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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

Coordination Proceeding Special Title (Rule
3.550)

**TOTAL AIRPORT SERVICES, LLC
WAGE AND HOUR CASES**

Including Actions:

*Cassandra Olomua v. Total Airport Services,
LLC, Superior Court of California, San Mateo
County, Case No. 19-CIV-06044*

*Delmy Rivera v. Total Airport Services, LLC,
Superior Court of California, Los Angeles
County, Case No. 19STCV32847*

*Fernando Aguilera, et al. v. Total Airport
Services, LLC, Superior Court of California,
Alameda County, Case No. RG20067972*

Judicial Counsel Coordination
Proceeding No.: 5084

Hon. David S. Cunningham
Department SSC11

CLASS ACTION

**DECLARATION OF REPRESENTATIVE
PLAINTIFF DELMY RIVERA IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

DECLARATION OF REPRESENTATIVE PLAINTIFF DELMY RIVERA

I, DELMY RIVERA, hereby declare as follows:

1. I am an individual residing in California. I am over the age of eighteen and the Plaintiff in the matter of the coordinated action *Total Airport Services, LLC Wage and Hour Cases* pending in the Superior Court of the State of California, County of Los Angeles, and designated as Case No. JCCP 5084. The information contained herein is based on my personal knowledge and if called as a witness I could and would testify competently hereto.

2. I was employed by Total Airport Services from approximately July 20, 2018 to October 23, 2018. I worked as a Passenger Service Representative and Ticket Agent at Los Angeles International Airport.

3. I believe that certain employment practices of Defendant were unlawful, including, but not limited to: (1) failure to pay all wages, including overtime wages for time worked (2) failure to provide meal periods or premium compensation in lieu thereof, (3) failure to provide rest periods or premium compensation in lieu thereof, (4) failure to pay all wages upon ending employment, (5) failure to issue accurate itemized wage statements, (6) failure to reimburse for necessary business expenditures, and (7) violation of the Unfair Competition Law pursuant to Business & Professions Code sections 17200 *et seq.*

4. I decided to file a class action lawsuit based on these allegations and violations and agreed to serve as the Named Class Representative in order to represent other employees that I knew were similarly affected by Defendant's conduct. I understood that by acting as the Class Representative I had a duty to protect the interests of the class even to the detriment of my own individual claims and interests.

5. I believed I could adequately represent the proposed class of employees and would prevail in my case. I believe I am an adequate class representative because my interests are the same as all current and former non-exempt employees employed by Defendant in California. During my employment with Defendant, I was personally subjected to the common policies and practices alleged in the action. I was not paid for all time I spent working during meal breaks and was not paid for all time I worked. Further, I received some wages on a pay card and was charged fees for accessing the funds. I also did not receive wage statements for

1 wages put on the pay card and my wage statements did not accurately reflect payment for all
2 time I worked or the correct rate of pay. I also frequently was required to delay, forego or cut
3 short meal periods when passenger traffic was heavy. I was not paid additional pay for all meal
4 periods that were not taken before the fifth hour of work, missed or cut short. I also was
5 frequently required to forego rest breaks. During an 8-hour shift, I rarely, if ever, was allowed
6 to take a second rest break and often both rest breaks. Defendant required me to wear a uniform
7 consisting of a shirt, pants, vest with logo, coat, high heels and scarf. The uniform provided to
8 me was too big and I was required to pay for tailoring of the uniform. I also was required to
9 launder the uniform myself and arrive at work fully dressed in the uniform. I was not reimbursed
10 for the cost of maintaining my uniform. While I worked for Defendant, I spoke with and heard
11 other employees complaining about these issues.

12 6. I willingly and knowingly brought the claims on behalf of the Class Members. I
13 fully understand that as class representative I hold certain fiduciary duties to the Class Members
14 and must always consider their interests. Throughout this lawsuit I sought the same damages
15 and remedies, specifically for unpaid wages, meal and rest period premiums, business
16 reimbursements, waiting time penalties, inaccurate pay stubs and other available remedies. I
17 have no known conflict of interest with the class member employees.

18 7. I believe that I have diligently served as class representative in this matter. I
19 gathered and collected requested documents and information such as wage statements. I met
20 with my attorneys many times and made myself available for their calls to answer questions
21 about Defendant's policies, practices, and procedures, and I answered questions about
22 documents produced by Defendant. I also helped gather factual information and explain some
23 of the evidence my attorneys obtained. Early in the case, Defendant's filed motions to dismiss
24 the claims and to limit discovery. I discussed these motions with my attorneys to be sure I
25 understood what was happening in the case. When my case was coordinated with another class
26 action, I discussed the issues with my attorneys and ultimately decided it was in the best interests
27 of the other employee class members to work together with the attorneys for the other class
28 action plaintiffs.

8. I assisted my attorneys in preparing for mediation and have consistently been kept

1 apprised of the status of the case. I made myself available on the day of mediation to answer
2 questions from my attorneys. After a settlement was reached in mediation, I made myself
3 available to review and discuss the memorandum of understanding and settlement agreement. I
4 estimate I have spent nearly 100 hours of time participating in the case since it was filed 5 years
5 ago in 2019.

6 9. I understand that through this Settlement I will be waiving any and all claims I
7 may have had against my former employer. I understood this prior to filing this case. I also
8 understood that I would be requesting a Class Representative Service Award at the conclusion
9 of the litigation for my efforts and risk in bringing the case on behalf of similarly situated
10 employees. I was informed and I am aware the requested amount must be approved by the Court
11 and there has been no guarantee or promise made to me of the amount that will be amount that
12 will be approved or that any payment will be approved. However, I believe the \$15,000.00
13 requested as a Class Representative Service Award is fair given the time I have put into the case
14 and the fact I am generally releasing any individual claims I may have had. My employment
15 with Defendant was terminated in October 2018. I believe that I was terminated because I had
16 complained about not being paid all wages I felt I was entitled to and some of the other policies
17 at issue in this action. Instead of electing to file a case on behalf of myself, I feel strongly that
18 the practices I and the other employees experienced needed to be pursued as a class action with
19 the hope it would keep it from happening to the employees going forward even though I no
20 longer work for Defendant.

21 10. While I did not type this declaration, I did review it completely and was given the
22 opportunity to ask questions and make changes. This is an accurate summary of the information
23 I provided to my attorneys.

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

26 Executed on this 20 day of September 2024 at Fieldale, Virginia.

27 
Delmy Rivera (Sep 20, 2024 13:54 EDT)

28 _____
Delmy Rivera