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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

JEFFREY CESARIO, 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;

Plaintiff,

vs.

HARTWELL CORPORATION, a California
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 30-2018-00976928-CU-OE-CXC

Honorable Kirk H. Nakamura
Department CX103

CLASS ACTION

**DECLARATION OF EDWIN AIWAZIAN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, ATTORNEYS'
FEES, COSTS, AND SERVICE PAYMENT**

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Service Payment;
Declaration of Class Representative (Jeffrey
Cesario); Declaration of Settlement
Administrator (Kevin Lee); and [Proposed]
Final Approval Order and Judgment filed
concurrently herein]

Reservation: 73424949
Date: May 6, 2021
Time: 2:00 p.m.
Department: CX103

Complaint Filed: March 1, 2018
FAC Filed: December 11, 2020
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 Plaintiff Jeffrey Cesario (“Plaintiff”) 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 December 11, 2020, in Department CX102 of the above-entitled Court, the Honorable Peter J. Wilson preliminarily approved the Joint Stipulation of Class Action and PAGA Settlement and Amendment No. 1 to Joint Stipulation of Class Action and PAGA Settlement (together “Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff and Defendant Hartwell Corporation (“Defendant”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiff Jeffrey Cesario as Class Representative. The Court also preliminarily appointed and designated Lawyers *for* Justice, PC 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 Settlement or the request for Attorneys’ Fees and Litigation Expenses, Service Payment, Settlement Administration Costs, or allocation for the penalties under the Private Attorneys General Act of 2004, California Labor Code section 2698, et seq. (“PAGA”).

WORK PERFORMED BY CLASS COUNSEL

4. I have been actively engaged in litigating this matter since prior to the commencement of the action on March 1, 2018, as have several other attorneys and members in

our firm.

5. Lawyers *for* Justice, PC has actively participated in all phases of the litigation process. Before initiating the action, Class Counsel 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, and research into the various legal issues involved in the case, 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 Plaintiff, and potential defenses. After conducting initial investigation, our firm determined that the claims of Plaintiff 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 or 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. Prior to reaching the Settlement, the parties 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 case, and also informally exchanged information and data in preparation for mediation. Class Counsel propounded multiple sets of written discovery requests in various forms; reviewed Defendant's responses thereto; and prepared and served numerous deposition notices. Class Counsel prepared for and took the deposition of Defendant's Person Most Knowledgeable witness. Class Counsel also interviewed and obtained information from Plaintiff and other Class Members, including and not limited to the names of potential witnesses, and reviewed and analyzed tens of thousands of pages of documents and data produced by Defendant and obtained through other sources. The documents and data reviewed and analyzed by Class Counsel included, and were not limited to, employment records of Plaintiff and Class Members, time and payroll data for a sampling of Class Members (such as: time punch records, payroll data, and class information), job descriptions, Defendant's Employee Handbook (including: Acknowledgement Form of Employee Handbook), agreements internal memoranda, forms, checklists, and Defendant's operations and employment practices,

1 procedures, and policies, (such as: Acknowledgement and Receipt of Attendance Policy), among
2 other information and documents. The parties engaged in significant motion practice, and Class
3 Counsel researched applicable law, developed damages/valuation models in preparation for
4 mediation, and met and conferred with Defendant's counsel on numerous occasions, e.g., to
5 discuss issues relating to the pleadings, case management, motion practice, discovery, and
6 production of various documents and data prior to mediation. Other work performed by Class
7 Counsel included, and was not limited to, case strategy and analysis; drafting, reviewing, and
8 revising pleadings and mediation brief; preparing and appearing for court proceedings; and
9 preparing for and attending mediation and settlement negotiations.

10 7. As outlined herein, the parties have conducted significant formal and informal
11 discovery and investigation during the course of litigating the case. Class Counsel analyzed
12 thousands of pages of documents and data either produced by Plaintiff and Defendant or
13 obtained by Class Counsel through other sources. These documents and data provided a critical
14 understanding of the nature of the work performed by the Class Members, as well as Defendant's
15 operations and employment policies, practices, and procedures, and were used in analyzing
16 liability, damages, and valuation issues in connection with all phases of the litigation, and
17 ultimately with the mediation and settlement negotiation process. Class Counsel also performed
18 significant research into the law concerning Defendant's defenses.

19 8. After conducting significant investigation of the facts and law during the
20 prosecution of the case, counsel for the parties engaged in extensive settlement negotiations to
21 try to resolve the entire matter. These efforts included participating in a formal, full-day
22 mediation conducted by Paul Grossman, a well-regarded mediator experienced in mediating
23 complex labor and employment matters. During all settlement discussions, the parties conducted
24 their negotiations at arm's length in an adversarial position. Prior to and during mediation, the
25 parties exchanged information and data, and discussed all aspects of the case, including the risks
26 and delays of further litigation, the risks to the parties of proceeding with class certification and
27 trial, the law relating to off-the-clock theory, meal and rest periods, representative PAGA claims,
28 and wage-and-hour enforcement, 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. Defendant also contended that individualized questions of fact predominate over any common issues, and these issues would pose challenges to certification and representative adjudication. Defendant and its counsel felt very strongly about Defendant's ability to prevail on the merits and to obtain a denial of class certification, while Plaintiff and Class Counsel believed that class certification would be obtained and that they would prevail at trial. As a result of Plaintiff and Class counsel's extensive efforts, Defendant made many significant changes to its wage and hour policies and practices. With the aid of the mediator's evaluation, the parties agreed that the case was well-suited for settlement given the legal issues relating to Plaintiff's principal claims, as well as the costs and risks to the parties that would attend further litigation. These risks of further litigation include, and are not limited to, a determination that the claims are unsuitable for class treatment and/or representative adjudication, failure to obtain certification, class de-certification after certification of a class, allowing a jury to decide the claims asserted in the case, and the real possibility of no recovery after years of litigation.

9. As set forth more fully in the accompanying Motion for Final Approval, Class Counsel seeks attorneys' fees in the amount of \$1,260,000.00, which is thirty-five percent (35%) of the Maximum Settlement Consideration of \$3,600,000.00, as set forth in the Settlement Agreement and the Notice. Pursuant to the contingency-fee agreement entered into by and between Plaintiff and Class Counsel, Plaintiff has agreed to a contingency fee of at least thirty-five percent (35%) of the recovery. The attorneys' fees sought are commensurate with: (1) the risk that Class Counsel took in commencing the case; (2) the time, effort, and expense that Class Counsel dedicated to the case; (3) the skill and determination that Class Counsel has shown; (4) the results that Class Counsel has achieved throughout the litigation; (5) the value of the settlement that Class Counsel has achieved for the Class Members; and (6) the other cases that Class Counsel has turned down in order to devote its time and efforts to this matter.

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

11. While not necessarily required to be demonstrated because the contingent fee is proper for this settlement, Class Counsel has incurred many hours of work in connection with prosecuting the case such that the award of attorneys' fees is also justified under a simple lodestar analysis with a multiplier of 2.20. Class Counsel has spent a total of **808.55 hours** performing tasks and obtaining recovery on behalf of Plaintiff and the Class Members. Attached hereto as "**EXHIBIT A**" is an Attorney Task and Time and Chart that sets forth in detail the nature of the legal services provided by Class Counsel and the time incurred in performing those services. These hours include work done by myself and several of the firm's other members. We also had litigation support personnel actively engaged in assisting with the prosecution of this matter.

12. The work performed in this particular matter, the background of our firm, as well as the individual backgrounds, training, and experience of the attorneys who worked on this matter, in litigating complex wage-and-hour matters, and in particular, employment class actions, support a reasonable hourly rate of compensation at the rate of \$725 for work performed by Class Counsel. Lawyers for Justice, PC has been awarded attorneys' fees, compensating the firm at the rate of at least \$725 per hour for legal services performed, by courts granting final approval in other cases: final approval of the class and representative action settlement in *Thereasa Carrozzella v. Basalite Concrete Products, LLC* (Sacramento County Superior Court Case No. 34-2017-00220214-CU-OE-GDS) was granted on February 21, 2020, and the award of attorneys' fees involved an hourly rate of \$766.05; final approval of the class and representative action settlement in *Alice Rutledge, et al. v. Healthport Technologies, LLC* (Alameda County Superior Court Case No. RG16835813) was granted on June 11, 2019, and the award of attorneys' fees involved an hourly rate of \$764.82; final approval of the class and representative action settlement in *Seth Swan v. Pace Supply Corp.* (Sonoma County Superior Court Case No. SCV258764) was granted on February 6, 2019, and the award of attorneys' fees involved a higher hourly rate of \$855.96; final approval of the class and representative action settlement in *Stanley Bland, et al. v. Telecare Corporation* (Alameda County Superior Court Case No. RG16811450) was granted on November 21, 2018, and the award of attorneys' fees involved a

1 higher hourly rate of \$831.38; final approval of the class and representative action settlement in
2 *Maryjo Ungerbuhler Anderson v. Boyett Petroleum* (Stanislaus County Superior Court Case No.
3 2020582) was granted on May 15, 2018, and the award of attorney's fees involved a higher
4 hourly rate of \$780.77; and final approval of the class and representative action settlement in
5 *Demetrius Camarillo v. Blue Diamond Growers* (Sacramento County Superior Court Case No.
6 34-2015-00175871) was granted on June 30, 2017, and the award of attorneys' fees involved a
7 higher hourly rate of \$845.64.

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

9 ***EDUCATION***

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

18 ***JUDICIAL EXTERNSHIPS***

19 14. From approximately September 2002 to approximately December 2002, I served
20 as a Judicial Extern to the Honorable Kim McLane Wardlaw of the *United States Court of*
21 *Appeals for the Ninth Circuit*. From approximately June 2002 to approximately August 2002, I
22 served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the *California Court of Appeal*
23 *for the Second Appellate District*.

24 ***LITIGATION AND CLASS ACTION EXPERIENCE***

25 15. In December of 2004, I obtained a license to practice law from the California
26 State Bar. From approximately December 2004 to approximately August 2008, I was employed
27 by *Girardi & Keese*.
28

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

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

15 **EXAMPLES OF CLASS ACTION RESULTS**

16 18. What follows are just a few examples of the type of results we have achieved on
17 behalf of our clients:

18 a) Our firm, in association with co-counsel, represented the plaintiffs in a
19 wage-and-hour class and representative action against a major property management company
20 involving allegations of misclassification of various “manager” positions. On September 20,
21 2010, the court granted final approval of the class and representative action settlement. The Los
22 Angeles County Superior Court Case Number is BC400414.

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

28 c) Our firm, in association with co-counsel, represented the plaintiffs in a

1 wage-and-hour class and representative action against a national property management company
2 involving allegations of misclassification of the “Property Manager” position. On May 23, 2012,
3 the court granted final approval of the class and representative action settlement. The Los
4 Angeles County Superior Court Case Number is BC430918.

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

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

15 f) Our firm, in association with co-counsel, represented the plaintiffs in a
16 wage-and-hour class and representative action against a national wholesale distributor of
17 plumbing and builder supplies, involving allegations of misclassification of multiple salaried
18 “manager” positions. On May 22, 2014, the court granted final approval of the class and
19 representative action settlement. The Sacramento County Superior Court Case Number is 34-
20 2012-00136285.

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

25 h) Our firm, in association with co-counsel, represented the plaintiffs in a
26 wage-and-hour class and representative action against a national retailer of household items, on
27 behalf of hourly-paid or non-exempt employees. On May 27, 2015, the court granted final
28

1 approval of the class and representative action settlement. The San Francisco County Superior
2 Court Case Number is CGC-13-532344.

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

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

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

17 l) Our firm, in association with co-counsel, 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 plaintiffs’ motion for class certification in part and certified a class. The
21 Alameda County Superior Court Case Number is RG13680477.

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

27 n) Our firm, in association with co-counsel, represented the plaintiffs in a
28 wage-and-hour class action against a full-service bank, on behalf of non-exempt employees. On

1 November 18, 2016, the court granted final approval of the class action settlement. The San
2 Francisco County Superior Court Case Number is CJC-13-004839.

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

7 p) Our firm, on behalf of the plaintiff and respondent in a PAGA
8 representative action, successfully opposed in the trial court, and briefed and argued an appeal
9 with respect to the employer's motion to compel arbitration, which resulted in a published
10 opinion by the California Court of Appeal in favor of employees. *Roberto Betancourt v.*
11 *Prudential Overall Supply*, 9 Cal.App.5th 439 (Cal. App. 4th Dist., Mar. 7, 2017), review denied,
12 cert. denied (U.S. Supreme Court Docket No. 17-254).

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

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

23 s) Our firm represented the plaintiff in a wage-and-hour class and
24 representative action against a property management company, on behalf of non-exempt
25 employees. On June 14, 2017, the court granted final approval of the class and representative
26 action settlement. The Los Angeles County Superior Court Case Number is BC586234.

27 t) Our firm represented the plaintiffs in a wage-and-hour class action and
28 representative action against a food company on behalf of non-exempt employees. On June 30,

2017, the court granted final approval of the class and representative action settlement. The Sacramento County Superior Court Case Number is 34-2015-00175871.

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

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

w) Our firm, in association with co-counsel, represented the plaintiffs in a wage-and-hour class action and representative action against a property management company on behalf of hourly-paid and non-exempt employees. On January 4, 2018, the court entered an order granting final approval of the class and representative action settlement. The Los Angeles County Superior Court Case Number is JCCP 4819.

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

y) Our firm, in association with co-counsel, represented the plaintiff in a wage-and-hour class action against a container manufacturer, on behalf of non-exempt employees. On October 15, 2018, the court granted the plaintiff's motion for class certification. The Tulare County Superior Court Case Number is VCU264528.

z) Our firm represented the plaintiffs in a wage-and-hour class and representative action against a behavioral health service provider on behalf of non-exempt employees. On November 13, 2018, the court granted final approval of the class and

1 representative action settlement. The Alameda County Superior Court Case Number is
2 RG16811450.

3 aa) Our firm, in association with co-counsel, represented the plaintiff in a
4 representative action under the Private Attorneys General Act, against a global provider of
5 products and services to the energy industry, on behalf of hourly-paid and non-exempt
6 employees. On November 19, 2018, the Court granted approval of the settlement. The Kern
7 County Superior Court Case Number is S-1500-CV-280215-SDC.

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

13 cc) Our firm, in association with other counsel, on behalf of the plaintiff and
14 respondent in a PAGA representative action, successfully opposed in the trial court, and briefed
15 and argued an appeal with respect to the employer's motion to compel arbitration, resulting in a
16 notable decision from the California Supreme Court clarifying the law and finding, in part, that
17 employer arbitration agreements are unenforceable where they block a PAGA claim from
18 proceeding, *ZB, N.A. v. Superior Court*, 8 Cal.5th175 (2019).

19 dd) Our firm represented the plaintiffs in a wage-and-hour class and
20 representative action against a bank on behalf of non-exempt employees. On September 27,
21 2019, the court granted the plaintiffs' motion for class certification in part and certified a class.
22 The Alameda County Superior Court Case Number is RG15757606 and the Judicial Council
23 Coordination Proceeding Number is JCCP 4921.

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

ff) Our firm represented the plaintiff in a wage-and-hour class and 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.

gg) 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.

hh) 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.

ii) 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.

jj) Our firm, in association with 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

19. To date, Class Counsel has borne all the risks and costs of litigation and will not receive any compensation until recovery is obtained by Plaintiff and the Class Members. Lawyers for Justice, PC has incurred \$23,890.55 in litigation costs and expenses as reflected in "EXHIBIT B" 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 has borne all of the risks and costs of litigation and will not receive any compensation until recovery is obtained under the Settlement.

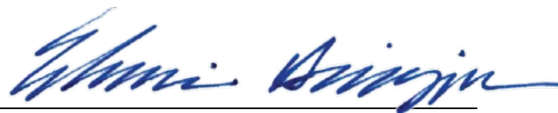
SERVICE PAYMENT TO PLAINTIFF

20. In recognition of his efforts and work serving as the Class Representative, the Settlement provides for a Service Payment in the amount of \$12,000.00 to Plaintiff Jeffrey Cesario to compensate Plaintiff for the time and effort that he expended on behalf of the Class. The requested Service Payment is fair and appropriate. Plaintiff 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. Plaintiff was available whenever Class Counsel needed him and actively tried to obtain information that would benefit the Class. Plaintiff 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 Plaintiff Jeffrey Cesario to receive \$12,000.00 as a reasonable Service Payment, in addition to his Individual Settlement Share, for his services on behalf of the Class.

21. I submit that the Settlement is fair, reasonable, and adequate. In addition, the Settlement is in the best interests of Plaintiff 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 14th day of April 2021, at Glendale, California.



Edwin Aiwasian

EXHIBIT A

CESARIO V. HARTWELL CORPORATION.
(ORANGE COUNTY SUPERIOR COURT CASE NO. 30-2018-00976928-CU-OE-CXC)
ATTORNEY TASK AND TIME CHART

TASK	LAWYERS FOR JUSTICE, PC
Investigation and Research / Due Diligence	
Investigation of the Key Facts with a Focus on Class Certification Elements, Including Adequacy, Typicality, Superiority, and Commonality	12.75
Investigation of the Merits of Plaintiff Jeffrey Cesario’s (“Plaintiff”) Claims and the Merits of the Claims of the Putative Class Members	14
Investigation of Potential Exposure of Defendant Hartwell Corporation (“Defendant”) with Respect to the Damages and Penalties Sustained by Plaintiff and the Putative Class Members	14.50
Legal Research & Analysis of Latest Off-the-Clock, Meal and Rest Break Law, and Certification Decisions in California, including all New Relevant DLSE Materials	12.25
Investigation of Defendant, Defendant’s Business Relationships, and the Industry in which Defendant Operates	8
Investigation of Defendant’s Organizational and Corporate Structure, Executive Reporting Structure as It Relates to the Employment and Management of the Putative Class Members, and Parent Company	13.75
Investigation of Defendant’s Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	5.50

Analysis of Competitors within Industry and 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	7.50
Research and Investigation Re: Location(s) Owned, Managed or Operated by Defendant in California During the Class Period, Including Differences Between Location(s) and/or Divisions/Departments to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	8
Research and Investigation Re: Staffing Models and Staffing Levels at Defendant's Location(s) at Which Putative Class Members Worked in California	5.75
Research and Investigation Re: Defendant's Written and Unwritten Policies, Practices, and Procedures Relating to Bonuses/Incentive/Attendance/Lead/Shift Differential Pay, Timekeeping, Rounding, Meal/Rest Breaks, Auto-Deduction of Meal Time, Meal Waivers, On-Premises Breaks, Staggered Shift Work Schedules, Quotas, Overtime Compensation, Dress Code, PPE, Cell Phone Use, and Reimbursement of Business-Related Expenses	40.25
Research and Investigation Re: Software Programs Defendant Uses to Conduct Its Everyday Business, Including Timekeeping Software and Thumbprint System, with a Focus on What Documents (Both Paper and Electronic) Are Created in the Normal Course of Business Relating to Loss Wages Due to Rounding and/or Auto-Deduction, Overtime Worked, Off-the-Clock Time Worked Pre/Post Shift, and During Meal Breaks	9.75
Research and Analysis of Potential Defenses Defendant May Raise, Including <i>De Minimis</i> Work, Non-Compensable Off-the-Clock Work, Waiver, and Compliant Policies	7.25
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	7.75
Research and Analysis of Defendant's Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues	5.50

Prepare a Discovery Strategy Plan of Action, including Topics of Inquiry Important to Certification, Liability, and Damages/Civil Penalties	7
Research, Analyze, Plan, Outline, and Draft Briefing of Certification Issues and Theories in Anticipation of Moving to Certify Class	22.50
Meet and Communicate with Plaintiff Jeffrey Cesario Throughout the Pendency of the Case	71
Investigate Potential Putative Class Member Witnesses and Meet and Communicate with Putative Class Members	36
Investigate and Analyze Changed Employment and Operations Practices and Impact on Wage and Hour Compliance	11.25
Pleadings and Court Filings	
Research and Draft Plaintiff's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on March 1, 2018)	14
Review Court's Notice of Case Assignment and Notice of Case Management Conference (filed on March 1, 2018)	0.10
Review and Analyze Defendant's Answer to Class Action Complaint for Damages and Research Affirmative Defenses in Defendant's Answer (served on <u>April 16, 2018</u>)	3.50
Draft Plaintiff's Notice of Posting Jury Fees (filed on May 17, 2018)	0.25
Review Court's Minute Order (submitted on July 17, 2018)	0.25
Review Court's Minute Order (submitted on August 7, 2018)	0.10

Meet and Confer and Draft Stipulation and Order (Protective Order-Confidential Designation Only) (filed on September 5, 2018)	2
Draft Plaintiff's Notice of Motion and Motion to Compel Defendant to Provide Further Responses to Plaintiff's Requests for Production of Documents (Set One) and Request for Monetary Sanctions, Rule 3.1345 Separate Statement in Support of Plaintiff's Motion to Compel Defendant to Provide Further Responses to Plaintiff's Requests for Production (Set One) Numbers 20, 21, 22, 26, 29, 34, 45-46, 50-51, 63, 68, 71, 72, 75, 76, and 83-84, Declaration of Michelle L. Page in Support of Plaintiff's Motion to Compel Defendant Hartwell Corporation to Provide Further Responses to Plaintiff's Requests for Production (Set One) and Request for Monetary Sanctions, Proposed Order (Cover Sheet) (filed on October 11, 2018)	13
Review and Analyze Defendant's Response to Plaintiff's Motion to Compel to Provide Further Responses to Plaintiff's Requests for Production of Documents (Set One) and Request for Monetary Sanctions (served on November 14, 2018)	3.75
Draft Plaintiff's Notice of Taking Motion to Compel Defendant to Provide Further Responses to Plaintiff's Requests for Production of Documents (Set One) and Request for Monetary Sanctions Off Calendar (filed on November 15, 2018)	0.50
Meet and Confer and Draft Joint Status Conference Statement (filed November 21, 2018)	2
Draft Notice Regarding November 30, 2018 Status Conference (filed November 30, 2018)	0.50
Meet and Confer and Draft Joint Notice of Settlement (filed April 23, 2019)	0.50
Meet and Confer and Draft Joint Stipulation to Continue Status Conference; [Proposed] Order Thereon (filed September 20, 2019)	1
Meet and Confer and Draft Joint Stipulation to Continue Status Conference; [Proposed] Order Thereon (filed December 16, 2019)	1.50

Draft Notice Regarding March 6, 2020 Status Conference (filed March 10, 2020)	0.75
Meet and Confer and Draft Joint Status Report (filed April 3, 2020)	1.50
Research and Draft Plaintiff's [Proposed] First Amended Class Action Complaint for Damages and 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 May 26, 2020)	9.50
Meet and Confer and Draft Joint Status Report (filed July 8, 2020)	1.25
Meet and Confer and Draft Joint Stipulation to Continue Motion for Preliminary Approval Hearing; [Proposed] Order Thereon (filed August 19, 2020)	1.25
Draft Notice of Entry of Judgment or Order (filed December 15, 2020)	0.10
Appearances	
Prepare for, Travel to/from, and Attend Status Conference (August 24, 2018)	5.75
Prepare for and Telephonically Attend Status Conference (July 26, 2019)	0.75
Prepare for and Telephonically Attend Status Conference (March 6, 2020)	0.75
Prepare for Scheduled Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (scheduled for July 16, 2020)	4
Prepare for Scheduled Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (scheduled for October 8, 2020)	3
Prepare for Scheduled Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (scheduled for December 3, 2020)	2.50

Prepare for and Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Award (May 6, 2021)	4
Discovery and Deposition	
Draft Letter to Defendant at California Address Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Jeffrey Cesario (served on December 29, 2017)	1.50
Draft Letter to Defendant at Ohio Address Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Jeffrey Cesario (served on January 10, 2018)	0.75
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Jeffrey Cesario (received on February 22, 2018)	8.50
Draft Plaintiff's 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 April 26, 2018)	13.50
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (May 29, 2018; Organizational Structure) (served on April 26, 2018)	4
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (May 30, 2018; Job Duties) (served on April 26, 2018)	5.25
Draft Plaintiff's Re-Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (June 20, 2018; Organizational Structure) (served on May 21, 2018)	2.50
Draft Plaintiff's Re-Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (June 22, 2018; Job Duties) (served on May 21, 2018)	1.50

Review Defendant's Objections to Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (Organizational Structure) (served on June 14, 2018)	5.75
Review Defendant's Objections to Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (Job Duties) (served on June 14, 2018)	6
Review Defendant's Responses to 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 June 18, 2018)	9.25
Review Documents Produced by Defendant (served on June 19, 2018 and June 22, 2018)	12.50
Prepare for, Travel to/from, and Defend the Deposition of Person Most Knowledgeable Maria Sanchez (June 22, 2018; Glendale, California) and Review Deposition Transcript	22
Draft <i>Belaire-West</i> Administration Notice and Opt-Out Postcard (July 9, 2018)	2.50
Meet and Confer Regarding Confirmatory Discovery; Receive & Review Confidential Class List	4.50
Letters and Correspondence	
Draft PAGA Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Jeffrey Cesario for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on March 31, 2020)	3
Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	20.50
Mediation/Settlement	
Review and Analyze Mediation Data and Documents Produced by Defendant (served March 25, 2019; April 5, 2019; April 7, 2019; and April 9, 2019)	85.75

• Employee Handbooks and Policies • Employee Time Data • Employee Pay Data • Meal Waivers • Work Schedules • Job Descriptions	
Prepare for Mediation, Including Researching Settlement-Related Issues and Merits of Claims, Drafting the Mediation Brief, Compiling the Mediation Exhibits in Support of Mediation Brief, Performing Damages and Penalties Analysis/Calculations, and Conferring with Expert/Consultant (submitted on April 5, 2019)	54.50
Travel to/from and Attend Mediation Session (April 9, 2019; Los Angeles, California)	16
Draft, Review, Revise, Negotiate, and Finalize Class Action and PAGA Settlement Agreement (executed on March 21, 2020) and Exhibits	24.50
Draft, Review, Revise, Negotiate, and Finalize Amendment No. 1 to Joint Stipulation of Class Action and PAGA Settlement (executed on October 5, 2020) and Exhibits	4
Coordinate Settlement Administration with Settlement Administrator, Ongoing Monitoring of Settlement Administration, and Respond to Class Inquiries	9.50
Law and Motion	
Research and Draft Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement; Memorandum of Points and Authorities in Support Thereof, Declaration of Edwin Aiwazian in Support Thereof, Declaration of Jeffrey Cesario in Support Thereof, and [Proposed] Order Granting Preliminary Approval of Class Action Settlement (filed on May 26, 2020)	29.50
Review and Analyze and Meet and Confer Regarding Court's July 16, 2020 Tentative Ruling Re: Plaintiff's Motion for Preliminary Approval of Class Action Settlement (issued July 16, 2020)	1.75

Draft Plaintiff's Joint Supplemental Brief in Support of Motion for Preliminary Approval of Class Action Settlement, Supplemental Declaration of Edwin Aiwasian in Support Thereof, and [Proposed] Order Thereon (filed on October 5, 2020)	23
Draft Plaintiff's Further Joint Supplemental Statement in Support of Motion for Preliminary Approval of Class Action Settlement, and [Proposed] Order Thereon (filed on December 10, 2020)	7.50
Review and Analyze and Meet and Confer Regarding Court's December 2, 2020 Tentative Ruling (issued December 2, 2020)	1.75
Draft [Revised Proposed] Order Granting Preliminary Approval of Class Action Settlement (filed December 11, 2020)	0.50
Review Court's Minute Order and Order Granting Preliminary Approval of Class Action Settlement (filed December 11, 2020)	0.50
Review and Analyze Settlement Administrator's Declaration Regarding Settlement Notice Administration; and Research and Draft Plaintiff's Motion for Final Approval of Class Settlement, Attorneys' Fees, Costs, and Service Payment, and Declaration of Edwin Aiwasian in Support Thereof, and Revise [Proposed] Final Approval Order and Judgment (filed on April 14, 2021)	28
Total Hours:	808.55

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL

Cesario v. Hartwell Corporation

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
12/29/2017	U.S. Postmaster	postage	6.59
1/10/2018	U.S. Postmaster	postage	6.59
3/2/2018	One Legal	Attorney Service	49.51
3/2/2018	Superior Court of California, Orange County	Filing Fee	435.00
3/2/2018	Superior Court of California, Orange County	Complex Fee	1,000.00
3/7/2018	Prolegal	Attorney Service	74.45
3/28/2018	One Legal	Attorney Service	12.20
5/21/2018	One Legal	Attorney Service	16.10
5/21/2018	Superior Court of California, Orange County	Jury Fee	150.00
5/21/2018	One Legal	Attorney Service	16.10
5/21/2018	U.S. Postmaster	postage	2.05
6/22/2018	A & B Reporting, LLC	Court Reporter	190.00
6/22/2018	Pure Legal, Inc.	Videography Service	1,037.50
6/22/2018	VanSloten, Inc.	Court Reporter	1,436.05
7/9/2018	U.S. Postmaster	postage	1.63
8/20/2018	CourtCall, LLC	Attorney Service	86.00
8/24/2018	Ari Jon Filian	Travel Reimbursement	50.00
9/6/2018	One Legal	Attorney Service	12.72
9/6/2018	Superior Court of California, Orange County	Filing Fee	20.00
10/11/2018	Golden State Overnight	Courier Service	18.88
10/23/2018	One Legal	Attorney Service	15.32
10/23/2018	Superior Court of California, Orange County	Filing Fee	120.00
11/16/2018	One Legal	Attorney Service	12.20
11/21/2018	One Legal	Attorney Service	12.20
11/21/2018	CourtCall, LLC	Attorney Service	86.00
12/4/2018	One Legal	Attorney Service	12.20
4/10/2019	Golden State Overnight	Courier Service	13.33
4/10/2019	Edwin Aiwazian	Travel Reimbursement	447.00
4/10/2019	Paul Hastings, LLP	Mediation Fee	9,000.00
4/22/2019	Robert A. Parris	Expert	8,915.04
4/22/2019	Superior Court of California, Orange County	Document Download Fee	7.50
4/24/2019	One Legal	Attorney Service	12.20
4/27/2019	Edwin Aiwazian	Travel Reimbursement	103.47
4/30/2019	Maryam Jafari	Travel Reimbursement	92.85
7/19/2019	CourtCall, LLC	Attorney Service	94.00
9/18/2019	Margaux V. Roussel	Travel Reimbursement	7.50
12/16/2019	Legal Document Server, Inc.	Attorney Service	12.25
12/17/2019	Legal Document Server, Inc.	Attorney Service	0.70
12/17/2019	Superior Court of California, Orange County	Filing Fee	20.00
3/3/2020	General Logistics Systems US, Inc.	Courier Service	13.24

LAWYERS for JUSTICE PC CASE COST DETAIL

Cesario v. Hartwell Corporation

3/11/2020	Legal Document Server, Inc.	Attorney Service	12.25
3/31/2020	U.S. Postmaster	postage	10.80
4/3/2020	Legal Document Server, Inc.	Attorney Service	12.25
5/28/2020	One Legal	Attorney Service	14.18
5/28/2020	Superior Court of California, Orange County	Filing Fee	60.00
7/8/2020	Legal Document Server, Inc.	Attorney Service	12.25
8/20/2020	Legal Document Server, Inc.	Attorney Service	0.70
8/20/2020	Superior Court of California, Orange County	Filing Fee	20.00
10/5/2020	Legal Document Server, Inc.	Attorney Service	13.25
10/5/2020	Superior Court of California, Orange County	Document Download Fee	7.50
12/10/2020	Legal Document Server, Inc.	Attorney Service	13.25
12/14/2020	Superior Court of California, Orange County	Document Download Fee	7.50
12/15/2020	Legal Document Server, Inc.	Attorney Service	13.25
3/31/2021	Labor & Workforce Development Agency	Filing Fee	75.00
Total:			23,890.55