

DAVID YEREMIAN & ASSOCIATES, INC.
David Yeremian (SBN 226337)
david@yeremianlaw.com
Natalie Haritounian (SBN 324318)
natalie@yeremianlaw.com
2540 Foothill Blvd., Suite 201
La Crescenta, CA 91214
Telephone: (818) 230-8380
Facsimile: (818) 230-0308

Attorneys for Plaintiff VIDALI ALEMAN,
on behalf of herself and others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF FRESNO

VIDALI ALEMAN, an individual on behalf
of herself and all others similarly situated,

Plaintiff,

vs.

MOONLIGHT PACKING CORPORATION,
a California corporation; MOONLIGHT
PACKING COMPANY, LLC, a California
limited liability company, and DOES 1
through 50, inclusive,

Defendants.

Case No.: 20CECG01196

CLASS ACTION

Assigned For All Purposes to
The Honorable Kristi Culver Kapetan

**DECLARATION OF NATALIE
HARITOUNIAN IN SUPPORT OF
MOTION FOR PRELIMINARY
APPROVAL OF THE CLASS ACTION
SETTLEMENT**

*[Filed concurrently with Plaintiff's Notice of
Motion and Motion; Memorandum of Points and
Authorities; Declaration of David Yeremian;
Declaration of Vidali Aleman; Declaration of
Jarrett Gorlick; and [Proposed] Order]*

Date: December 13, 2022
Time: 3:30 p.m.
Dept: 403

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

1. I am an attorney licensed and admitted to practice before all courts of the State of California and the United States District Courts for the Central, Southern, Eastern and Northern Districts of California. I have personal knowledge of the facts herein, and if called as a witness I could and would competently testify to them.

3. I received my Bachelor of Arts in political science from the University of California, Los Angeles, in 2014. I then earned my Juris Doctorate from the University of Southern California, Gould School of Law in May of 2018. Upon graduating from law school, I have exclusively focused my practice on representing employees including in wage-and-hour class actions.

5. Upon reviewing the Court's order denying Plaintiff's motion for preliminary approval, I would like to provide clarification to the Court as to why our expert's damages differed from that of Class Counsel. I put together the initial draft of David Yeremian's declaration.

6. Additionally, upon reviewing the Court's order denying Plaintiff's motion for preliminary approval, I noticed that I inadvertently used the incorrect damage model from our

1 expert to explain the damages on each of Plaintiff's claims. I would like to provide clarification to
2 the Court as to why Plaintiff's damages are different from the damages that were stated in
3 Plaintiff's previous motion for preliminary approval.

4 7. On November 12, 2020, Defendants provided us with the initial class data, and on
5 the same day, I sent the class data to our expert.

6 8. On November 13, 2020, our expert sent us his damages analysis which we attached
7 as an exhibit to our mediation brief and sent to the mediator to review in advance of mediation.

8 9. On November 17, 2020, Defendants sent us revised class data which greatly
9 differed from the initial class data. On the same day, I sent the revised class data to our expert, and
10 he sent us a revised damage model based on Defendants revised class data.

11 10. On November 19, 2020, the Parties mediated this case and Plaintiff relied on the
12 revised damage model as we were negotiating the settlement.

13 11. I drafted Plaintiff's motion for preliminary approval. At the time I was drafting
14 Plaintiff's motion for preliminary approval, I relied on several documents to assist me in drafting
15 the motion including Plaintiff's complaint and Plaintiff's mediation brief. Given that the mediation
16 brief had the initial damage model attached to it and also the revised damage model was saved in a
17 separate folder, I inadvertently used the initial and incorrect damage model to state the total
18 damages for each of Plaintiff's claims in the motion for preliminary approval.

19 12. Additionally, to provide the Court with an overview of the work done by Class
20 Counsel in this case, I provide a detailed summary of the hours I have invested in this action as
21 **Exhibit 1**. As detailed in Exhibit 1, I have spent approximately 135 hours on this matter which
22 includes additional time I expect to spend on this matter.

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

25 Executed this 17th day of November 2022 at La Crescenta, California.

26 
27

28 Natalie Haritoonian

EXHIBIT 1

Tasks Performed	Atty Hours Est.	Date range
<u>1. Pre-Filing and Investigation Tasks</u> • Complaint research and research case law and other cases, and research Defendants and its operations and prior litigations. • Confer with client and review documents with client, including personnel file request and production – send records request and confer with client and Defendants regarding personnel file. • Set up file and documents, including attorney client agreement, responsibilities of a class representative, and wage statements and personnel file documents. • Research California Secretary of State filings for Defendants. • Conduct factual and legal research into the merits of Plaintiff’s claims. • Research similar wage class actions. • Conduct multiple conferences discussing the facts and allegations with Plaintiff, addressing conduct of litigation, time frame for events and initial actions to commence litigation.	8	April 2020 – May 2020
<u>2. Drafting and Filing the Class Action Complaint, Drafting and Sending the LWDA Letter Notice, Drafting First Amended Complaint adding PAGA Claim</u> • Conduct further research regarding Defendants and its policies and practices and confer with client and draft detailed file notes. • Draft Class Action Complaint and allegations. • Draft Private Attorneys General Act Notice Letter and correspondence to Labor Workforce Development Agency and re: PAGA Notice and claims and facts and theories and grounds for recovering civil penalties. • Confer and correspond with client regarding Class Action Complaint and review and approval of factual allegations and attend to filing. • Draft first amended complaint adding PAGA claim.	22	May 2020 – June 2020
<u>3. Initial conferences and correspondence with Defendants’ counsel, Initial scheduling conference and case initiation requirements, and Initial Formal Discovery</u> • Review case initiation documents and conformed copies and review initial Case Management Conference order and draft notice of CMC. • Confer and correspond with process server regarding service on Defendants and status and documents to provide. • Continue compiling case documents from client and case research regarding the applicable authorities and claims and Defendants’ policies and operations. • Conduct teleconferences and exchange correspondence regarding claims and Defendants’ operations and the case and claims. • Draft multiple correspondences to Defendants’ counsel regarding case	14	July 2020 – August 2020

Detailed Time and Task Summary – Natalie Haritoonian

and conference and appearance and discovery. • Conduct further investigation into the claims, and conferences with client regarding same and documents supporting allegations. • Draft and serve Defendants with the following discovery requests: Form Interrogatories – General, Form Interrogatories – Employment, Special Interrogatories, and Request for Production. • Draft and serve Defendants with notice of deposition of Defendants’ Person(s) Most Knowledgeable. • Draft and send Defendant a Belaire-West notice.		
<u>4. Potential ADR Discussions and initial informal discovery requests</u> • Confer with Defendants’ counsel and exchange e-mails regarding decision to proceed with mediation and status of discovery and how to approach in light of agreement. • Draft and serve initial informal discovery requests and confer and correspond with Defendants’ counsel regarding them and responsive information and documents. • Confer and correspond with Defendants and mediators regarding mediator selection and availability and scheduling. • Agree upon Hon. Howard Broadman (Ret.) for mediation and draft multiple e-mails and respond regarding scheduling. • Book mediation and begin preparation after finalizing scheduling based on parties and counsel schedules and availability and that of the mediator. • Confer with client regarding mediation and availability, and review multiple correspondences from Plaintiff regarding ongoing claims and issues to address with Defendants.	5	July 2020 – August 2020
<u>5. Complete Informal Discovery, Mediation Preparation, and Conduct Mediation and further discovery meet and confer</u> • Draft correspondence with Defendants’ counsel and mediator regarding mediation and scheduling. • Complete informal discovery and production of documents and Class Member’s data. • Review all production and file documents and policy documents and compile key exhibits and documents for mediation. • Confer and correspond with Defendants’ counsel regarding Class Member’s data and numbers agreed upon and extrapolated for mediation. • Complete and draft calculations of Defendants’ potential liability exposure and summarize defenses to each and alleged bases for reduction in calculated numbers. • Conduct case law review and research regarding payment of wages, meal, and rest breaks, wage statements, final wages, reimbursement of business expenses, and PAGA. • Draft mediation brief addressing background and procedure, discovery completed, and each of Plaintiff’s claims, and the facts and	25	August 2020 – November 2020

Detailed Time and Task Summary – Natalie Haritounian

law supporting them, and research and calculate potential estimated damages and penalties exposure. • Complete conferences with Defendants’ counsel regarding Settlement and general terms.		
<u>6. Finalizing Settlement Agreement and Terms</u> • Draft and correspond with Defendants’ counsel regarding Memorandum of Understanding and attend to finalizing and executing. • Draft stipulation to continue case management conference to complete Settlement Agreement and attend to filing. • Reviewed long form Settlement Agreement and conduct multiple conferences and correspondence with Defendants’ counsel regarding detailed terms and revisions. • Multiple correspondence and conferences with Defendants’ counsel regarding settlement terms and revisions and additions. • Reviewed Class Member’s Notice, Exclusion Form, and Dispute Form and e-mails regarding same and finalizations after editing. • Confer with administrators and receive quotations and agree on estimate and administrator. • Conduct multiple conferences with Plaintiff regarding Settlement and terms and responding to his questions and concerns. • Finalize Settlement Agreement and attend to execution and confer and correspond with Plaintiff regarding same.	24	November 2020 – March 2021
<u>7. Motion for Preliminary Approval</u> • Draft motion for preliminary approval of the Settlement and supporting documents and declarations and attend to filing. • Conduct multiple conferences and exchange correspondence with Defendants’ counsel regarding MPA documents and revisions as required. • Review Court’s order denying Plaintiff’s motion for preliminary approval. • Confer with client and Defendants’ counsel regarding Settlement and terms after reviewing the Court’s tentative ruling granting preliminary approval. • Draft revised motion for preliminary approval of the settlement and supporting documents. • Conduct conferences with Plaintiff’s expert, client, and Defendants’ counsel regarding Plaintiff’s revised motion for preliminary approval. •	37	March 2021 – present
TOTAL:	135 Hrs.	

