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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF TULARE**

JONATHAN SANTIAGO, individually, and
on behalf of other aggrieved employees
pursuant to the California Private Attorneys
General Act;

Plaintiff,
vs.

CIGNA HEALTH & LIFE INSURANCE
COMPANY, an unknown business entity;
and DOES 1 through 100, inclusive,

Defendants.

ADRIAN AVILA, individually, and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act;

Plaintiff,
vs.

CIGNA HEALTH & LIFE INSURANCE
COMPANY, an unknown business entity;
and DOES 1 through 100, inclusive,

Defendants.

Case No. VCU283599
Consolidated for All Purposes with
Case No. VCU284920

[Assigned for all purposes to the Honorable
David C. Mathias, Department 1]

CLASS ACTION

**DECLARATION OF EDWIN
AIWAZIAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: April 28, 2022
Time: 8:30 a.m.
Judge: David C. Mathias
Dept.: 1

Case No.: VCU283599
Complaint Filed: July 15, 2020
Trial Date: None Set

Case No.: VCU284920
Complaint Filed: October 30, 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 Jonathan Santiago (“Plaintiff”). 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.

ADEQUACY OF LAWYERS *for* JUSTICE, PC

EDUCATION

2. 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

3. 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*.

LITIGATION AND CLASS ACTION EXPERIENCE

4. 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*.

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

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

15 **EXAMPLES OF RESULTS IN WAGE-AND-HOUR COMPLEX AND CLASS**
16 **ACTION CASES**

17 7. What follows are just a few examples of the type of results Lawyers *for* Justice,
18 PC (“LFJ”) has achieved on behalf of its clients:

19 a) LFJ, in association with co-counsel therein, represented the plaintiffs in a
20 wage-and-hour class and Private Attorneys General Act (“PAGA”) representative action against
21 a major property management company involving allegations of misclassification of various
22 “manager” positions. On September 20, 2010, the court granted final approval of the class and
23 representative action settlement. The Los Angeles County Superior Court Case Number is
24 BC400414.

25 b) LFJ, in association with co-counsel therein, represented the plaintiffs in a
26 wage-and-hour class action against a national retailer of household items involving allegations
27 of misclassification of the “Assistant Store Manager” position. On October 28, 2010, the court
28

1 granted final approval of the class action settlement. The Los Angeles County Superior Court
2 Case Number is BC413498.

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

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

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

18 f) LFJ, in association with co-counsel therein, represented the plaintiffs in a
19 wage-and-hour class and PAGA representative action against a national wholesale distributor
20 of plumbing and builder supplies, involving allegations of misclassification of multiple salaried
21 “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA
22 representative action settlement. The Sacramento County Superior Court Case Number is 34-
23 2012-00136285.

24 g) LFJ, in association with co-counsel therein, represented the plaintiff in a
25 wage-and-hour class action against a multinational corporation that provides global workplace
26 solutions, involving allegations of misclassification of the salaried “Operations Manager”
27 position. On September 16, 2014, the court granted plaintiff’s motion for class certification.
28 The Los Angeles County Superior Court Case Number is BC478769.

h) LFJ, in association with co-counsel therein, represented the plaintiff in a wage-and-hour class and PAGA representative action against a national retailer of household items, on behalf of hourly-paid or non-exempt employees. On May 27, 2015, the court granted final approval of the class and PAGA representative action settlement. The San Francisco County Superior Court Case Number is CGC-13-532344.

i) LFJ, in association with co-counsel therein, represented the plaintiff in a wage-and-hour class action involving allegations of misclassification of the "Property Manager" position. On September 17, 2015, the court granted plaintiff's motion for class certification. The Los Angeles County Superior Court Case Number is BC474784.

j) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class and PAGA representative action against a national retailer of upscale hardware and home furnishings, on behalf of non-exempt employees. On April 28, 2016, the court granted final approval of the class and PAGA representative action settlement. The Los Angeles County Superior Court Case Number is JCCP4794 and BC516795, and the Judicial Council Coordination Proceeding Number is JCCP No. 4794.

k) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class and PAGA representative action against a national retailer of apparel and fashion accessories, on behalf of non-exempt employees. On August 5, 2016, the court granted final approval of the class and PAGA representative action settlement. The Los Angeles County Superior Court Case Number is BC488069.

l) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class action against a national retailer of apparel, accessories, and home products, involving allegations of misclassification of the "Department Manager" position. On August 12, 2016, the court granted plaintiffs' motion for class certification in part and certified a class. The Alameda County Superior Court Case Number is RG13680477.

m) LFJ represented the plaintiff in a PAGA representative action, against a real estate and property management company, on behalf of non-exempt employees. On

November 4, 2016, the court granted approval of the PAGA representative action settlement. The Orange County Superior Court Case Number is 30-2015-00775439-CU-OE-CXC.

n) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class and PAGA representative action against a full-service bank, on behalf of non-exempt employees. On November 18, 2016, the court granted final approval of the class and PAGA representative action settlement. The San Francisco County Superior Court Case Number is CJC-13-004839 and the Judicial Council Coordination Proceeding Number is JCCP No. 4839.

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

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

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

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

1 s) LFJ in association with co-counsel, represented the plaintiffs in a wage-
2 and-hour class action and representative action against a lumber and hardware company on
3 behalf of non-exempt employees. On April 26, 2017, the court granted final approval of the
4 class action settlement. The Orange County Superior Court Case Number is 30-2014-
5 00747750-CU-OE-CXC.

6 t) LFJ represented the plaintiff in a wage-and-hour class and PAGA
7 representative action against a property management company, on behalf of non-exempt
8 employees. On June 14, 2017, the court granted final approval of the class and PAGA
9 representative action settlement. The Los Angeles County Superior Court Case Number is
10 BC586234.

11 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
12 representative action against a food company on behalf of non-exempt employees. On June 30,
13 2017, the court granted final approval of the class and PAGA representative action settlement.
14 The Sacramento County Superior Court Case Number is 34-2015-00175871.

15 v) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
16 representative action against a chocolate company on behalf of non-exempt employees. On July
17 19, 2017, the court granted final approval of the class and PAGA representative action
18 settlement. The Alameda County Superior Court Case Number is RG15764300.

19 w) Our firm represented the plaintiff in a PAGA representative action, against
20 the parent company of several restaurants, on behalf of hourly-paid, non-exempt employees. On
21 October 18, 2017, the court granted approval of the PAGA representative action settlement. The
22 Los Angeles County Superior Court Case Number is BC569664.

23 x) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
24 representative action against a manufacturer of plastic containers on behalf of non-exempt
25 employees. On October 31, 2017, the court granted final approval of the class and PAGA
26 representative action settlement. The Los Angeles County Superior Court Case Number is
27 BC577233.

1 y) LFJ, in association with co-counsel therein, represented the plaintiffs in a
2 wage-and-hour class and PAGA representative action against a bank on behalf of non-exempt
3 employees. On December 11, 2017, the court entered an order granting final approval of the
4 class and PAGA representative action settlement. The Los Angeles County Superior Court Case
5 Number is BC569646.

6 z) Our firm, in association with co-counsel, represented the plaintiffs in a
7 wage-and-hour class and PAGA representative action against a property management company
8 on behalf of hourly-paid and non-exempt employees. On January 4, 2018, the court granted final
9 approval of the class and PAGA representative action settlement. The Los Angeles County
10 Superior Court Case Number is JCCP4819.

11 aa) LFJ, in association with co-counsel therein, represented the plaintiffs in a
12 wage-and-hour class and PAGA representative action against a company that operates business
13 centers. On February 15, 2018, the court granted final approval of the class and PAGA
14 representative action settlement. The Los Angeles County Superior Court Case Number is
15 BC498401.

16 bb) LFJ, in association with co-counsel therein, represented the plaintiff in a
17 wage-and-hour class action against a container manufacturer, on behalf of non-exempt
18 employees. On October 15, 2018, the court granted the plaintiff's motion for class certification.
19 The Tulare County Superior Court Case Number is VCU264528.

20 cc) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
21 representative action against a behavioral health service provider on behalf of non-exempt
22 employees. On November 13, 2018, the court granted final approval of the class and PAGA
23 representative action settlement. The Alameda County Superior Court Case Number is
24 RG16811450.

25 dd) LFJ, in association with co-counsel therein, represented the plaintiff in a
26 PAGA representative action, against a global provider of products and services to the energy
27 industry, on behalf of hourly-paid and non-exempt employees. On November 19, 2018, the
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1 court granted approval of the PAGA representative settlement. The Kern County Superior Court
2 Case Number is S-1500-CV-280215-SDC.

3 ee) LFJ, in association with co-counsel therein, represents the plaintiff in a
4 wage-and-hour class action against a parking company on behalf of non-exempt employees. On
5 September 3, 2019, the court granted the plaintiff's motion for class certification and certified a
6 class. The Santa Clara County Superior Court Case Number is 16CV292208 and the Judicial
7 Council Coordination Proceeding Number is JCCP No. 4886.

8 ff) LFJ, in association with co-counsel therein, represents the plaintiffs in a
9 wage-and-hour class and PAGA representative action against a bank on behalf of non-exempt
10 employees. On September 27, 2019, the court granted the plaintiffs' motion for class
11 certification in part and certified a class. The Alameda County Superior Court Case Number is
12 RG15757606 and the Judicial Council Coordination Proceeding Number is JCCP No. 4921.

13 gg) LFJ, in association with co-counsel therein, represents the plaintiffs in a
14 wage-and-hour class and PAGA representative action against a national retailer of apparel and
15 fashion accessories, on behalf of non-exempt employees. On October 9, 2019, the court granted
16 the plaintiffs' motion for class certification in part and certified a class. The Sacramento County
17 Superior Court Case Number is 34-2015-00175330-CU-OE-GDS.

18 hh) LFJ, in association with co-counsel therein, on behalf of the plaintiff and
19 respondent in a PAGA representative action, successfully opposed in the trial court, and briefed
20 and argued an appeal with respect to the employer's motion to compel arbitration, resulting in a
21 notable decision from the California Supreme Court clarifying the law and finding, in part, that
22 employer arbitration agreements are unenforceable where they block a PAGA claim from
23 proceeding, *ZB, N.A. v. Superior Court*, 8 Cal.5th175 (2019).

24 ii) LFJ, in association with co-counsel therein, represents the plaintiff in a
25 wage-and-hour class action against a medical equipment supplier on behalf of non-exempt
26 employees. On February 13, 2020, the court granted the plaintiff's motion for class certification
27 and certified a class. The San Bernardino County Superior Court Case Number is
28 CIVDS1505744.

1 jj) LFJ, in association with co-counsel therein, represents the plaintiff in a
2 wage-and-hour class and PAGA representative action against a large national drug testing
3 laboratory on behalf of non-exempt employees. On February 21, 2020, the court granted the
4 plaintiff's motion for class certification and certified a class. The San Diego County Superior
5 Court Case Number is 37-2018-00019611-CU-OE-CTL.

6 kk) LFJ, in association with co-counsel therein, represents the plaintiffs in a
7 wage-and-hour class and representative action against a national retailer of sportswear,
8 footwear, and camping equipment on behalf of non-exempt employees. On March 16, 2020,
9 the court granted in part the plaintiff's motion for class certification and certified a class. The
10 Riverside County Superior Court Case Number is RIC1507504 and RICJCCP4930, and the
11 Judicial Council Coordination Proceeding Number is JCCP No. 4930.

12 ll) LFJ, in association with co-counsel therein, represents the plaintiffs in a
13 wage-and-hour class and PAGA representative action against a plastic packaging company on
14 behalf of non-exempt employees. On June 8, 2020, the court granted in part the plaintiffs'
15 motion for class certification and certified a class. The San Bernardino County Superior Court
16 Case Number is CIVDS1507361.

17 mm) LFJ, in association with co-counsel therein, represents the plaintiffs in a
18 wage-and-hour class action against manufacturer and supplier of power products and services
19 on behalf of non-exempt employees. On July 31, 2020, the court granted in part the plaintiffs'
20 motion for class certification and certified a class. The San Diego County Superior Court Case
21 Number is 37-2015-00025968-CU-OE-CTL.

22 nn) LFJ represents the plaintiff in a wage-and-hour class action against a
23 nutritional products manufacturer on behalf of non-exempt production line employees. On
24 December 13, 2021, the court granted the plaintiff's motion for class certification in part and
25 certified a class. The Solano County Superior Court Case Number is FCS051001.

26 oo) LFJ represents the plaintiff in a wage-and-hour class action against an
27 iconic lifestyle accessories brand and retailer on behalf of non-exempt employees. On March
28

1 15, 2022, the court granted the plaintiff's motion for class certification in part and certified a
2 class. The San Francisco Superior Court Case Number is CGC-16-550794.

3 **SUMMARY OF WORK PERFORMED**

4 8. The action entitled *Santiago v. Cigna Health & Life Insurance Company* (Case
5 No. VCU283599) (the "*Santiago* PAGA Action") was filed on July 15, 2020. On June 9, 2021,
6 the *Santiago* PAGA Action was consolidated with the action entitled *Avila v. Cigna Health &*
7 *Life Insurance Company* (Case No. VCU284920) (the "*Avila* PAGA Action") which was filed
8 on October 30, 2020, with the *Santiago* PAGA Action designated as the lead case. I have been
9 actively engaged in this litigation since Lawyers for Justice, PC commenced the *Santiago* PAGA
10 Action, as have several other attorneys and staff members at our firm.

11 9. Lawyers for Justice, PC has fully and actively participated in the litigation process
12 throughout the pendency of the *Santiago* PAGA Action, as well as the pendency of Jonathan
13 Santiago's putative class action case entitled *Santiago v. Cigna Health & Life Insurance*
14 *Company*, Tulare County Superior Court Case No. VCU284004 ("*Santiago* Class Action")
15 which was filed on August 19, 2020, and removed to United States Federal District Court for
16 the Eastern District of California and assigned Case No. 1:20-CV-01413-JLT-SKO on October
17 5, 2020.

18 10. Since joining forces with other plaintiff's counsel, Blumenthal Nordrehaug
19 Bhowmik De Blouw LLP, ("BNBDB") who were pursuing the *Avila* PAGA Action, we have
20 worked closely with that firm to prosecute the cases. Together, Lawyers for Justice, PC and
21 BNBDB are referred to as "Class Counsel."

22 11. Class Counsel's efforts and the efforts of Plaintiffs Jonathan Santiago and Adrian
23 Avila (together, "Plaintiffs") have been successful in reaching the Class Action and PAGA
24 Settlement Agreement (the "Settlement" or "Settlement Agreement"), approval of which is
25 being sought by Plaintiffs' Motion for Preliminary Approval of Settlement filed concurrently
26 with this declaration.

27 12. Before initiating the *Santiago* Class Action and *Santiago* PAGA Action, Lawyers
28 for Justice, PC conducted extensive investigation and research into the facts and circumstances

underlying the pertinent factual and legal issues and applicable law. This required thorough discussions and interviews between attorneys at our firm and Plaintiff Santiago, and research into the various legal issues involved in the *Santiago* Class Action and the *Santiago* PAGA Action, namely, the current state of the law as it applied to certification, off-the-clock theory, meal and rest periods, wage-and-hour enforcement, Private Attorney General Act (PAGA) claims, Plaintiff Santiago's allegations, and potential defenses. After conducting initial investigation, our firm determined that Plaintiff Santiago's claims were well-suited for class action and representative adjudication owing to what appeared to be a common course of conduct affecting a similarly situated group of current and former hourly-paid or non-exempt employees who worked for Defendant within the State of California, who were not properly compensated for, *inter alia*, all hours worked, non-compliant meal and rest periods, and unreimbursed business expenses.

13. Following the consolidation of the *Santiago* PAGA Action and the *Avila* PAGA Action, Lawyers for Justice, PC's work with BNBDB, has been a coordinated and combined effort. With respect to the *Santiago* Class Action and *Santiago* PAGA Action, Lawyers for Justice, PC undertook preparation of the pleadings, litigation and case strategy, investigation and research, and claims evaluation and analysis, and upon joining forces with other plaintiffs' counsel, Lawyers for Justice, PC collaborated and coordinated with BNBDB regarding mediation and settlement discussions and preparation of settlement-related papers.

14. After conducting significant investigation of the facts and law during the prosecution of the cases, counsel for the parties engaged in extensive settlement negotiations to try to resolve the cases. These efforts included participating in a private mediation session on January 14, 2021, presided over by Mark Rudy, Esq., a well-regarded mediator who is experienced in mediating complex labor and employment matters. Thereafter, the Parties continued to engage in settlement negotiations, and based on the mediator's evaluation and proposal, each side, represented by its respective counsel, were able to reach a settlement of the *Avila* PAGA Action, the *Santiago* PAGA Action, and the *Santiago* Class Action (together, the "Actions").

1 15. During all settlement discussions, the parties conducted their negotiations at arm's
2 length in an adversarial position. The claims asserted in the Actions are highly disputed and
3 arriving at a settlement that was acceptable to the parties was not easy. Collectively, Class
4 Counsel extensively investigated and considered the veracity, strength, and scope of the claims,
5 and engaged in extensive litigation in anticipation of class certification and trial, prior to
6 reaching the settlement. The *Santiago* Class Action and the *Santiago* PAGA Action have
7 involved ongoing investigations, extensive research into legal and factual issues, and extensive
8 formal and informal discovery.

9 16. In the *Santiago* PAGA Action, Lawyers for Justice, PC served notices of
10 deposition of Defendant's person most qualified and accompanying requests for production of
11 document and also multiple sets of written discovery requests (including, Form Interrogatories-
12 General (Set One), Special Interrogatories (Sets One, Two, and Three), and Requests for
13 Production of Documents (Sets One and Two), reviewed Defendant's responses and objections
14 thereto, and engaged in discovery motion practice to compel further responses to written
15 discovery requests. In the *Santiago* Class Action, Lawyers for Justice, PC worked with Plaintiff
16 Santiago to provide initial disclosures, reviewed Defendant's initial disclosures, served notices
17 of deposition of Defendant's person most qualified and also multiple sets of written discovery
18 requests (including, Interrogatories (Set One) and Demand for Production of Documents (Set
19 One), and reviewed Defendant's responses and objections to written discovery requests and the
20 notice of deposition. Lawyers for Justice, PC obtained information from Plaintiffs and other
21 putative class members, reviewed and analyzed documents and data obtained from Defendant,
22 Plaintiffs, and other sources, researched applicable law, and undertook analyses and calculations
23 of the value of claims and damages and penalties exposure. Lawyers for Justice, PC interviewed
24 Plaintiff Santiago and other putative class members to gather facts and to identify potential
25 witnesses. Lawyers for Justice, PC also invested time researching and investigating the
26 applicable law, which is constantly evolving as it relates to certification, off-the-clock theory,
27 meal and rest periods, PAGA claims and penalties, wage-and-hour enforcement, Plaintiff
28 Santiago's allegations, and Defendant's defenses thereto, as well as facts discovered. Counsel

1 for the parties also met and conferred on numerous occasions, e.g., to discuss issues relating to
2 the pleadings, jurisdiction, motion practice, case management, discovery, and production of
3 documents and data. Other work that Lawyers for Justice, PC performed included, and was not
4 limited to, case strategy and analysis; drafting, reviewing, and revising pleadings; drafting
5 moving and opposing papers for motion practice; preparing and appearing for court proceedings;
6 and settlement negotiations, among other tasks.

7 17. Based on investigation and information discovered, Lawyers for Justice, PC
8 believes that there is sufficient evidence to support the allegations made in the cases, including
9 the allegations that Defendant, with respect to Plaintiffs, putative class members, and aggrieved
10 employees, *inter alia*, failed to properly pay overtime and minimum wages and associated
11 premium pay, failed to provide compliant meal and rest periods and to pay associated premium
12 pay, failed to timely pay wages during employment and upon termination of employment, failed
13 to provide compliant wage statements, failed to maintain requisite payroll records, and failed to
14 reimburse necessary business expenses, and thereby engaged in unfair business practices and
15 conduct giving rise to civil penalties recoverable under PAGA. Plaintiffs asserted that putative
16 class members and aggrieved employees were subject to the same or similar operations and
17 employment policies, practices, and procedures. Additionally, Plaintiffs asserted that
18 Defendant's recordkeeping practices with respect to Plaintiffs, putative class members, and
19 aggrieved employees were substantially the same during the time period at issue. As a result,
20 Plaintiffs claim that putative class members and aggrieved employees, were uniformly not paid
21 all of the compensation that was owed to them by Defendant. Thus, in Class Counsel's view, it
22 is clear that the outcome of this litigation would be determined by Defendant's operations and
23 employment practices, policies, and procedures that Plaintiffs allege applied uniformly across
24 Defendant's non-exempt employees in California during the Class Period.

25 18. Defendant has denied and continues to deny any liability and wrongdoing of any
26 kind associated with the claims alleged in the cases, and further denies that the cases or claims
27 asserted therein are appropriate for class treatment or representative adjudication for any
28 purpose other than for purposes of settlement. Defendant believes that they would ultimately

succeed in the matter. Class Counsel are aware of the defenses and position of Defendant, but believe that Plaintiffs could potentially obtain class certification, demonstrate manageability, and obtain recovery on the class and PAGA claims, despite many obstacles.

19. Plaintiffs have also taken into account the uncertainty and risk of the outcome of further litigation, and the difficulties and delays inherent in such litigation, including those involved in class certification and/or representative adjudication. Plaintiffs further recognize the burdens of proof necessary to establish liability for the claims asserted in the lawsuits, Defendant's defenses, and the difficulties in establishing entitlement to monetary recovery. Plaintiffs have also considered the parties' settlement discussions, as well as the evaluations of the mediator, who is experienced and well-regarded in complex labor and employment matters.

20. The parties have conducted significant investigation, evaluation, and analysis of the class and PAGA claims during the course of this litigation. Class Counsel interviewed Plaintiffs and putative class members and analyzed a volume of documents and data obtained from Defendant, Plaintiffs, and through other sources. These documents and data provided a critical understanding of the nature of the work performed by putative class members and aggrieved employees, as well as Defendant's operations and employment policies, practices, and procedures, and were used in analyzing liability and damages/valuation issues in connection with all phases of the litigation, and ultimately, in connection with the mediation and settlement negotiation process. Accordingly, sufficient investigation and review of information has taken place in order for the parties to be sufficiently informed of the nature and extent of the claims, and to enable all parties to fully evaluate the Settlement for its fairness, adequacy, and reasonableness. The parties have agreed that the matter is well-suited for settlement given the legal issues relating to Plaintiff's' principal claims, as well as the costs and risks to both sides that would attend further litigation.

21. The Settlement Agreement provides for Class Counsel to apply to the Court for an award of up to Thirty-Five percent (35%) of the Gross Settlement Amount (i.e., \$1,373,750.00 if the Gross Settlement Amount remains \$3,925,000) as attorneys' fees, and an amount up to \$30,000.00 for reimbursement of expenses incurred by Class Counsel, to be paid

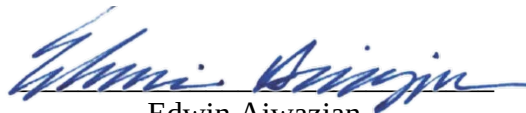
1 out of the Gross Settlement Amount, subject to approval by the Court. It should be noted that
2 Class Counsel have borne all of the risks and costs of litigation and will not receive any
3 compensation until recovery is obtained.

4 22. The Settlement Agreement provides for Plaintiffs to apply to the Court for an
5 award of up to \$7,500.00 each as Class Representative Service Payments, to be paid out of the
6 Gross Settlement Amount subject to approval by the Court. Plaintiff Santiago spent
7 considerable time and effort to produce relevant documents and past employment records and
8 to provide the facts and evidence to facilitate prosecution of the class and PAGA claims.
9 Plaintiff Santiago was available whenever Lawyers for Justice, PC needed him and actively tried
10 to obtain and provide information to aid in the pursuit of the claims. Accordingly, it is
11 appropriate and just for Plaintiff Santiago to receive a Class Representative Service Payment, in
12 addition to his individual settlement payment under the Settlement, for his services on behalf of
13 the Class, State of California, and Aggrieved Employees.

14 23. I submit that the Settlement is fair, reasonable, and adequate. In addition, the
15 Settlement is in the best interests of Plaintiffs, Class Members, the State of California, and
16 Aggrieved Employees.

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

19 Executed this 15th day of April 2022, at Glendale, California.

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21 Edwin Aiwasian
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