angeles County
18 Superior Court Case Number is JCCP4794.

19 k) Our firm, in association with other co-counsel, represented the plaintiffs in
20 a wage-and-hour class and representative action against a national retailer of apparel and fashion
21 accessories, on behalf of non-exempt employees. On August 5, 2016, the court granted final
22 approval of the class and representative action settlement. The Los Angeles County Superior
23 Court Case Number is BC488069.

24 l) Our firm, in association with other co-counsel, represented the plaintiffs in
25 a wage-and-hour class action against a national retailer of apparel, accessories, and home
26 products, involving allegations of misclassification of the “Department Manager” position. On
27 August 12, 2016, the court granted the plaintiffs’ motion for class certification in part and
28 certified a class. The Alameda County Superior Court Case Number is RG13680477.

1 m) Our firm represented the plaintiffs in a representative action under the
2 Private Attorneys General Act, against a real estate and property management company, on
3 behalf of non-exempt employees. On November 4, 2016, the court granted approval of the
4 settlement. The Orange County Superior Court Case Number is 30-2015-00775439-CU-OE-
5 CXC.

6 n) Our firm, in association with other co-counsel, represented the plaintiffs in
7 a wage-and-hour class action against a full-service bank, on behalf of non-exempt employees.
8 On November 18, 2016, the court granted final approval of the class action settlement. The San
9 Francisco County Superior Court Case Number is CJC-13-004839.

10 o) Our firm, in association with other co-counsel, represented the plaintiffs in
11 a wage-and-hour class and representative action against a consumer packaging company, on
12 behalf of non-exempt employees. On March 10, 2017, the court granted final approval of the
13 class and representative action settlement. The Los Angeles County Superior Court Case
14 Number is BC590429.

15 p) Our firm, in association with other co-counsel, represented the plaintiffs in
16 a wage-and-hour class and representative action against a manufacturer of food service industry
17 supplies on behalf of non-exempt employees. On April 14, 2017, the court granted final approval
18 of the class and representative action settlement. The Orange County Superior Court Case
19 Number is 30-2015-00810013-CU-OE-CXC.

20 q) Our firm represented the plaintiffs in a wage-and-hour class and
21 representative action against a food company on behalf of non-exempt employees. On June 30,
22 2017, the court granted final approval of the class action settlement. The Sacramento County
23 Superior Court Case Number is 34-2015-00175871.

24 r) Our firm represented the plaintiffs in a wage-and-hour class and
25 representative action against a chocolate company on behalf of non-exempt employees. On July
26 19, 2017, the court granted final approval of the class and representative action settlement. The
27 Alameda County Superior Court Case Number is RG15764300.

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1 s) Our firm represented the plaintiffs in a wage-and-hour class and
2 representative action against a manufacturer of plastic containers on behalf of non-exempt
3 employees. On October 31, 2017, the court granted final approval of the class and representative
4 action settlement. The Los Angeles County Superior Court Case Number is BC577233.

5 t) Our firm, in association with other co-counsel, represented the plaintiffs in
6 a wage-and-hour class and representative action against a bank on behalf of non-exempt
7 employees. On December 11, 2017, the court entered an order granting final approval of class
8 and representative action settlement. The Los Angeles County Superior Court Case Number is
9 BC569646.

10 u) Our firm, in association with other co-counsel, represented the plaintiffs in
11 a wage-and-hour class and representative action against a property management company on
12 behalf of hourly-paid and non-exempt employees. On January 4, 2018, the court entered an order
13 granting final approval of the class and representative action settlement. The Los Angeles
14 County Superior Court Case Number is JCCP4819.

15 v) Our firm, in association with other co-counsel, represented the plaintiffs in
16 a wage-and-hour class and representative action against a global provider of flexible office space
17 solutions. On February 15, 2018, the court entered an order granting final approval of the class
18 and representative action settlement. The Los Angeles County Superior Court Case Number is
19 BC498401.

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

25 x) Our firm, in association with other co-counsel, represented the plaintiff in
26 a representative action under the Private Attorneys General Act, against a global provider of
27 products and services to the energy industry, on behalf of hourly-paid and non-exempt
28

employees. On November 19, 2018, the Court granted approval of the settlement. The Kern County Superior Court Case Number is S-1500-CV-280215-SDC.

y) Our firm represented the plaintiff in a wage-and-hour class action against a parking company on behalf of non-exempt employees. On September 3, 2019, the court granted the plaintiff's motion for class certification and certified a class. The Santa Clara County Superior Court Case Number is 16CV292208 and the Judicial Council Coordination Proceeding Number is JCCP 4886.

z) Our firm, in association with other counsel, on behalf of the plaintiff and respondent in a PAGA representative action, successfully opposed in the trial court, and briefed and argued an appeal with respect to the employer's motion to compel arbitration, resulting in a notable decision from the California Supreme Court clarifying the law and finding, in part, that employer arbitration agreements are unenforceable where they block a PAGA claim from proceeding, *ZB, N.A. v. Superior Court*, 8 Cal.5th 175 (2019).

aa) Our firm represents the plaintiffs in a wage-and-hour class and representative action against a bank on behalf of non-exempt employees. On September 27, 2019, the court granted the plaintiffs' motion for class certification in part and certified a class. The Alameda County Superior Court Case Number is RG15757606 and the Judicial Council Coordination Proceeding Number is JCCP 4921.

bb) Our firm represented the plaintiffs in a wage-and-hour class and representative action against a national retailer of apparel and fashion accessories, on behalf of non-exempt employees. On October 9, 2019, the court granted the plaintiffs' motion for class certification in part and certified a class. The Sacramento County Superior Court Case Number is 34-2015-00175330-CU-OE-GDS.

cc) Our firm represented the plaintiff in a wage-and-hour class and PAGA representative action against a medical equipment supplier on behalf of non-exempt employees. On February 13, 2020, the court granted the plaintiff's motion for class certification and certified a class. The San Bernardino County Superior Court Case Number is CIVDS1505744.

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dd) Our firm, in association with other counsel, represented 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.

ee) Our firm represented the plaintiffs in a wage-and-hour class and 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 Number is RICJCCP4930.

ff) Our firm represented the plaintiffs in a wage-and-hour class and PAGA representative action against a plastic packaging company on behalf of non-exempt employees. On June 8, 2020, the court granted in part the plaintiffs' motion for class certification and certified a class. The San Bernardino County Superior Court Case Number is CIVDS1507361.

gg) Our firm, in association with other co-counsel, represented 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.

LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL

7. To date, Class Counsel have borne all the risks and costs of litigation and will not receive any compensation until recovery is obtained by Plaintiffs and the Class Members. Lawyers *for* Justice, PC has incurred **\$27,279.84** in litigation costs and expenses as reflected in **"EXHIBIT 2"** attached hereto. These expenses were reasonable and necessary in the prosecution of this matter and to obtain the Settlement. It should be noted that Class Counsel have borne all of the risks and costs of litigation and will not receive any compensation until recovery is obtained under the Settlement.

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ENHANCEMENT PAYMENTS TO PLAINTIFFS

8. In recognition of their efforts and work serving as the Class Representatives, the Settlement provides for Enhancement Payments in the amount of \$10,000.00 each to Plaintiffs Anthony Masinas and Juan Partida to compensate Plaintiffs for the time and effort that they expended on behalf of the Class. The requested Enhancement Payments are fair and appropriate. Plaintiff Masinas spent a substantial amount of time and effort in producing relevant documents and past employment records and provided the facts and evidence necessary to attempt to prove the allegations, including and not limited to, by way of working with Class Counsel to provide responses to discovery requests that were propounded on him by Defendant, as well as preparing for and attending a full-day deposition, and reviewing his deposition transcripts thereafter. Plaintiff Masinas was available whenever Class Counsel needed him and actively tried to obtain information that would benefit the Class. Plaintiff Masinas spent numerous hours speaking with Class Counsel about his claims, describing his work experience with Defendant, and gathering and reviewing documents. Accordingly, it is appropriate for Plaintiffs Anthony Masinas to receive \$10,000.00 as a reasonable Enhancement Payment, in addition to his Individual Settlement Payment and Individual PAGA Payment, for his services on behalf of the Class.

9. I submit that the Settlement is fair, reasonable, and adequate. In addition, the Settlement is in the best interests of Plaintiffs and other Class Members.

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

Executed this 10th day of December 2021, at Glendale, California.



Edwin Aiwasian

EXHIBIT 1

ANTHONY MASINAS V. FLEETPRIDE, INC.
SAN JOAQUIN SUPERIOR COURT CASE NO. STK-CV-UOE-2018-15792
ATTORNEY TASK AND TIME CHART

TASK	LAWYERS <i>for</i> JUSTICE, PC
Investigation and Research / Due Diligence	
Pre-Lawsuit Investigation of the Key Facts with a Focus on Class Certification Elements, including Adequacy, Typicality, Superiority, and Commonality	24.50
Pre-Lawsuit Investigation of the Merits of Plaintiff Anthony Masinas’s (“Plaintiff Masinas”) Claims and the Merits of the Claims of the Putative Class Members	13.90
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendant Fleetpride, Inc. (“Defendant”) with Respect to the Damages Sustained by Plaintiff Masinas and the Putative Class	12.10
Pre-Lawsuit Legal Research & Analysis of Latest Off-the-Clock, Meal and Rest Break Law, and Certification, Exemption, and Wage Order Decisions in California, including all New Relevant DLSE Materials, and Relevant Federal Law and Guidance	11.50
Investigation of Defendant, Defendant’s Business Relationships, and the Industry in which Defendant Operates	6.80
Investigation of Defendant’s Licenses, Registrations, and Permits	5.40
Investigation of Defendant’s Organizational and Corporate Structure, and Executive Reporting Structure as It Related to the Employment and Management of the Putative Class Members	9.20
Investigation of Defendant’s Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	7.50

Research and Investigation Re: Trucking and Transportation Industry Regulations/Requirements and Common Policies, Practices, and Procedures, and Defendant's Customers Base and Their Requires (In Agriculture, Construction, Energy, Freight, Shipping, Food and Beverage, Leasing, Long and Short Haul, Mining, Transit, Waste Management Industries)	8.20
Analysis of Competitors within Various Relevant Geographic Areas within which Defendant Operates, and Comparing and Contrasting Defendant's Policies, Practices, and Procedures with the Policies, Practices, and Procedures of Defendant's Competitors	8.70
Research and Investigation Re: Locations, Divisions, Departments, and/or Facilities Owned, Managed, Serviced and/or or Operated by Defendant in California During the Class Period, Including Differences Between the Various Locations, Divisions, Departments, and/or Facilities to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	10.50
Research and Investigation Re: Workforce, Staffing Models, and Staffing Levels at Locations at Which Putative Class Members Worked Throughout California	9.40
Research and Investigation of Impact of COVID-19 Pandemic on Defendant and Its Operations	7.30
Research and Investigation Re: Defendant's Policies, Practices, and Procedures Relating to Reporting Time, Timekeeping, Schedules, Activity Logs, Timekeeping, Meal/Rest Breaks, On-Premises Breaks, Overtime Compensation, Shift Differentials/Bonuses/ Incentives, Direct Deposits and Payments Via Global Cash Pay Cards, and Reimbursement of Business-Related Expenses	28.10
Research and Investigation Re: Software Programs, Systems, and/or Other Technologies Defendant Uses to Conduct Its Everyday Business, Including Timekeeping, Sales, Inventory, Logistics, and Project Management Systems, with a Focus on What Documents (Both Paper and Electronic) Are Created in the Normal Course of Business Relating to Overtime Worked, Off-the-Clock Time Worked Pre/Post Shift, and During Meal Breaks	8.20

Research and Analysis of Potential Defenses Defendant May Raise, Including <i>De Minimis</i> Work, Non-Compensable Off-the-Clock Work, Waiver, Exemption, and Compliant Policies	12.80
Research and Investigation Re: Post- <i>Duran vs. U.S. Bank</i> Trial Manageability Issues, including Research Regarding Which Experts to Retain and For What Purpose	13.50
Research and Analysis of Defendant's Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues, Including the Action Entitled <i>Juan Partida v. Fleetpride, Inc.</i> , Los Angeles County Superior Court Case No. 20STCV15187 (the " <i>Partida</i> Action")	10.70
Prepare a Discovery Strategy Plan of Action, including Topics of Inquiry Important to Certification, Liability, and Damages/Civil Penalties	9.20
Research and Outline Anticipated Class Certification Issues and Trial Manageability and Plan	18.50
Meet and Communicate with Plaintiff Anthony Masinas throughout the Pendency of the Case	48
Meet and Communicate with Putative Class Members	24.50
Pleadings and Court Filings	
Draft Plaintiff Masinas' Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on December 18, 2018)	10.80
Review Court's Notice of Assignment and Notice of Hearing (filed on December 18, 2018)	0.10
Review and Analyze Defendant's Answer to Plaintiff Masinas' Class Action Complaint (served on February 27, 2019), and Research Affirmative Defenses in Defendant's Answer	4.50
Draft Plaintiff Masinas' Case Management Statement (filed on June 6, 2019)	2.20

Review Defendant's Case Management Statement and Notice of Posting Jury Fees (served on June 13, 2019)	1.10
Draft Plaintiff Masinas' Case Management Statement (filed on September 11, 2019)	2.20
Review Defendant's Case Management Statement (served on September 13, 2019)	0.90
Review Defendant's Case Management Statement (served on December 30, 2019)	1.10
Draft Plaintiff Masinas' Case Management Statement (filed on January 2, 2020)	1.80
Review and Analyze Class Complaint in <i>Partida</i> Action (filed on April 20, 2020 in <i>Partida</i> Action)	3.50
Review Defendant's Substitution of Attorney (served on June 15, 2020)	0.20
Draft Plaintiff Masinas' Case Management Statement (filed on June 30, 2020)	1.70
Review Defendant's Case Management Statement (served on July 10, 2020)	1.20
Review Defendant's Notice of Related Case (filed on August 21, 2020)	0.20
Review Defendant's Notice of Los Angeles Superior Court Ruling Re: Related Cases (filed on September 8, 2020)	0.50
Draft Plaintiff Masinas' Case Management Statement (filed on November 4, 2020)	1.80
Meet and Confer with Defense Counsel, and Draft Joint Stipulation to Continue the Further Case Management Conference; and [Proposed] Order (submitted on November 13, 2020)	1.80
Review Court's Order Continuing the Further Case Management Conference (filed on November 16, 2020)	0.20
Draft Plaintiff Masinas' Notice of Entry of Judgment or Order (filed on November 18, 2020)	0.20

Meet and Confer with Defense Counsel, and Draft Joint Notice of Class Action Settlement (filed on January 28, 2021)	0.80
Meet and Confer with Defense Counsel, and Draft Joint Stipulation to Continue Further Case Management Conference; and [Proposed] Order (submitted on February 24, 2021)	1.30
Review Court's Order Granting Joint Stipulation to Continue Further Case Management Conference (filed on February 25, 2021)	0.10
Research and Draft Plaintiffs Anthony Masinas and Juan Partida's (collectively "Plaintiffs") First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. and Legal Research and Analysis of All Claims Involved (filed on August 3, 2021)	6.90
Review Court's Minute Order Re: Further Case Management Conference and Motion for Preliminary Approval of Class Settlement (filed on August 3, 2021)	0.20
Draft Plaintiffs' Notice of Entry of Judgment or Order (filed on September 2, 2021)	0.10
Appearances	
Prepare for and Telephonically Attend Case Management Conference (June 21, 2019)	0.50
Prepare for and Telephonically Attend Case Management Conference (September 19, 2019)	0.90
Prepare for and Telephonically Attend Case Management Conference (January 17, 2020)	0.50
Prepare for and Telephonically Attend Case Management Conference (June 24, 2021)	0.80
Prepare for and Telephonically Attend Hearing on Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (August 3, 2021)	1

Prepare for, Travel to/from, and Attend Hearing on Plaintiffs' Motion for Final Approval of Class Action Settlement, Attorneys' Fees and Costs, and Enhancement Payments (January 5, 2022) [Anticipated]	2.50
Discovery and Deposition	
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Anthony Masinas (served on November 2, 2018)	1.90
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Anthony Masinas (served on December 7, 2018)	3.10
Draft Plaintiff Masinas' Form Interrogatories – General (Set One), Special Interrogatories (Set One), Special Interrogatories (Set Two), and Requests for Production of Documents (Set One) to Defendant (served on March 21, 2019)	9.80
Draft Plaintiff Masinas' Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for April 25, 2019, Organizational Structure) (served on March 21, 2019)	7.50
Draft Plaintiff Masinas' Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for April 26, 2019, Job Duties) (served on March 21, 2019)	9.50
Review Defendant's Objection to Plaintiff Masinas' Notice of Deposition of Person Most Knowledgeable (April 26, 2019, Organizational Structure) (served on April 17, 2019)	0.90
Review Defendant's Objection to Plaintiff Masinas' Notice of Deposition of Person Most Knowledgeable (April 26, 2019, Jobs Duties) (served on April 17, 2019)	0.90
Review and Analyze Defendant's Responses to Plaintiff Masinas' Form Interrogatories – General (Set One), Special Interrogatories (Set One), Special Interrogatories (Set Two), and Requests for Production of Documents (Set One) to Defendant (served on May 21, 2019)	11.60

Review and Analyze Defendant's Amended Responses to Plaintiff Masinas' Form Interrogatories – General (Set One) (served on March 30, 2019)	2.10
Draft Plaintiff Masinas' Special Interrogatories (Set Three) and Requests for Production of Documents (Set Two) to Defendant (served on May 31, 2019)	6.10
Draft Plaintiff Masinas' Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (July 12, 2019, Affirmative Defenses) (served on May 31, 2019)	3.20
Draft <i>Belaire-West</i> Administration Notice and Opt-Out Postcard (served on June 17, 2019)	2.50
Review and Analyze Defendant's Request for Production of Documents (Set One) to Plaintiff (served on July 1, 2019)	2.50
Review Defendant's Objection to Plaintiff Masinas' Notice of Deposition of Person Most Knowledgeable (July 12, 2019, Affirmative Defenses) (served on July 3, 2019)	2.10
Review and Analyze Defendant's Notice of Deposition of Plaintiff and Intent to Videotape; Request for Production of Documents (served on July 26, 2019)	2.10
Review and Analyze Defendant's Supplemental Responses to Plaintiff Masinas' Special Interrogatories (Set One), Special Interrogatories (Set Two), and Requests for Production of Documents (Set One) to Defendant (served on July 31, 2019)	6.40
Draft Plaintiff Masinas' Responses to Defendant's Request for Production of Documents (Set One) (served on August 5, 2019)	11.20
Draft Plaintiff Masinas' Objections and Responses to Defendant's Notice of Deposition of Plaintiff and Intent to Videotape and Request for Production of Documents (served on August 12, 2019)	4.70
Review and Analyze Defendant's Amended Notice of Deposition of Plaintiff and Intent to Videotape; Request for Production of Documents (served on August 14, 2019)	2.30

Draft Plaintiff Masinas' Objections and Responses to Defendant's Notice of Deposition of Plaintiff and Intent to Videotape and Request for Production of Documents (served on September 23, 2019)	2.70
Review and Analyze Defendant's Objections to Plaintiff Masinas' Special Interrogatories (Set Three) and Requests for Production of Documents (Set Two) to Defendant (served on August 30, 2019)	2.40
Prepare for, Travel to/from, and Defend the Deposition of Plaintiff Anthony Masinas (October 1, 2019; Sacramento, California) and Review Deposition Transcript	17.50
Letters and Correspondence	
Meet and Confer with, Draft Correspondence to, and Respond to Correspondence from, Defense Counsel	34.50
Meet and Confer with, Draft Correspondence to, and Respond to Correspondence from, Counsel for Juan Partida	18.50
Mediation/Settlement	
Review and Analyze Mediation Data and Documents Produced by Defendant (served on August 4, 2020, August 5, 2020, September 8, 2020, and September 10, 2020) ● Employee Handbook ● Earning Statements ● Payroll Data Excel Sheet	54.70
Prepare for Mediation, Including Researching Settlement Related Issues and Merits of Claims, Drafting the Mediation Brief, and Compiling the Mediation Exhibits in Support of Plaintiffs' Mediation Brief, and Performing Damages and Penalties Analysis and Calculations (submitted on November 17, 2020)	32.50
Attend Mediation Session (November 19, 2020; Zoom Video Conference)	12

Draft, Negotiate, and Finalize Memorandum of Understanding (executed on January 7, 2021)	6.50
Review, Revise, Negotiate, and Finalize Stipulation of Class Action and PAGA Settlement, and Draft Notice of Class Action Settlement (executed on May 27, 2021)	22.40
Coordinate Settlement Administration with Settlement Administrator, Ongoing Monitoring of Settlement Administration, and Respond to Class Inquiries	7.60
Law and Motion	
Research and Draft Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, Declaration of Edwin Aiwasian in Support Thereof, Declaration of Anthony Masinas in Support Thereof, and [Proposed] Order Granting Preliminary Approval of Class Action Settlement; and Review Declaration of Juan Partida in Support Thereof, Declaration of Kevin T. Barnes in Support Thereof, and Declaration of Raphael A. Katri in Support Thereof (filed on July 12, 2021)	27.50
Review and Analyze Defendant's Statement of Non-Opposition to Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (served on July 15, 2021)	0.30
Review Court's Order Granting Preliminary Approval of Class Action Settlement (filed on August 3, 2021)	0.20
Research and Draft Plaintiffs' Motion for Final Approval of Class Action Settlement, Attorneys' Fees and Costs, and Enhancement Payments, Declaration of Edwin Aiwasian in Support Thereof, and [Proposed] Final Approval Order and Judgment; and Review Declaration of Kevin T. Barnes in Support Thereof, Declaration of Raphael A. Katri in Support Thereof, and Declaration of Settlement Administrator in Support Thereof (filed on December 10, 2021)	34.70
Total Hours:	724.50

EXHIBIT 2

LAWYERS for JUSTICE PC CASE COST DETAIL
Masinas v. Fleetpride, Inc.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
11/2/18	U.S. Postmaster	Postage	13.40
12/18/18	One Legal	Attorney Service	177.36
12/18/18	San Joaquin County Superior Court	Filing Fee	435.00
12/18/18	San Joaquin County Superior Court	Complex Fee	1,000.00
1/8/19	ProLegal	Attorney Service	77.03
1/29/19	ProLegal	Attorney Service	114.95
3/21/19	Golden State Overnight	Courier Service	25.29
3/22/19	Golden State Overnight	Courier Service	43.87
5/31/19	Golden State Overnight	Courier Service	26.12
6/7/19	One Legal	Attorney Service	90.00
6/17/19	CourtCall, LLC	Attorney Service	94.00
7/8/19	Golden State Overnight	Courier Service	12.68
7/11/19	FedEx Express	Courier Service	25.80
9/24/19	Golden State Overnight	Courier Service	32.00
10/1/19	Ben Hyatt Certified Deposition Reporters	Court Reporter	745.50
10/1/19	Daniel Kramer	Travel Reimbursement	1,262.78
1/2/20	Legal Document Server, Inc.	Attorney Service	150.00
1/10/20	CourtCall, LLC	Attorney Service	94.00
5/28/20	David A. Rotman	Mediation Fee	13,250.00
6/30/20	General Logistics Systems US, Inc.	Courier Service	19.39
6/30/20	Legal Document Server, Inc.	Attorney Service	150.00
11/4/20	General Logistics Systems US, Inc.	Courier Service	18.57
11/6/20	Legal Document Server, Inc.	Attorney Service	150.00
11/13/20	Legal Document Server, Inc.	Attorney Service	150.70
11/13/20	San Joaquin County Superior Court	Filing Fee	20.00
11/17/20	General Logistics Systems US, Inc.	Courier Service	54.60
11/19/20	Arby Aiwarzian	Travel Reimbursement	227.25
11/19/20	Legal Document Server, Inc.	Attorney Service	140.00
11/19/20	Robert A. Parris	Consulting Damages Expert	7,200.00
11/21/20	Stats Company	Anaylisis of Sampling of Time Records	709.50
2/10/21	Legal Document Server, Inc.	Attorney Service	140.00
2/24/21	Legal Document Server, Inc.	Attorney Service	140.70
2/24/21	San Joaquin County Superior Court	Filing Fee	20.00
7/13/21	Legal Document Server, Inc.	Attorney Service	218.10
7/13/21	San Joaquin County Superior Court	Filing Fee	60.00
9/2/21	Legal Document Server, Inc.	Attorney Service	191.25
Total:			27,279.84