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LAW OFFICES OF SAHAG MAJARIAN II

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Attorneys for Plaintiff Francisco Schiller, on behalf of himself
and as representative for the State of California on behalf of all other aggrieved employees

SUPERIOR COURT OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

FRANCISCO SCHILLER, on behalf of himself
and as representative for the State of California
on behalf of all other aggrieved employees,

Plaintiff,

v.

ASHLEY DISTRIBUTION SERVICES, LTD.,
a Wisconsin Limited Company; and DOES 1
through 10, Inclusive,

Defendants.

LEAD CASE NO. CIVDS2013264

Consolidated with Case No. CIVDS2014776

ASSIGNED FOR ALL PURPOSES TO:

The Honorable Jessica Morgan

Department S26

CONSOLIDATED ACTION

**DECLARATION OF SAHAG MAJARIAN II
IN SUPPORT OF MOTION FOR ORDER
GRANTING FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: May 23, 2024

Time: 8:30 a.m.

Dept: 26

Judge: Hon. Jessica Morgan

Complaint filed: June 16, 2020

Trial Date: Not set

1 I, Sahag Majarian II, declare as follows:

2 1. I am an attorney duly licensed to practice in the State of California and am the principal
3 of Law Offices of Sahag Majarian II, co-counsel to Plaintiff Francisco Schiller in this action against
4 Defendant. I am an attorney assigned to work on this case and have personal knowledge of the
5 following, and if called and sworn as a witness, I could and would competently testify thereto.

6 2. This declaration is made in support of Plaintiff's motion for final approval of the class
7 and representative action settlement in this case.

8 3. I graduated from Loyola Law School in 1990. Since my graduation, I have been in private
9 practice primarily representing consumers against insurance companies and workers against their
10 employers. I have devoted a significant portion of my practice to employment law and class actions,
11 and have been appointed co-class counsel for the plaintiffs in no less than 300 wage and hour class
12 actions. A sample of these cases are: *Ayvazi v. Ralph Grocery Company*, LASC Case No. BC 382980;
13 *Sandoval vs. Chevron Stations, Inc.*, MCSC Case No. CV061690; *Nieves v. Roy's Worldwide, Inc.*,
14 OCSC Case No. 06CC0076; *Corado v. Good Year Rubber Corp.*, SBSC Case No. RCV095476;
15 *Pleitez v. Johnson Controls*, LASC Case No. BC353315; *Serrano v. BC/ Coca Cola Bottling Co. of*
16 *L.A.*, LASC Case No. BC349904; *Urbina v. Valley Crest Co.*, LASC Case No. BC356023; *Moraza v.*
17 *OK International*, OCSC Case No. 06CC0148; *Dehuna v. Target*, LASC Case No. BC353080; *Daglian*
18 *v. Staples, Inc.*, LASC Case No. BC375325; *McCoy v. Kimko*, OCSC Case No. 07CC00007; *Ayvazi*
19 *v. Ralphs Grocery Company*, LASC Case No. BC382980; *Razo v. C & D Zodiac, Inc.*, OCSC Case
20 No 07-CC01373; *Sandoval v. Chevron Stations, Inc.* MCSC Case No. CV061690; and *Gomez v.*
Spenuzza, Inc. et al, RCSC Case No RIC524075.

21 4. In the employment class action arena, I have participated in over 300 class and/or PAGA
22 action mediations. My participation has included extensive preparation, development of thorough
23 knowledge of the legal issues related to certification and liability, and full immersion and participation
24 in the mediation and negotiation process. I have also been designated co-class counsel in various cases
25 where we prevailed in contested class certification motions. These cases include *Herrera v. Mountain*
26 *Meadow Mushroom Farms, Inc.*, SDCSC Case No. 37-2009-00092416- CU-MT-CTI; *Aguirre v.*
27 *California Drop Forge, Inc.*, LASC Case No. BC374521; *Marroquin v. Swissport North America,*
28 *Inc.*, LASC Case No. BC390001; and *Romero v. Hydraulics International, Inc.*, LASC Case No.

1 19STCV04463.

2 5. Throughout my thirty-three-year career in law, my practice has been exclusively
3 contingent fee work. Within the class action arena, I have been designated co-class counsel in no less
4 than 30 class actions that have settled for over \$1 million each. Given my success and experience, in
5 my contingent fee practice I have averaged over \$850 per hour worked. Therefore, I believe it is
6 appropriate to set my lodestar at no less than \$850 per hour in this case. This request is fair in view of
7 the much higher rate per hour that can be justified by the broadly accepted Laffey Matrix (See Exhibit
8 "1") which shows hourly rate of \$1,057 for attorneys out of law school for more than 20 years.

9 6. My firm's involvement in this case has included legal research, investigation, extensive
10 preparation, development of a thorough knowledge of the legal issues related to certification and
11 liability, and preparation for the mediation against Defendant. The settlement in this case was reached
12 after extensive negotiations following a full day mediation with experienced and well-respected
13 mediator Todd Smith. Based upon the totality of circumstances, I believe that the result achieved in
14 this case is a good outcome for all class members.

15 7. Based on my experience as Class counsel in other employment cases and given the legal
16 and factual realities presented in this case, I believe the proposed settlement is fair, reasonable and
17 adequate for the class and the aggrieved employees.

18 8. I was approached by Plaintiff Francisco Schiller in April of 2020 in connection with
19 potential employment law claims he believed he had against Defendant. After investigating the facts
20 and analysis of the records, our co-counsel Cohelan, Khoury & Singer and I proceeded with the filing
21 of class and PAGA actions against Defendant.

22 9. Throughout the past four years, I have been involved in the handling of this case.

23 10. My law office undertook this matter on a purely contingent fee basis with no guarantee
24 that the time expended would result in any recovery or recoupment of costs. Throughout this case, my
25 firm has spent a total of 20.30 hours in this case, with an unadjusted lodestar amount of \$17,255.00.
26 Attached as Exhibit 2 is a true and correct copy of my Time Records on this case.

27 11. My firm has incurred a total of \$8,362.25 in costs incurred in this case. Attached as
28 Exhibit "3" is a true and correct copy of my firm's Itemization of Costs in this matter.

12. Finally, I am not aware of any conflict of interest with any of the parties in this litigation

1 that would interfere with my duties as Class Counsel or impede my representation of the proposed
2 class or aggrieved employees.

3 I declare under the penalty of perjury under the laws of the State of California the foregoing is
4 true and correct and this declaration is executed April 29, 2024, in Tarzana, California.

5
6 DocuSigned by:
Sahag Majarian
3142D9828E6E4A2...

7 Sahag Majarian II

COHELAN KHOURY & SINGER
605 C Street, Suite 200
San Diego, CA 92101

EXHIBIT “1”

LAFFEY MATRIX

[History](#)
[Case Law](#)
[See the Matrix](#)
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			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/23- 5/31/24	1.059295	\$239	\$437	\$538	\$777	\$878	\$1057
6/01/22- 5/31/23	1.085091	\$225	\$413	\$508	\$733	\$829	\$997
6/01/21- 5/31/22	1.006053	\$208	\$381	\$468	\$676	\$764	\$919
6/01/20- 5/31/21	1.015894	\$206	\$378	\$465	\$672	\$759	\$914
6/01/19- 5/31/20	1.0049	\$203	\$372	\$458	\$661	\$747	\$899
6/01/18- 5/31/19	1.0350	\$202	\$371	\$455	\$658	\$742	\$894
6/01/17- 5/31/18	1.0463	\$196	\$359	\$440	\$636	\$717	\$864
6/01/16- 5/31/17	1.0369	\$187	\$343	\$421	\$608	\$685	\$826
6/01/15- 5/31/16	1.0089	\$180	\$331	\$406	\$586	\$661	\$796
6/01/14- 5/31/15	1.0235	\$179	\$328	\$402	\$581	\$655	\$789
6/01/13- 5/31/14	1.0244	\$175	\$320	\$393	\$567	\$640	\$771
6/01/12- 5/31/13	1.0258	\$170	\$312	\$383	\$554	\$625	\$753
6/01/11- 5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10- 5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09- 5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99-5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98-5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97-5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96-5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389
6/1/95-5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94-5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., DL v. District of Columbia, 267 F.Supp.3d 55, 69 (D.D.C. 2017)

* $i_{t-1/2}$ Years Out of Law School $i_{t-1/2}$ is calculated from June 1 of each year, when most law students graduate. $i_{t-1/2}$ 1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). $i_{t-1/2}$ 4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier $i_{t-1/2}$ 1-3" from June 1, 1996 until May 31, 1999, would move into tier $i_{t-1/2}$ 4-7" on June 1, 1999, and tier $i_{t-1/2}$ 8-10" on June 1, 2003.

** The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

EXHIBIT "2"

LAW OFFICES OF
SAHAG MAJARIAN II

18250 VENTURA BOULEVARD
TARZANA, CALIFORNIA 91356
Tel: (818) 609-0807 • Fax: (818) 609-0892

April 29, 2024

LEGAL SERVICES

Re: SCHILLER V. ASHLEY DISTRIBUTION

4/1/20	TC with client; Intake; Open file	1.80 hours
4/2/20	Review documents from client; Legal Research; Draft email to co-counsel; Review email from co-counsel	2.90 hours
4/3/20	Legal research, further review of documents and company/entity investigation	2.50 hours
4/9/20	Review PAGA notice	0.20 hours
6/24/20	Review email from client; Draft email to client	0.20 hours
7/11/20	Review email from client	0.30 hours
7/24/20	Review complaint	1.20 hours
8/20/20	Review email from client	0.10 hours
8/27/20	Review email from client	0.10 hours
10/16/20	Review email from client	0.30 hours
12/28/20	Review Answer	0.50 hours
1/7/21	Review standing order by Judge Holcomb	0.20 hours
4/7/21	Review order re remand	0.30 hours
6/26/21	Review responses to discovery	0.80 hours

1/18/22	Analyze information/data re mediation	1.10 hours
7/25/22	Email from mediator	0.10 hours
8/16/22	Legal research re MCA and FMCA; Prepare for mediation and analyze exposure	4.30 hours
8/18/22	Review email from co-counsel; Analyze Mediator proposal	0.60 hours
8/2/23	File review for preliminary approval	0.80 hours
8/3/23	Draft declaration for preliminary approval	0.70 hours
12/11/23	Review email from CPT and timeline of case administration	0.40 hours
4/19/24	Review CPT weekly updates	0.20 hours
4/25/24	Draft declaration for final approval	0.70 hours

Total Hours: 20.30 hours

Hourly Rate: \$850.00

Total Lodestar: \$17,255.00

EXHIBIT “3”

Law Office of Sahag Majarlan II Schiller v. Ashley Distribution								
Type	Payment Method	Date	Num	Source Name	Invoice	Invoice Date	Memo	Amount
Administrative Costs				CKS	173	11/7/2022	LWDA	\$75.00
				CKS	173	11/7/2022	Express Network	\$1,653.50
				CKS	173	11/7/2022	Todd Smith, Esq. (Mediation Fee)	\$4,500.00
				CKS	482	11/7/2022	Express Network	\$1,633.50
				CKS	482	11/7/2022	Todd Smith, Esq. (Mediation Fee)	\$4,500.00
				CKS	482	11/7/2022	Berger Consulting	\$4,437.50
TOTAL COSTS								\$16,799.50 *
* Law Offices of Sahag Majarlan contribution of costs paid with Check # 4925 on 11/20/22.								\$8,362.25