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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

KRISTY MINOR, 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.

HSNI, LLC, and unknown business entity;
and DOES 1 through 100, inclusive,

Defendants.

Case No.: CIVDS1910946

Honorable David S. Cohn
Department S26

CLASS ACTION

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

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees and Costs, and Service
Payment; Declaration of Class Representative
(Kristy Minor); Declaration of Settlement
Administrator (Lindsay Kline); and [Proposed]
Final Approval Order and Judgment filed
concurrently herein]

Date: December 21, 2020
Time: 10:00 a.m.
Department: S26

Complaint Filed: April 10, 2019
FAC Filed: September 9, 2019
SAC Filed: June 23, 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 Kristy Minor (“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 September 11, 2020, in Department S26 of the above-entitled Court, the Honorable David S. Cohn preliminarily approved the Class Action and PAGA Settlement (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff and Defendant HSNI, LLC (“Defendant”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiff Kristy Minor 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 (“Class Notice”), adopted the notice, opt-out, and objection procedures, and ordered their implementation. The Court appointed Simpluris, Inc. (“Simpluris”) 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 of Class Action Settlement, Attorneys’ Fees and Costs, and Service Payment (“Motion for Final Approval”), no Class Members have objected to the Settlement or the request for Attorneys’ Fees and Costs, 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 April 10, 2019, as have several other attorneys and members in our firm.

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

11 6. Prior to reaching the Settlement, the parties used the pre-mediation time period to
12 investigate the veracity, strength, and scope of the claims, and also to prepare the matter for class
13 certification, representative adjudication, and trial. The parties conducted significant formal and
14 informal discovery and investigation into the facts of the case, and also informally exchanged
15 information and data in preparation for mediation. Class Counsel propounded multiple sets of
16 formal written discovery requests in various forms; noticed the depositions of Defendant's Person
17 Most Knowledgeable designees regarding organizational structure and job duties, and prepared for
18 and defended the deposition of Plaintiff. Class Counsel also interviewed and obtained information
19 from Plaintiff and other Class Members, including and not limited to the names of potential
20 witnesses, and reviewed and analyzed a large volume of documents and data produced by
21 Defendant and obtained through other sources. The documents and data reviewed and analyzed
22 by Class Counsel included, and were not limited to: Plaintiff's employment records, a detailed
23 sampling of Class Members' time and pay data, agreements, acknowledgments (including, but not
24 limited to, Timekeeping Policy Review and Acknowledgment), and Defendant's operations and
25 employment practices, policies (including, but not limited to, HSN Policies Regarding Meal and
26 Rest Periods, Overtime, Timekeeping, and California Labor Laws, and Fontana Fulfillment Center
27 Personal Electronic Device Policy), and procedures, among other documents and data. Class
28 Counsel interviewed Plaintiffs and other Class Members and percipient witnesses to gather facts

1 and to identify potential witnesses. Class Counsel researched applicable law, developed
2 damages/valuation models in preparation for mediation, and met and conferred with Defendant's
3 counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, discovery, and
4 production of various documents and data prior to mediation. Other work performed by Class
5 Counsel included, and was not limited to, case strategy and analysis; drafting, reviewing, and
6 revising pleadings and mediation brief; preparing and appearing for court proceedings; and
7 preparing for and attending mediation and settlement negotiations.

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

17 8. After conducting significant investigation of the facts and law during the
18 prosecution of the case, counsel for the parties engaged in extensive settlement negotiations to try
19 to resolve the entire matter. These efforts included participating in a formal, full-day mediation
20 conducted by David A. Rotman, Esq., a well-regarded mediator experienced in mediating complex
21 labor and employment matters. During all settlement discussions, the parties conducted their
22 negotiations at arm's length in an adversarial position. Prior to and during mediation, the parties
23 exchanged information and data, and discussed all aspects of the case, including the risks and
24 delays of further litigation, the risks to the parties of proceeding with class certification and trial,
25 the law relating to off-the-clock theory, meal and rest periods, representative PAGA claims, and
26 wage-and-hour enforcement, the evidence produced and analyzed, and the possibility of appeals,
27 among other things. Arriving at a settlement that was acceptable to the parties was not easy.
28 Defendant also contended that individualized questions of fact predominate over any common

1 issues, and these issues would pose challenges to certification and representative adjudication.
2 Defendant and its counsel felt very strongly about Defendant's ability to prevail on the merits and
3 to obtain a denial of class certification, while Plaintiff and Class Counsel believed that class
4 certification would be obtained and that they would prevail at trial. With the aid of the mediator's
5 evaluation, the parties agreed that the case was well-suited for settlement given the legal issues
6 relating to Plaintiff's principal claims, as well as the costs and risks to the parties that would attend
7 further litigation. These risks of further litigation include, and are not limited to, a determination
8 that the claims are unsuitable for class treatment and/or representative adjudication, failure to
9 obtain certification, class de-certification after certification of a class, allowing a jury to decide the
10 claims asserted in the case, and the real possibility of no recovery after years of litigation.

11 9. As set forth more fully in the accompanying Motion for Final Approval, Class
12 Counsel seeks attorneys' fees in the amount of \$366,666.67, which is one-third (1/3) of the Gross
13 Fund Value of \$1,100,000.00, as set forth in the Settlement Agreement and the Class Notice.
14 Pursuant to the contingency-fee agreement entered into by and between Plaintiff and Class
15 Counsel, Plaintiff has agreed to contingency fees of at least one-third (1/3) of the recovery. The
16 attorneys' fees sought are commensurate with: (1) the risk that Class Counsel took in commencing
17 the case; (2) the time, effort, and expense that Class Counsel dedicated to the case; (3) the skill
18 and determination that Class Counsel has shown; (4) the results that Class Counsel has achieved
19 throughout the litigation; (5) the value of the settlement that Class Counsel has achieved for the
20 Class Members; and (6) the other cases that Class Counsel has turned down in order to devote its
21 time and efforts to this matter.

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

25 11. While not necessarily required to be demonstrated because the contingent fee is
26 proper for this settlement, Class Counsel has incurred many hours of work in connection with
27 prosecuting the case such that the award of attorneys' fees is also justified under a simple lodestar
28 analysis with a multiplier of 1.37. Class Counsel has spent a total of **416.90 hours** performing

1 tasks and obtaining recovery on behalf of Plaintiff and the Class Members. Attached hereto as
2 “EXHIBIT A” is an Attorney Task and Time and Chart that sets forth in detail the nature of the
3 legal services provided by Class Counsel and the time incurred in performing those services. These
4 hours include work done by myself and several of the firm’s other members. We also had litigation
5 support personnel actively engaged in assisting with the prosecution of this matter.

6 12. The work performed in this particular matter, the background of our firm, as well
7 as the individual backgrounds, training, and experience of the attorneys who worked on this matter,
8 in litigating complex wage-and-hour matters, and in particular, employment class actions, support
9 a reasonable hourly rate of compensation at the rate of \$650 for work performed by Class Counsel.
10 Lawyers for Justice, PC has been awarded attorneys’ fees, compensating the firm at the rate of at
11 least \$650 per hour for legal services performed, by courts granting final approval in other cases:
12 final approval of the class action settlement in *Thereasa Carrozzella v. Basalite Concrete*
13 *Products, LLC* (Sacramento County Superior Court Case No. 34-2017-00220214-CU-OE-GDS)
14 was granted on February 21, 2020, and the award of attorneys’ fees involved an hourly rate of
15 \$766.05; final approval of the class and representative action settlement in *Alice Rutledge, et al. v.*
16 *Healthport Technologies, LLC* (Alameda County Superior Court Case No. RG16835813) was
17 granted on June 11, 2019, and the award of attorneys’ fees involved an hourly rate of \$764.82;
18 final approval of the class and representative action settlement in *Seth Swan v. Pace Supply Corp.*
19 (Sonoma County Superior Court Case No. SCV258764) was granted on February 6, 2019, and the
20 award of attorneys’ fees involved a higher hourly rate of \$855.96; final approval of the class and
21 representative action settlement in *Stanley Bland, et al. v. Telecare Corporation* (Alameda County
22 Superior Court Case No. RG16811450) was granted on November 21, 2018, and the award of
23 attorneys’ fees involved a higher hourly rate of \$831.38; final approval of the class and
24 representative action settlement in *Maryjo Ungerbuhler Anderson v. Boyett Petroleum* (Stanislaus
25 County Superior Court Case No. 2020582) was granted on May 15, 2018, and the award of
26 attorney’s fees involved a higher hourly rate of \$780.77; final approval of the class and
27 representative action settlement in *Rebekah Perez, et al. v. Nestlé USA, Inc., et al.* (Alameda
28 County Superior Court Case No. RG15773654) was granted on August 18, 2017; final approval

of the class and representative action settlement in *Demetrius Camarillo v. Blue Diamond Growers* (Sacramento County Superior Court Case No. 34-2015-00175871) was granted on June 30, 2017, and the award of attorneys' fees involved a higher hourly rate of \$845.64; final approval of the class and representative action settlement in *Mark Aceves v. Cambro Manufacturing Company* (Orange County Superior Court Case No. 30-2015-00810013-CU-OE-CXC) was granted on April 14, 2017; final approval of the class and representative action settlement in *East West Bank Wage and Hour Cases* (San Francisco County Superior Court Case No. CJC-13-004839) was granted on November 18, 2016; approval of the Private Attorneys General Act settlement in *Tatiana Kemp v. The Irvine Company Apartment Communities, Inc.* (Orange County Superior Court Case No. 30-2015-00775439) was granted on November 4, 2016.

ADEQUACY OF LAWYERS *for* JUSTICE, PC

EDUCATION

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

JUDICIAL EXTERNSHIPS

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

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LITIGATION AND CLASS ACTION EXPERIENCE

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

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

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

EXAMPLES OF CLASS ACTION RESULTS

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

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

b) Our firm, in association with 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

1 the class action settlement. The Los Angeles County Superior Court Case Number is BC413498.

2 c) Our firm, in association with co-counsel, represented the plaintiffs in a
3 wage-and-hour class and representative action against a national property management company
4 involving allegations of misclassification of the “Property Manager” position. On May 23, 2012,
5 the court granted final approval of the class and representative action settlement. The Los Angeles
6 County Superior Court Case Number is BC430918.

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

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

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

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

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

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 final
10 approval of the class and representative action settlement. The Los Angeles County Superior Court
11 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 Court
16 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 the plaintiffs’ motion for class certification in part and certified a
21 class. The Alameda County Superior Court Case Number is RG13680477.

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

26 n) Our firm, in association with co-counsel, represented the plaintiffs in a
27 wage-and-hour class action against a full-service bank, on behalf of non-exempt employees. On
28 November 18, 2016, the court granted final approval of the class action settlement. The San

1 Francisco County Superior Court Case Number is CJC-13-004839.

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

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

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

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

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

26 t) Our firm represented the plaintiffs in a wage-and-hour class and
27 representative action against a food company on behalf of non-exempt employees. On June 30,
28 2017, the court granted final approval of the class and representative action settlement. The

1 Sacramento County Superior Court Case Number is 34-2015-00175871.

2 u) Our firm represented the plaintiffs in a wage-and-hour class and
3 representative action against a chocolate company on behalf of non-exempt employees. On July
4 19, 2017, the court granted final approval of the class and representative action settlement. The
5 Alameda County Superior Court Case Number is RG15764300.

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

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

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

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

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

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

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

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

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

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

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

5 gg) Our firm, in association with other counsel, represented the plaintiff in a
6 wage-and-hour class and PAGA representative action against a large national drug testing
7 laboratory on behalf of non-exempt employees. On February 21, 2020, the court granted the
8 plaintiff's motion for class certification and certified a class. The San Diego County Superior
9 Court Case Number is 37-2018-00019611-CU-OE-CTL.

10 hh) Our firm represented the plaintiffs in a wage-and-hour class and
11 representative action against a national retailer of sportswear, footwear, and camping equipment
12 on behalf of non-exempt employees. On March 16, 2020, the court granted in part the plaintiff's
13 motion for class certification and certified a class. The Riverside County Superior Court Case
14 Number is RICJCCP4930.

15 **LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL**

16 19. To date, Class Counsel has borne all the risks and costs of litigation and will not
17 receive any compensation until recovery is obtained by Plaintiff and the Class Members. Lawyers
18 for Justice, PC has incurred **\$27,803.81** in litigation costs and expenses as reflected in "**EXHIBIT**
19 **B**" attached hereto. These expenses were reasonable and necessary in the prosecution of this
20 matter and to obtain the Settlement. It should be noted that Class Counsel has borne all of the risks
21 and costs of litigation and will not receive any compensation until recovery is obtained under the
22 Settlement.

23 **SERVICE PAYMENT TO PLAINTIFF**

24 20. In recognition of her efforts and work serving as the Class Representative, the
25 Settlement provides for a Service Payment in the amount of \$10,000.00 to Plaintiff Kristy Minor
26 to compensate Plaintiff for the time and effort that she expended on behalf of the Class. The
27 requested Service Payment is fair and appropriate. Plaintiff spent a substantial amount of time and
28 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 preparing for and attending a deposition, and reviewing her deposition transcript. Plaintiff was available whenever Class Counsel needed her and actively tried to obtain information that would benefit the Class. Plaintiff spent numerous hours speaking with Class Counsel about her claims, describing her work experience with Defendant, and gathering and reviewing documents. Accordingly, it is appropriate for Plaintiff Kristy Minor to receive \$10,000.00 as a reasonable Service Payment, in addition to her Individual Settlement Payment, for her 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 25th day of November 2020, at Glendale, California.

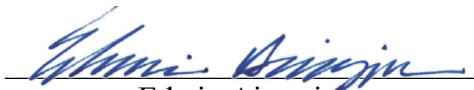

Edwin Aiwasian

EXHIBIT A

ATTORNEY TASK AND TIME CHART
MINOR V. HSNI, LLC
SAN BERNARDINO COUNTY SUPERIOR COURT CASE NO. CIVDS1910946

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	18.50
Pre-Lawsuit Investigation of the Merits of Plaintiff Kristy Minor’s (“Plaintiff”) Claims and the Merits of the Claims of the Putative Class Members	16
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendant HSNI, LLC (“Defendant”) with Respect to the Damages Sustained by Plaintiff and the Putative Class Members	11
Pre-Lawsuit Legal Research and Analysis of Latest Off-the-Clock, Meal and Rest Break and Certification Decisions in California, Including all New Relevant DLSE Materials	9.50
Investigation of Defendant, Defendant’s Business Relationships, and the Industry in which Defendant Operates	8.25
Investigation of Defendant’s Organizational and Corporate Structure, and Executive Reporting Structure as They Relate to the Employment and Management of the Putative Class Members	3.50
Investigation of Defendant’s Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	2.75

Analysis of Competitors in 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	6
Research and Investigation Re: Locations Owned, Managed, or Operated by Defendant in California During the Class Period, Including Differences Between the Various Locations to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	2.50
Comparative Analysis and Cross-Checking of All Available Job Postings by Defendants in Order to Determine Any Variation and Identify Job Duties and Responsibilities That Would be Susceptible to Being Performed Off-the-Clock or During Meal or Rest Breaks	6.25
Research and Investigation Re: Staffing Models and Staffing Levels at Defendant's Locations Worked by Putative Class Members Throughout California	5.50
Research and Investigation Re: Defendant's Policies, Practices, and Procedures Relating to Bonuses/Incentive/Shift Differential Pay, Timekeeping, Meal/Rest Breaks, Overtime Compensation, and Reimbursement of Business-Related Expenses	16
Research and Investigation Re: Various Software Programs Defendant Uses to Conduct Its Everyday Business, Including Timekeeping Software, 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 Time Worked During Meal Breaks	6
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	4.25
Research and Investigation Re: Post- <i>Duran</i> vs. <i>U.S. Bank</i> Trial Manageability Issues, including Research Regarding Which Experts to Retain and For What Purpose	8
Research and Analysis of Defendant's Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues	1.50

Prepare a Discovery Strategy Plan of Action, Including Topics of Inquiry Important to Certification, Liability, and Damages	3
Meet and Communicate with Plaintiff Kristy Minor Throughout the Pendency of the Case	29
Investigate Potential Putative Class Member Witnesses, and Meet and Communicate with Putative Class Members	10.50
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 April 10, 2019)	10.75
Review Court's Initial Case Management Order (filed on April 15, 2019)	0.10
Draft Plaintiff's Initial Case Management Conference Statement (filed on June 11, 2019)	2.50
Review Court's Minute Order (filed on June 13, 2019)	0.10
Draft Plaintiff's Notice Regarding June 13, 2019 Initial Case Management Conference (filed on July 1, 2019)	0.75
Review Defendant's Notice of General Appearance on Behalf of Defendant HSNI, LLC (served on July 3, 2019)	0.10
Review Court's Notice of Continuance (filed on July 23, 2019)	0.10
Draft Plaintiff's Notice of Posting Jury Fees (filed on August 1, 2019)	0.25
Meet and Confer with Defendant's Counsel, and Draft Joint Initial Case Management Conference Statement (filed on August 9, 2019)	1.50

Review Court's Minute Order (filed on August 14, 2019)	0.10
Research and Draft Plaintiff's First Amended Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on September 9, 2019)	5.50
Review and Analyze Defendant's Answer to Plaintiff's First Amended Complaint and Research Affirmative Defenses in Defendant's Answer (served on October 4, 2019)	3
Meet and Confer with Defendant's Counsel, and Draft Stipulation and Protective Order (submitted on November 25, 2019)	2.75
Meet and Confer with Defendant's Counsel, and Draft Joint Notice of Class Action Settlement and Complex Case Management Conference Statement (filed on February 6, 2020)	1.25
Review Court's Minute Order (filed on February 14, 2020)	0.10
Review Court's Minute Order (filed on June 15, 2020)	0.10
Research and Draft Plaintiff's Second Amended Class Action Complaint for Damages and Enforcement Under the Private Attorneys General Act, Cal. Labor Code § 2698, Et Seq. and Legal Research and Analysis of All Claims Involved (filed on June 23, 2020)	6.75
Review Court's Minute Order (filed on September 4, 2020)	0.10
Review Court's Minute Order (filed on September 11, 2020)	0.10
Draft Notice of Entry of Judgment or Order (filed on September 21, 2020)	0.25
Appearances	
Prepare for, Travel to/from, and Attend Case Management Conference (June 13, 2019)	3

Prepare for, Travel to/from, and Attend Case Management Conference (August 14, 2019)	3
Prepare for and Telephonically Attend Case Management Conference (February 14, 2020)	0.50
Prepare for and Telephonically Attend Case Management Conference (June 15, 2020)	1.25
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (September 4, 2020)	0.75
Prepare for and Telephonically Attend Further Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (September 11, 2020)	1.25
Prepare for, Travel to/from, and Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Payment (December 21, 2020) (Anticipated)	4
Discovery and Deposition	
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Kristy Minor (served on February 28, 2019)	1.50
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Kristy Minor (served on March 22, 2019)	4
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 August 15, 2019)	11.25
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (October 10, 2019; Organizational Structure) (served on August 15, 2019)	4.50
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (October 11, 2019; Job Duties) (served on August 15, 2019)	5.25

Review Defendant's Notice of Deposition of Plaintiff Kristy Minor (served on August 22, 2019)	0.50
Prepare for, Travel to/from, and Defend the Deposition of Plaintiff Kristy Minor (September 27, 2019; Los Angeles, California)	8.50
Review Transcript from Deposition of Kristy Minor	1.50
Letters and Correspondence	
Draft PAGA Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Kristy Minor for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on April 15, 2020)	3.75
Meet with Defendant's Counsel, and Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	15
Mediation/Settlement	
Review and Analyze Mediation Data and Documents Produced by Defendant (served November 26, 2019 and December 13, 2019) • Employee Handbooks and Policies • Sampling of Employee Time Data • Sampling of Employee Pay Data	9
Prepare for Mediation, Including Researching Settlement-Related Issues and Merits of Claims, Drafting the Mediation Brief, Compiling the Exhibits in Support of Mediation Brief, and Performing Damages Analysis/Calculations (submitted on December 13, 2019)	32
Travel to/from and Attend Mediation Session (December 19, 2019; San Francisco, California)	18
Draft, Review, Revise, Negotiate, and Finalize Class Action and PAGA Settlement (executed on June 8, 2020) and Draft Exhibits	14.50

Coordinate Settlement Administration with Settlement Administrator, Ongoing Monitoring of Settlement Administration, and Respond to Class Inquiries	7
Law and Motion	
Research and Draft Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, Declaration of Edwin Aiwasian in Support Thereof, Declaration of Kristy Minor in Support Thereof, and [Proposed] Order Thereon (filed on August 13, 2020)	28
Review Court's Order Granting Preliminary Approval of Class Action Settlement (filed on September 11, 2020)	0.25
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 [Proposed] Final Approval Order and Judgment (filed on November 25, 2020)	34.50
Total Hours:	416.90

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL

Minor v. HSNI, LLC

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
4/10/19	ProLegal	Attorney Service	163.50
4/10/19	San Bernardino Superior Court	Filing Fee	435.00
4/10/19	San Bernardino Superior Court	Complex Fee	1,000.00
6/7/19	CourtCall, LLC	Attorney Service	94.00
6/11/19	Golden State Overnight	Courier Service	26.02
6/11/19	Legal Document Server, Inc.	Attorney Service	130.00
6/13/19	Malalai Anbari	Travel Reimbursement	34.80
6/15/19	One Legal	Attorney Service	116.25
6/26/19	Legal Document Server, Inc.	Attorney Service	130.00
6/28/19	Golden State Overnight	Courier Service	13.58
8/8/19	Tara Zabehi	Travel Reimbursement	49.31
8/14/19	Daniel Kramer	Attorney Service	69.60
8/15/19	Golden State Overnight	Courier Service	44.82
8/21/19	Golden State Overnight	Courier Service	12.68
9/3/19	FedEx Express	Courier Service	21.57
9/9/19	Golden State Overnight	Courier Service	23.90
9/26/19	Ben Haber	Travel Reimbursement	522.87
9/27/19	Daniel Kramer	Travel Reimbursement	231.16
9/27/19	Kusar Legal Services, Inc.	Court Reporter	652.10
12/3/19	David A. Rotman	Mediation Fee	13,250.00
12/16/19	Golden State Overnight	Courier Service	30.68
12/19/19	Melissa LeBlanc	Travel Reimbursement	977.24
12/19/19	Robert A. Parris	Expert	8,429.39
12/19/19	Arby Aiwarzian	Travel Reimbursement	260.60
2/6/20	Legal Document Server, Inc.	Attorney Service	120.00
2/17/20	CourtCall, LLC	Attorney Service	94.00
4/15/20	Labor & Workforce Development Agency	Filing Fee	75.00
4/15/20	U.S. Postmaster	Postage	25.09
6/8/20	CourtCall, LLC	Attorney Service	94.00
6/9/20	Legal Document Server, Inc.	Attorney Service	120.00
7/1/20	Legal Document Server, Inc.	Attorney Service	120.00
8/13/20	Legal Document Server, Inc.	Attorney Service	153.15
8/13/20	San Bernardino Superior Court	Filing Fee	90.00
8/28/20	CourtCall, LLC	Attorney Service	94.00
9/4/20	CourtCall, LLC	Attorney Service	94.00
9/17/20	San Bernardino Superior Court	Document Download Fee	5.50
Total:			27,803.81