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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 KATHERINE J.
ODENBREIT IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

DECLARATION OF KATHERINE J. ODENBREIT

I, Katherine J. Odenbreit, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am Senior Attorney at the law firm Mahoney Law Group, APC, attorneys of record for Plaintiff Delmy Rivera ("Plaintiff Rivera"). 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 thereto.

SUMMARY OF *RIVERA v TOTAL AIRPORT SERVICES*

2. Plaintiff Rivera filed a putative class action complaint on September 16, 2019 in the Los Angeles Superior Court, Case No. 19STC32847, represented by Mahoney Law Group, APC. This case was vigorously litigated from the start. (the "*Rivera Action*").

3. On October 15, 2019, Plaintiff Olomua filed a Class Action Complaint for Damages against Defendant in the Superior Court of the State of California, County of San Mateo, Case No. 19-CIV-06044 ("the *Olomua Action*").

4. On January 17, 2020, Defendant filed a petition to coordinate the *Rivera Action* and the *Olomua Action*. In February 2020 Defendant filed a request to stay the *Rivera Action* pending the Petition for Coordination on an *ex parte* basis which was denied.

5. On March 11, 2020, Defendant's petition to coordinate the *Rivera Action* and the *Olomua Action* was granted, and the class actions were coordinated in the Superior Court of the State of California, County of Los Angeles, and the coordinated actions were designated *Total Airport Services Wage and Hour Cases*, Case No. JCCP5084.

6. On September 1, 2020, Defendant filed a petition to add the *Aguilera/Miller Action* to the coordinated proceedings. On September 30, 2020, Defendant's petition to add the *Aguilera/Miller Action* to the coordinated proceedings was granted.

7. On November 16, 2020, Defendant filed in the coordinated actions a Motion for Judgment on the Pleadings and a Motion to Sequence and/or Limit Discovery. Plaintiff Rivera opposed both motions. The Court denied Defendant's Motion for Judgment on the Pleadings and ordered the matters consolidated for discovery purposes only.

1 8. Following written discovery and informal exchange of significant information,
2 including a Belaire-West notice to over 2,500 employees, subsequent production of class member
3 contact information, Defendant's written policies and practices, portions of class member
4 personnel files and an expert analysis of the potential value of the claims, the parties participated
5 in mediation on November 8, 2023 with highly reputable and experienced mediator Eve Wagner
6 which resulted in the settlement presented to the Court.

7 9. Class Counsel's investigation and discovery obtained in this case was significant
8 and sufficient for Class Counsel to evaluate the strengths, weaknesses and reasonable estimated
9 potential verdict value. (See Decl. of Vartan Madoyan ("Madoyan Decl."), ¶¶21-25). Class
10 Counsel also considered challenges in providing liability of rest break claims for which no records
11 exist, the data showing Defendant paid over \$1 million in meal period penalties to putative class
12 members during the Class Period and the significant expenses that would necessarily be incurred
13 to take this Action through class certification and trial. For example, this case involves allegations
14 and claims related to unreimbursed expenses which to prove damages, it would be necessary to
15 obtain documents and testimony from Class Members showing out of pocket expenses incurred,
16 likely subpoenas to financial institutions for expense records which would surely invite significant
17 motion practice and engagement of an expert or experts to present evidence of the expenses
18 incurred and the reasonableness of such expenses. Further, in order to establish commonality for
19 certification and liability at trial for Plaintiffs' claims for unpaid wages due to work performed
20 off-the-clock, different experts would necessarily be retained to determine a method of
21 establishing a measure of damages which could include a time and motion study and/or a
22 representative sample of Class Member depositions. In my experience, this case was anticipated
23 to reach costs in excess of \$100,000 for class certification and likely up to \$250,000 or more for
24 trial. Class Counsel was mindful during settlement discussions of the potential resources of
25 Defendant to fund a settlement, litigation and potentially trial in weighing the costs against the
26 benefit of a settlement. Given that a judgment in this case would likely take years to secure and
27 longer if any judgment was appealed, Class Counsel determined the risks and costs of proceeding
28 with litigation weighed heavily in favor of securing real money for Class Members now.

1 10. In 2017 and 2018 I was directly involved in a PAGA trial in the Orange County
2 Superior Court. (*Levanoff, et al. v. SoCal Wings, LLC, et al.*, Case No. 30-2011-00511808-CU-
3 OE-CXC). Costs incurred in the case exceeded \$75,000. The bench trial resulted in a verdict for
4 the Defendants. The case remains ongoing with Defendants successfully receiving a judgment for
5 costs on appeal against Plaintiffs and currently seeking costs against the State of California and
6 Plaintiffs. These are real risks PAGA plaintiffs must assess when deciding whether to consider
7 settlement and also when determining the realistic estimated value of PAGA claims.

8 **PLAINTIFF RIVERA’S CLAIMS ARE TYPICAL OF THE CLASS AND SHE IS AN**
9 **ADEQUATE CLASS REPRESENTATIVE**

10 11. Plaintiff Delmy Rivera has worked extensively with our office for over 5 years since
11 before this litigation was commenced. Plaintiff Rivera personally experienced the alleged
12 violations set forth in the Action and also witnessed other employees experiencing and
13 complaining about the alleged violations. Plaintiff Rivera has no known conflicts of interest with
14 the Class Members and has diligently and vigorously pursued litigation of this action representing
15 the interests of absent class members. In my personal experience and interactions with Plaintiff in
16 this matter, I have formed a belief that Plaintiff understands and has carried out her fiduciary duties
17 to the absent class members. Plaintiff has promptly responded to counsels’ requests for
18 information and have assisted counsel in reviewing documents, producing documents, and has
19 made herself readily available at all times during the litigation. Plaintiff Rivera’s interests are
20 typical of those experienced by Class Members and she has demonstrated she is an adequate Class
21 Representative for purposes of conditional class certification for settlement.

22 12. Up to fifteen thousand dollars (\$15,000.00) is allocated toward each Class
23 Representative’s Incentive Awards, in recognition of their contributions to this action and service
24 to the Settlement Class. This case has been litigated heavily for nearly 5 years. Plaintiff Rivera
25 provided Class Counsel with factual information needed to prepare the case. Plaintiff Rivera
26 consulted with Class Counsel about developments in the case and helped to explain to Class
27 Counsel certain evidence that Class Counsel obtained in informal discovery. I believe that Plaintiff
28 Rivera performed considerable services on behalf of the Class, since she searched for an attorney,

1 collected and gathered the requested documents and information such as timekeeping records, met
2 with Class Counsel, made herself available in order to answer questions about Defendant's
3 policies, practices and procedures, including documents produced or discussed during
4 conversations with opposing counsel, or raised in pleadings filed in this matter. Plaintiff Rivera
5 remained actively involved throughout the litigation.

6 **QUALIFICATIONS OF CLASS COUNSEL MAHONEY LAW GROUP, APC**

7 13. Kevin Mahoney and myself along with associates from our firm have represented
8 Plaintiff since commencement of this action. Class counsel has extensive experience litigating wage
9 and hour class actions. The experience and qualifications of Kevin Mahoney can be found in his
10 declaration filed concurrently herewith. My experience and qualifications follow.

11 14. I am a 1995 graduate of Western State University College of Law in Orange County
12 where I earned both my Bachelor of Science in Law and Juris Doctor degrees. I have been a
13 licensed practitioner since 1996 and am admitted to practice in the following courts: Ninth Circuit
14 Courts of Appeal; United States District Court of California - Southern, Central, Northern, and
15 Eastern Districts; and all California state courts.

16 15. In 2003, I began working as an associate attorney with the law firm Spiro, Moss,
17 Barness, Harrison & Barge LLP ("Spiro Moss") in Los Angeles, California. At the time I was
18 there, the firm had 8-10 attorneys, and primarily represented plaintiffs in employment wage and
19 hour and consumer class actions. In late 2006, Spiro Moss' partner, Rene Barge, left to open her
20 own firm, Class Action Litigation Group ("CALG"). I became the director of litigation for CALG
21 in January 2007. CALG's practice was dedicated to representing plaintiffs in state and federal
22 wage and hour and collective action matters. As the director of litigation, I was responsible for the
23 oversight of litigation in all cases, including supervision of attorneys and staff, case management,
24 and making key court appearances.

25 16. In 2011, I became the administrative partner of the law firm of Barge, Petersen &
26 Odenbreit LLP in Irvine, California. Barge, Petersen & Odenbreit was a boutique firm whose
27 practice was dedicated to representing employees and peace officers in wage and hour and
28 collective actions. The firm represented over 2,500 Los Angeles Police Department officers in
complicated wage claims in the California Central District Court and the California Southern

1 District Court. Barge, Petersen & Odenbreit was also appointed lead or co-lead counsel on
2 numerous state and federal wage and hour class actions.

3 17. In January 2012, I was selected to assist in the creation of a class action program for
4 the law firm of Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc. ("Hunt Ortmann") in
5 Pasadena, California. The Class Action Program of Hunt Ortmann had 6 lawyers, all with complex
6 litigation experience. Two of the attorneys, including myself, had more than 15 years of experience
7 litigating class action matters. The Class Action Program handled both consumer and wage and
8 hour class actions.

9 18. In November 2013, I worked as a solo practitioner primarily on wage and hour and
10 consumer class actions. In November 2015, I joined Mahoney Law Group, APC. I am now a
11 Supervising Attorney for Mahoney Law Group, APC overseeing the litigation of approximately
12 50 class action matters in both state and federal courts.

13 19. I have been an attorney for nearly 28 years and have exclusively dedicated my
14 practice to litigating class action matters for the past 21 years. I, along with the firms with which
15 I have been associated, have been appointed certified class counsel for representative plaintiffs in
16 over 200 class actions/collective actions involving hundreds of thousands of employees, including
17 some of the first wage and hour class actions litigated in California.

18 20. The following is a small sample of those matters: *Dibel v. Jenny Craig*, USDC
19 Southern District of California, 06CV2533 JLS (AJB) (FLSA Conditional Certification); *Levine,*
20 *et al. v. 24 Hour Fitness*, USDC Southern District of California, 02CC00386 and *Boyce v. 24 Hour*
21 *Fitness*, USDC Southern District of California, 03CV2140 BEN (BLM) (FLSA Conditional
22 Certification/Rule 23 Class Certification-over 40,000 class members); *Harris v. Liberty Mutual*
23 *Ins. Co.*, JCCP 4234; California Supreme Court Case No. S156555; *Salvador v. PLS Financial*
24 *Services*, USDC Central District of California; 07CV00882 AHM (CWx); *Lockhart v. County of*
25 *Los Angeles*, USDC Central District of California, 07CV1680 ABV (CWx); *Oberschlake v. St.*
26 *Joseph's Hospital*, Orange County Superior Court-Complex Division, 04CC00301; *Solley v. Pier*
27 *1 Imports*, JCCP 4373; *Chapman v. Intel Corp.*, Santa Clara Superior Court, 107CV082329;
28 *Holman et al. v. Downey Savings & Loan*, Los Angeles County Superior Court Case No.
BC323796; *Czuchaj v. Conair Corporation*, USDC Southern District of California, 13CV01901-

1 BEN-RBB [certification granted November 12, 2015]; *Flores v. Cambrian Home Care* Los
2 Angeles County Superior Court Case No. BC544612; *Mays v. Children's Hospital of Los Angeles*
3 Los Angeles County Superior Court Case No. BC477830; *Levanoff v. SoCal Wings, LLC*, et al.
4 Orange County Superior Court Case No. 30-2011-00511808; *Faulkinbury v. Boyd & Associates*
5 Orange County Superior Court Case No. 05CC00107.

6 21. More recently, I and my firms have been appointed Class Counsel in wage and hour
7 and consumer class actions with settlements approved by the Court. Some examples of those are:
8 *Aguilar v. CKE (Carl's Jr.)*, Los Angeles Superior Court Case No. BC623041-Class Counsel on
9 behalf of over 31,000 restaurant employees; *Perez v. DirecTV*, USDC Central District of
10 California, Case No. 8:16-CV-01440-JLS-DFM, Class Counsel on behalf of over 16,000
11 consumer businesses; *Estrada v. Denny's, Inc.*, USDC Central District Case No. 2:22-CV-00572-
12 SPG(AGRx) (over 8,500 Class Members); *Li v. US eLogistics*, San Bernardino Superior Court
13 Case No. CIVSB2307279 (1.127 non-exempt employees).

14 22. I and my firms have also been active in establishing precedence in the class action
15 arena, including filing an amicus brief on behalf of the California Employment Lawyers
16 Association in one of the landmark wage and hour class action cases, *Sav-On Drug Stores v.*
17 *Superior Court*, 34 Cal.4th 319 (2004). I was also lead counsel on the matter of *Brennan v. U.S.*
18 *TelePacific*, Orange County Superior Court, 30-2010-00422317; Fourth Appellate District,
19 Division 3, Case No. G046225. This matter was a consumer class action where we successfully
20 argued on appeal to uphold the lower court's ruling denying the defendant's motion to compel
21 arbitration pursuant to the *AT&T v. Concepcion* U.S. Supreme Court decision. I was also lead
22 counsel on the matter of *Faulkinbury v. Boyd & Associates* (2010) 112 Cal.Rptr.3d 72, for which
23 I filed a successful Petition for Review in the California Supreme Court seeking to overturn a
24 denial of class certification. The case was later remanded to the Superior Court with instructions
25 to certify the class. (See *Faulkinbury v. Boyd & Assoc.* (Boyd II) (2013) 216 Cal.App.4th 220.)

26 23. I served as the Chair of the Federal Practice sub-committee of the California
27 Employment Lawyers Association ("CELA") from 2010 to 2012. I am an active member of the
28 CELA Wage and Hour Committee. I have been invited to be a guest speaker at many class action
seminars, including those sponsored by Bridgeport, the California Lawyers Association, Orange

County Bar Association-Labor and Employment Section and the Federal Bar Association.

24. In my opinion as an experienced class counsel, this Settlement is fair, reasonable and in the best interests of the Settlement Class given the risks of litigation, risk relative to trial and realistic potential recovery. This case was settled through arms-length negotiations with the assistance of a professional and reputable mediator. During mediation, the Parties assessed the risks and strengths of their respective positions and with the assistance of the mediator, reached this Settlement.

25. Neither Plaintiff Rivera nor our firm has any known conflicts of interest with any putative class members.

26. As such, this Court should appoint Plaintiffs as Class Representatives for the Class and appoint Plaintiffs' Counsel, Mahoney Law Group, APC and Lawyers for Justice, PC as Class Counsel. For the foregoing reasons, certification of the class for settlement purposes is appropriate.

THE REQUESTED ATTORNEYS' FEES AND COSTS WARRANT PRELIMINARY APPROVAL

27. The requested fees are appropriate. Defendant has vigorously contested this case throughout the litigation, including the filing of multiple petitions for coordination, a motion for judgment on the pleadings, motions to stay, and a motion to limit discovery. At final approval, Class Counsel will submit to the Court evidence of the hours put in by Plaintiff's counsel's firm on this litigation.

28. The costs spent in this case are not unusual or unreasonable for a case with a pending class certification motion. The majority of the expense consists of filing fees, electronic service provider fees, mediation and expert fees which were necessarily incurred to prepare for an attend mediation.

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

Executed on this 17th day of October 17, 2024 at Sun City, Arizona.


Katherine J. Odenbreit