

Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
Joanna Ghosh (SBN 272479)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiffs and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES—SPRING STREET COURTHOUSE**

CINDY ARAICA, individually, and on
behalf of other members of the general
public similarly situated; KEVIN
ESTRADA, individually, and on behalf of
other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the
California Private Attorneys General Act;

Plaintiffs,

vs.

DIGITAL ROOM INC., a California
corporation; DIGITAL ROOM LLC, a
California limited liability company; AMC
ACQUISITION LLC, an unknown business
entity; and DOES 2 through 100, inclusive,

Defendants.

Case No.: BC680445

Honorable William Highberger
Department SSC10

CLASS ACTION

**DECLARATION OF EDWIN AIWAZIAN
IN SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, ATTORNEYS'
FEES, COSTS, AND SERVICE AWARDS**

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Service Awards;
Declarations of Class Representatives (Cindy
Araica and Kevin Esrada); Declaration of
Settlement Administrator (Kevin Lee); and
[Proposed] Final Approval Order and
Judgment filed concurrently herein]

Date: March 9, 2021
Time: 11:00 a.m.
Department: SSC10

Complaint Filed: October 19, 2017
FAC Filed: January 10, 2020
SAC Filed: November 3, 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 Plaintiffs Cindy Araica and Kevin Estrada (together, “Plaintiffs”) and the Class. 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.

PRELIMINARY APPROVAL OF SETTLEMENT

2. On November 3, 2020, in Department SSC10 of the above-entitled Court, the Honorable William F. Highberger preliminarily approved the Joint Stipulation of Class Action and PAGA Settlement (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiffs and Defendants Digital Room, LLC and AMC Acquisition LLC (collectively referred to as “Defendants”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiffs Cindy Araica and Kevin Estrada as Class Representatives. The Court also preliminarily appointed and designated Edwin Aiwazian, Esq., Arby Aiwazian, Esq., and Joanna Ghosh, Esq. of Lawyers *for* Justice, PC as Class Counsel. The Court approved and ordered the mailing of the Notice of Class Action Settlement (“Class Notice”), adopted the notice, opt-out, and objection procedures, and ordered their implementation. The Court appointed Phoenix Class Action Administrators (“Phoenix”) to serve as Settlement Administrator for handling the notice and settlement administration process.

3. As of the date of filing the accompanying Motion for Final Approval, no Class Members have objected to the Settlement or the request for the Attorneys’ Fees Award, litigation costs and expenses, Service Awards, Settlement Administration Costs, or allocation for the penalties under the Private Attorneys General Act of 2004, California Labor Code section 2698, et seq. (“PAGA Payment”).

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WORK PERFORMED BY CLASS COUNSEL

4. I have been actively engaged in litigating this matter since prior to the commencement of the Action on October 19, 2017, as have several other attorneys and members in our firm.

5. Before initiating the Action, Class Counsel investigated and researched 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 Plaintiffs, and research into the various legal issues involved in the case, namely, the current state of the law as it applied to certification, off-the-clock theory, meal and rest periods, wage-and-hour enforcement, the claims of Plaintiffs, and potential defenses. After conducting initial investigation, our firm determined that the claims of Plaintiffs were well-suited for class-wide adjudication owing to what appeared to be a common course of conduct affecting a similarly situated group of current and former non-exempt employees who worked for Defendants, who were not properly compensated for, *inter alia*, all hours worked, and non-compliant meal and rest periods.

6. Prior to reaching the Settlement, the parties used the pre-mediation time period to investigate the veracity, strength, and scope of the claims, and also to prepare the matter for class certification, representative adjudication, and trial. The parties conducted significant informal discovery and investigation into the facts of the case, and also informally exchanged information and data in preparation for mediation. Class Counsel interviewed and obtained information from Plaintiffs and other Class Members, including and not limited to the names of potential witnesses, and reviewed and analyzed a large volume of documents and data produced by Defendants and obtained through other sources. The documents and data reviewed and analyzed by Class Counsel included, and were not limited to, employment records of Plaintiffs and other Class Members, a sampling of Class Members' pay and time data, multiple iterations of Defendants' Employee Handbook, agreements (including, but not limited to, AMC – Employee Meal Period Waivers and Proprietary Information & Invention Assignment Agreement), checklists, acknowledgements (including, but not limited to, Employee Handbook

Acknowledgement and New Employee Orientation Checklist), internal memoranda, Defendants' operations and employment practices, forms, procedures and policies (including, but not limited to, Defendants' California meal and rest period policies and Reimbursement of Business Expenses policy), among other documents and data. Class Counsel researched applicable law, developed damages/valuation models in preparation for mediation, and met and conferred with Defendants' counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, discovery, and the production of various documents and data prior to mediation. Other work performed by Class Counsel included, and was not limited to, case strategy and analysis; drafting, reviewing, and revising pleadings and the mediation brief; and preparing for and attending mediation and settlement negotiations.

7. As outlined herein, the parties have conducted significant informal discovery and investigation during the course of litigating the case. Class Counsel analyzed a large volume of documents and data either produced by Plaintiffs and Defendants or obtained by Class Counsel through other sources. These documents and data provided a critical understanding of the nature of the work performed by the Class Members, as well as Defendants' operations and employment policies, practices, and procedures, and were used in analyzing liability, damages, and valuation issues in connection with all phases of the litigation, and ultimately with the mediation and settlement negotiation process. Class Counsel also performed significant research into the law concerning Defendants' defenses.

8. After conducting significant investigation of the facts and law during the prosecution of the case, counsel for the parties engaged in extensive settlement negotiations to try to resolve the entire matter. These efforts included participating in a formal, full-day mediation conducted by the Honorable Gail Andler (Ret.), a well-regarded mediator experienced in mediating complex labor and employment matters. During all settlement discussions, the parties conducted their negotiations at arm's length in an adversarial position. Prior to and during mediation, the parties exchanged information and data, and discussed all aspects of the case, including the risks and delays of further litigation, the risks to the parties of proceeding with class certification and trial, the law relating to off-the-clock theory, meal and rest periods,

1 representative PAGA claims, and wage-and-hour enforcement, the evidence produced and
2 analyzed, and the possibility of appeals, among other things. Arriving at a settlement that was
3 acceptable to the parties was not easy. Defendants also contended that individualized questions
4 of fact predominate over any common issues, and these issues would pose challenges to
5 certification and representative adjudication. Defendants and their counsel felt very strongly
6 about Defendants' ability to prevail on the merits and to obtain a denial of class certification,
7 while Plaintiffs and Class Counsel believed that class certification would be obtained and that
8 they would prevail at trial. With the aid of the mediator's evaluation, the parties agreed that the
9 case was well-suited for settlement given the legal issues relating to Plaintiffs' principal claims,
10 as well as the costs and risks to the parties that would attend further litigation. These risks of
11 further litigation include, and are not limited to, a determination that the claims are unsuitable for
12 class treatment and/or representative adjudication, failure to obtain certification, class de-
13 certification after certification of a class, allowing a jury to decide the claims asserted in the case,
14 and the real possibility of no recovery after years of litigation.

15 9. As set forth more fully in the accompanying Motion for Final Approval, Class
16 Counsel seeks an Attorneys' Fees Award in the amount of \$595,000.00, which is thirty-five
17 percent (35%) of the Gross Settlement Amount of \$1,700,000.00, as set forth in the Settlement
18 Agreement and the Class Notice. Pursuant to the contingency-fee agreement entered into by and
19 between Plaintiffs and Class Counsel, Plaintiffs have each agreed to contingency fees of at least
20 thirty-five percent (35%) of the recovery. The attorneys' fees sought are commensurate with:
21 (1) the risk that Class Counsel took in commencing the case; (2) the time, effort, and expense
22 that Class Counsel dedicated to the case; (3) the skill and determination that Class Counsel has
23 shown; (4) the results that Class Counsel has achieved throughout the litigation; (5) the value of
24 the settlement that Class Counsel has achieved for the Class Members; and (6) the other cases
25 that Class Counsel has turned down in order to devote its time and efforts to this matter.

26 10. I am aware that the common and acceptable rate for contingency representation in
27 wage and hour class action litigation is normally 40% before trial, with the range being from
28 33.3% up to 50%.

11. While not necessarily required to be demonstrated because the contingent fee is proper for this settlement, Class Counsel has incurred many hours of work in connection with prosecuting the case such that the award of attorneys' fees is also justified under a simple lodestar analysis with a multiplier of 1.63. Class Counsel has spent a total of **541.70 hours** performing tasks and obtaining recovery on behalf of Plaintiffs and the Class Members. Attached hereto as "**EXHIBIT A**" is an Attorney Task and Time and Chart that sets forth in detail the nature of the legal services provided by Class Counsel and the time incurred in performing those services. These hours include work done by myself and several of the firm's other members. We also had litigation support personnel actively engaged in assisting with the prosecution of this matter.

12. The work performed in this particular matter, the background of our firm, as well as the individual backgrounds, training, and experience of the attorneys who worked on this matter, in litigating complex wage-and-hour matters, and in particular, employment class actions, support a reasonable hourly rate of compensation at the rate of \$675 for work performed by Class Counsel. Lawyers for Justice, PC has been awarded attorneys' fees, compensating the firm at the rate of at least \$675 per hour for legal services performed, by courts granting final approval in other cases: final approval of the class and representative action settlement in *Thereasa Carrozzella v. Basalite Concrete Products, LLC* (Sacramento County Superior Court Case No. 34-2017-00220214-CU-OE-GDS) was granted on February 21, 2020, and the award of attorneys' fees involved an hourly rate of \$766.05; final approval of the class and representative action settlement in *Alice Rutledge, et al. v. Healthport Technologies, LLC* (Alameda County Superior Court Case No. RG16835813) was granted on June 11, 2019, and the award of attorneys' fees involved an hourly rate of \$764.82; final approval of the class and representative action settlement in *Seth Swan v. Pace Supply Corp.* (Sonoma County Superior Court Case No. SCV258764) was granted on February 6, 2019, and the award of attorneys' fees involved a higher hourly rate of \$855.96; final approval of the class and representative action settlement in *Stanley Bland, et al. v. Telecare Corporation* (Alameda County Superior Court Case No. RG16811450) was granted on November 21, 2018, and the award of attorneys' fees involved a

1 higher hourly rate of \$831.38; final approval of the class and representative action settlement in
2 *Maryjo Ungerbuhler Anderson v. Boyett Petroleum* (Stanislaus County Superior Court Case No.
3 2020582) was granted on May 15, 2018, and the award of attorney's fees involved a higher
4 hourly rate of \$780.77; final approval of the class and representative action settlement in
5 *Rebekah Perez, et al. v. Nestlé USA, Inc., et al.* (Alameda County Superior Court Case No.
6 RG15773654) was granted on August 18, 2017; final approval of the class and representative
7 action settlement in *Elizabeth Ortiz, et al. v. Ghirardelli Chocolate Company* (Alameda County
8 Superior Court Case No. RG15764300) was granted on July 19, 2017, and the award of
9 attorneys' fees involved a higher hourly rate of \$575; and final approval of the class and
10 representative action settlement in *Demetrius Camarillo v. Blue Diamond Growers* (Sacramento
11 County Superior Court Case No. 34-2015-00175871) was granted on June 30, 2017, and the
12 award of attorneys' fees involved a higher hourly rate of \$845.64.

13 ADEQUACY OF LAWYERS for JUSTICE, PC

14 EDUCATION

15 13. In May of 2004, I graduated from *Pepperdine University School of Law* with a
16 Juris Doctor degree. I have extensive formal training in dispute resolution and negotiation from
17 the Straus Institute for Dispute Resolution as part of its Masters in Dispute Resolution degree
18 program. In addition, I have previously served as a *pro bono* mediator for the Los Angeles
19 County Superior Court. In October of 2000, I obtained a Litigation Paralegal Certificate from
20 the *UCLA Extension Program*. During the summer of 2000, I studied Legal Writing at *Harvard*
21 *University*. In April of 1999, I obtained a Bachelor of Arts degree in Communication with a
22 concentration in Natural Sciences from *Pepperdine University*.

23 JUDICIAL EXTERNSHIPS

24 14. From approximately September 2002 to approximately December 2002, I served
25 as a Judicial Extern to the Honorable Kim McLane Wardlaw of the *United States Court of*
26 *Appeals for the Ninth Circuit*. From approximately June 2002 to approximately August 2002, I
27 served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the *California Court of Appeal*
28 *for the Second Appellate District*.

LITIGATION AND CLASS ACTION EXPERIENCE

15. 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*.

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

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

EXAMPLES OF CLASS ACTION RESULTS

18. What follows are just a few examples of the type of results we have achieved on behalf of our clients:

a) Our firm, in association with co-counsel, represented the plaintiffs in a wage-and-hour class and representative action against a major property management company involving allegations of misclassification of various “manager” positions. On September 20, 2010, the court granted final approval of the class and representative action settlement. The Los Angeles County Superior Court Case Number is BC400414.

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1 b) Our firm, in association with co-counsel, represented the plaintiffs in a
2 wage-and-hour class action against a national retailer involving allegations of misclassification
3 of the “Assistant Store Manager” position. On October 28, 2010, the court granted final
4 approval of the class action settlement. The Los Angeles County Superior Court Case Number is
5 BC413498.

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

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

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

21 f) Our firm, in association with co-counsel, represented the plaintiffs in a
22 wage-and-hour class and representative action against a national wholesale distributor of
23 plumbing and builder supplies, involving allegations of misclassification of multiple salaried
24 “manager” positions. On May 22, 2014, the court granted final approval of the class and
25 representative action settlement. The Sacramento County Superior Court Case Number is 34-
26 2012-00136285.

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1 g) Our firm, in association with co-counsel, represented the plaintiffs in a
2 wage-and-hour class action involving allegations of misclassification of the “Operations
3 Manager” position. On September 16, 2014, the court granted plaintiffs’ motion for class
4 certification. The Los Angeles County Superior Court Case Number is BC478769.

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

10 i) Our firm, in association with co-counsel, represented the plaintiffs in a
11 wage-and-hour class action involving allegations of misclassification of the salaried residential
12 “Property Manager” position. On September 17, 2015, the court granted plaintiffs’ motion for
13 class certification. The Los Angeles County Superior Court Case Number is BC474784.

14 j) Our firm, in association with co-counsel, represented the plaintiffs in a
15 wage-and-hour class and representative action against a national retailer of upscale hardware and
16 home furnishings, on behalf of non-exempt employees. On April 28, 2016, the court granted
17 final approval of the class and representative action settlement. The Los Angeles County
18 Superior Court Case Number is JCCP4794.

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

24 l) Our firm, in association with co-counsel, represented the plaintiffs in a
25 wage-and-hour class action against a national retailer of apparel, accessories, and home products,
26 involving allegations of misclassification of the “Department Manager” position. On August 12,
27 2016, the court granted plaintiffs’ motion for class certification in part and certified a class. The
28 Alameda County Superior Court Case Number is RG13680477.

1 m) Our firm represented the plaintiff in a representative action under the
2 Private Attorneys General Act, against a real estate and property management company, on
3 behalf of non-exempt employees. On November 4, 2016, the Court granted approval of the
4 settlement. The Orange County Superior Court Case Number is 30-2015-00775439-CU-OE-
5 CXC.

6 n) Our firm, in association with co-counsel, represented the plaintiffs in a
7 wage-and-hour class action against a full-service bank, on behalf of non-exempt employees. On
8 November 18, 2016, the court granted final approval of the class action settlement. The San
9 Francisco County Superior Court Case Number is CJC-13-004839.

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

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

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

25 r) Our firm, in association with co-counsel, represented the plaintiffs in a
26 wage-and-hour class action and representative action against a manufacturer of food service
27 industry supplies on behalf of non-exempt employees. On April 14, 2017, the court granted final
28 approval of the class and representative action settlement. The Orange County Superior Court

Case Number is 30-2015-00810013-CU-OE-CXC.

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

t) Our firm represented the plaintiffs in a wage-and-hour class action and representative action against a food company on behalf of non-exempt employees. On June 30, 2017, the court granted final approval of the class and representative action settlement. The Sacramento County Superior Court Case Number is 34-2015-00175871.

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

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

w) Our firm represented the plaintiff in a wage-and-hour class action against a parking company on behalf of non-exempt employees. On September 3, 2019, the court granted the plaintiff's motion for class certification and certified a class. The Santa Clara County Superior Court Case Number is 16CV292208 and the Judicial Council Coordination Proceeding Number is JCCP 4886.

x) Our firm, in association with counsel, 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, resulting in a notable decision from the California Supreme Court clarifying the law and finding, in part, that employer arbitration agreements are unenforceable where they block a PAGA claim from proceeding, *ZB, N.A. v. Superior Court*, 8 Cal.5th175 (2019).

1 y) Our firm represented the plaintiffs in a wage-and-hour class and
2 representative action against a bank on behalf of non-exempt employees. On September 27,
3 2019, the court granted the plaintiffs' motion for class certification in part and certified a class.
4 The Alameda County Superior Court Case Number is RG15757606 and the Judicial Council
5 Coordination Proceeding Number is JCCP 4921.

6 z) Our firm represented the plaintiffs in a wage-and-hour class action and
7 representative action against a manufacturer of plastic containers on behalf of non-exempt
8 employees. On October 31, 2017, the court granted final approval of the class and representative
9 action settlement. The Los Angeles County Superior Court Case Number is BC577233.

10 aa) Our firm, in association with co-counsel, represented the plaintiffs in a
11 wage-and-hour class action and representative action against a property management company
12 on behalf of hourly-paid and non-exempt employees. On January 4, 2018, the court entered an
13 order granting final approval of the class and representative action settlement. The Los Angeles
14 County Superior Court Case Number is JCCP 4819.

15 bb) Our firm, in association with co-counsel, represented the plaintiffs in a
16 wage-and-hour class action and representative action against a global provider of flexible office
17 space solutions. On February 15, 2018, the court entered an order granting final approval of the
18 class and representative action settlement. The Los Angeles County Superior Court Case
19 Number is BC498401.

20 cc) Our firm represented the plaintiffs in a wage-and-hour class and
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
23 representative action settlement. The Alameda County Superior Court Case Number is
24 RG16811450.

25 dd) Our firm, in association with co-counsel, represented the plaintiff in a
26 representative action under the Private Attorneys General Act, against a global provider of
27 products and services to the energy industry, on behalf of hourly-paid and non-exempt
28 employees. On November 19, 2018, the Court granted approval of the settlement. The Kern

County Superior Court Case Number is S-1500-CV-280215-SDC.

ee) Our firm represented the plaintiffs in a wage-and-hour class and representative action against a national retailer of apparel and fashion accessories, on behalf of non-exempt employees. On October 9, 2019, the court granted the plaintiffs' motion for class certification in part and certified a class. The Sacramento County Superior Court Case Number is 34-2015-00175330-CU-OE-GDS.

ff) Our firm represented the plaintiff in a wage-and-hour class and representative action against a medical equipment supplier on behalf of non-exempt employees. On February 13, 2020, the court granted the plaintiff's motion for class certification and certified a class. The San Bernardino County Superior Court Case Number is CIVDS1505744.

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

hh) Our firm represented the plaintiffs in a wage-and-hour class and representative action against a national retailer of sportswear, footwear, and camping equipment on behalf of non-exempt employees. On March 16, 2020, the court granted in part the plaintiff's motion for class certification and certified a class. The Riverside County Superior Court Case Number is RICJCCP4930.

LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL

19. To date, Class Counsel has borne all the risks and costs of litigation and will not receive any compensation until recovery is obtained by Plaintiffs and the Class Members. Lawyers for Justice, PC has incurred \$23,304.29 in litigation costs and expenses in the Action and an additional \$2,722.00 in the now-dismissed action entitled *Kevin Estrada v. AMC Acquisition LLC*, Case No. 19STCV36875 ("*Estrada Action*"), for a total of **\$26,026.29**, as reflected in "**EXHIBIT B**" attached hereto. These expenses were reasonable and necessary in the prosecution of this matter and to obtain the Settlement. It should be noted that Class Counsel

1 has borne all of the risks and costs of litigation and will not receive any compensation until
2 recovery is obtained under the Settlement.

3 **SERVICE AWARDS TO PLAINTIFFS**

4 20. In recognition of their efforts and work serving as the Class Representatives, the
5 Settlement provides for Service Awards in the amount of \$7,500.00 each to Plaintiffs Cindy
6 Araica and Kevin Estrada to compensate Plaintiffs for the time and effort that they expended on
7 behalf of the Class. The requested Service Awards are fair and appropriate. Plaintiffs spent a
8 substantial amount of time and effort in producing relevant documents and past employment
9 records and provided the facts and evidence necessary to attempt to prove the allegations.
10 Plaintiffs were available whenever Class Counsel needed them and actively tried to obtain
11 information that would benefit the Class. Plaintiffs spent numerous hours speaking with Class
12 Counsel about their claims, describing their work experience with Defendants, and gathering and
13 reviewing documents. Accordingly, it is appropriate for Plaintiffs Cindy Araica and Kevin
14 Estrada to each receive \$7,500.00 as reasonable Service Awards, in addition to their Individual
15 Settlement Payments, for their services on behalf of the Class.

16 21. I submit that the Settlement is fair, reasonable, and adequate. In addition, the
17 Settlement is in the best interests of Plaintiffs and other Class Members.

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

20 Executed this 11th day of February 2021, at Glendale, California.

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23 _____
24 Edwin Aiwanian
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EXHIBIT A

ATTORNEY TASK AND TIME CHART
ARAICA V. DIGITAL ROOM INC.
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC680445
ESTRADA V. AMC ACQUISITION LLC
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. 19STCV36875

TASK	LAWYERS <i>for</i> JUSTICE, PC
Investigation and Research / Due Diligence	
Pre-Lawsuit Investigation of the Key Facts with a Focus on Class Certification Elements, Including Adequacy, Typicality, Superiority, and Commonality	22
Pre-Lawsuit Investigation of the Merits of Plaintiffs Cindy Araica and Kevin Estrada’s (together, “Plaintiffs”) Claims and the Merits of the Claims of the Putative Class Members	23.50
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendants Digital Room Inc. and AMC Acquisition, LLC (“Defendants”) with Respect to the Damages Sustained by Plaintiffs and the Putative Class Members	18
Pre-Lawsuit Legal Research & Analysis of Latest Off-the-Clock, Meal and Rest Break Law, and Certification Decisions in California, including all New Relevant DLSE Materials	10.25
Investigation of Defendants, Defendants’ Business Relationships, and the Industry in which Defendants Operate	6
Investigation of Defendants’ Organizational and Corporate Structure, and Executive Reporting Structure as It Related to the Employment and Management of the Putative Class Members	5.25

Investigation of Defendants' Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	5.50
Analysis of Competitors within Various Relevant Geographic Areas within which Defendants Operate, and Comparing and Contrasting Defendants' Policies, Practices, and Procedures with the Policies, Practices, and Procedures of Defendants' Competitors	7
Research and Investigation Re: Locations Owned, Managed or Operated by Defendants in California During the Class Period, Including Differences Between the Various Locations to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	4.50
Research and Investigation Re: Staffing Models and Staffing Levels at Defendants' Locations and Worked by Putative Class Members Throughout California	6.75
Research and Investigation Re: Defendants' Policies, Practices, and Procedures Relating to Timekeeping, Meal/Rest Breaks, Overtime Compensation, and Reimbursement of Business-Related Expenses	21
Research and Investigation Re: Software Programs Defendants Use to Conduct Everyday Business, Including Timekeeping Software, with a Focus on What Documents (Both Paper and Electronic) Are Created in the Normal Course of Business Relating to Overtime Worked, Off-the-Clock Time Worked Pre/Post Shift, and During Meal Breaks	9
Research and Analysis of Potential Defenses Defendants May Raise, Including <i>De Minimis</i> Work, Non-Compensable Off-the-Clock Work, Waiver, and Compliant Policies	4.50
Research and Investigation Re: Post- <i>Duran</i> vs. <i>U.S. Bank</i> Trial Manageability Issues, including Research Regarding Which Experts to Retain and For What Purpose	8
Research and Analysis of Defendants' Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues	2.50

Prepare a Discovery Strategy Plan of Action, including Topics of Inquiry Important to Certification, Liability, and Damages	11
Meet and Communicate with Plaintiff Cindy Araica Throughout the Pendency of the Case	35
Meet and Communicate with Plaintiff Kevin Estrada Throughout the Pendency of the Case	32
Investigate Potential Putative Class Member Witnesses, and Meet and Communicate with Putative Class Members	15
Pleadings and Court Filings	
Research and Draft Plaintiff Araica's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on October 19, 2017)	11.75
Review Court's Notice of Case Assignment (filed on October 19, 2017)	0.10
Review and Analyze Defendants' Answer to Complaint for Damages and Research Affirmative Defenses in Defendants' Answer (served on December 11, 2017)	4.50
Review Court's Minute Order and Initial Status Conference Order (filed on December 18, 2017)	0.25
Meet and Confer with Defendants' Counsel, and Draft Joint Initial Status Conference Class Action Response Statement (filed on February 14, 2018)	3.25
Review Court's Minute Order (filed on February 21, 2018)	0.10
Draft Plaintiff Araica's [Proposed] Order Authorizing Electronic Service – Case Anywhere (submitted on March 1, 2018)	1
Review Court's Order Authorizing Electronic Service – Case Anywhere (filed on March 15, 2018)	0.10

Meet and Confer with Defendants' Counsel, and Draft Joint Stipulation to Continue Post Mediation Status Conference; and [Proposed] Order (submitted on July 13, 2018)	1.50
Review Court's Order Granting Joint Stipulation to Continue Post Mediation Status Conference (filed on July 16, 2018)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Stipulation to Continue Post Mediation Status Conference; and [Proposed] Order (submitted on December 12, 2018)	1.50
Review Court's Order Granting Joint Stipulation to Continue Post Mediation Status Conference (filed on December 12, 2018)	0.10
Review Court's Minute Order (filed on December 18, 2018)	0.10
Meet and Confer with Defendants' Counsel, and Draft Stipulation and Protective Order – Confidential and Highly Confidential Designations (submitted on January 2, 2019)	2.75
Review Court's Order Granting Stipulation and Protective Order – Confidential and Highly Confidential Designations (filed on January 4, 2019)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Stipulation to Continue Post Mediation Status Conference; and [Proposed] Order (submitted on February 27, 2019)	1.50
Review Court's Order Granting Joint Stipulation to Continue Post Mediation Status Conference (filed on March 4, 2019)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Stipulation to Continue Post Mediation Status Conference; and [Proposed] Order (submitted on June 11, 2019)	1.50
Review Court's Order Granting Joint Stipulation to Continue Post Mediation Status Conference (filed on June 13, 2019)	0.10

Meet and Confer with Defendants' Counsel, and Draft Joint Stipulation to Continue Post Mediation Status Conference; and [Proposed] Order (submitted on September 5, 2019)	1.50
Review Court's Order Granting Joint Stipulation to Continue Post Mediation Status Conference (filed on September 9, 2019)	0.10
Draft Plaintiff's Notice Regarding September 12, 2019 Post-Mediation Status Conference (filed on September 10, 2019)	0.75
Research and Draft Plaintiff Estrada's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on October 16, 2019 in the <i>Estrada</i> Action)	8.25
Review Court's Notice of Case Assignment (filed on October 16, 2019 in the <i>Estrada</i> Action)	0.10
Review Court's Minute Order Re Newly Filed Class Action and Initial Status Conference Order (filed on October 23, 2019 in the <i>Estrada</i> Action)	0.25
Meet and Confer with Defendants' Counsel, and Draft Joint Notice of Class Action Settlement (filed on November 8, 2019)	1
Meet and Confer with Defendants' Counsel, and Draft Joint Stipulation Granting Plaintiff Leave to File a First Amended Class Action Complaint; [Proposed] Order Thereon (submitted on January 9, 2020)	1.50
Review Court's Order Granting Joint Stipulation Granting Plaintiff Leave to File a First Amended Class Action Complaint (filed on January 10, 2020)	0.10
Research and Draft Plaintiffs' First Amended Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on January 10, 2020)	3
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Statement (filed on January 13, 2020 in the <i>Estrada</i> Action)	1.50

Draft Notice of Ruling at Initial Status Conference (filed on January 15, 2020 in the <i>Estrada</i> Action)	0.50
Meet and Confer with Defendants' Counsel, and Draft Joint Report for Non-Appearance Case Review (filed on April 9, 2020 in the <i>Estrada</i> Action)	1
Meet and Confer with Defendants' Counsel, and Draft Joint Status Report (filed on May 6, 2020)	1.25
Review Court's Minute Order (filed on May 11, 2020)	0.10
Draft Request for Dismissal, Declaration of Edwin Aiwarzian in Support of Request for Dismissal, and Proposed Order (filed on June 9, 2020 in the <i>Estrada</i> Action)	3.50
Review Court's Minute Order (filed on August 14, 2020)	0.10
Review Court's Order Granting Request for Dismissal (filed on June 18, 2020 in the <i>Estrada</i> Action)	0.10
Review Court's Minute Order (filed on September 28, 2020)	0.10
Research and Draft Plaintiffs' Second Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. and Legal Research and Analysis of All Claims Involved (filed on November 3, 2020)	4.50
Draft Notice of Entry of Judgment or Order (filed on November 12, 2020)	0.25
Meet and Confer with Defendants' Counsel, and Draft Joint Status Report (filed on November 23, 2020)	1
Review Court's Minute Order (filed on December 1, 2020)	0.10
Appearances	
Prepare for, Travel to/from, and Attend Initial Status Conference (February 21, 2018)	2.50

Prepare for, Travel to/from, and Attend Initial Status Conference (January 14, 2020 in the <i>Estrada</i> Action)	1.50
Prepare for and Telephonically Attend Hearing on Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (November 3, 2020)	1.50
Prepare for, Travel to/from, and Attend Hearing on Plaintiffs' Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Award (March 29, 2021) (Anticipated)	2
Discovery and Deposition	
Draft Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on August 4, 2017)	1.50
Draft Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Cindy Araica (served on August 7, 2017)	1.25
Draft Follow Up-Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Cindy Araica (served on August 7, 2017)	0.50
Draft Further Follow Up-Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Cindy Araica (served on September 29, 2017)	0.25
Draft Follow-Up Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on September 29, 2017)	0.50
Review and Analyze Documents Produced by Defendants in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Cindy Araica (served on October 5, 2017)	1.50
Draft Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on June 3, 2019)	0.50

Review and Analyze Documents Produced by Defendants in Response to the Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on June 24, 2019)	2.25
Draft Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Kevin Estrada (served on July 11, 2019)	0.75
Review and Analyze Documents Produced by Defendants in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Kevin Estrada (served on August 1, 2019)	1.50
Draft Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on August 21, 2019)	0.75
Review and Analyze Further Documents Produced by Defendants in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Kevin Estrada (served on August 30, 2019)	0.75
Review and Analyze Documents Produced by Defendants in Response to the Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on September 11, 2019)	1.25
Letters and Correspondence	
Draft PAGA Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Kevin Estrada for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on July 31, 2020)	3.25
Meet with Defendants' Counsel, and Draft Correspondence to, and Respond to Correspondence from, Defendants' Counsel	17
Mediation/Settlement	
Review and Analyze Mediation Data and Documents Produced by Defendants (served on February 8, 2019 and September 17, 2019)	53.50

Prepare for Mediation, Including Researching Settlement-Related Issues and Merits of Claims, Drafting the Mediation Brief, Compiling the Exhibits in Support of Mediation Brief, and Performing Damages Analysis/Calculations (submitted on October 8, 2019)	34.25
Travel to/from and Attend Mediation Session (October 10, 2019; Los Angeles, California)	10.50
Draft, Review, Revise, Negotiate, and Finalize Joint Stipulation of Class Action and PAGA Settlement Agreement (executed on October 6, 2020) and Draft Exhibits	24.50
Coordinate Settlement Administration with Settlement Administrator, Ongoing Monitoring of Settlement Administration, and Respond to Class Inquiries	7.25
Law and Motion	
Research and Draft Plaintiffs' Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, Declaration of Edwin Aiwasian in Support Thereof, Declaration of Cindy Araica in Support Thereof, Declaration of Kevin Estrada in Support Thereof, and [Proposed] Order Thereon (filed on October 13, 2020)	29
Review Court's Minute Order and Order Granting Preliminary Approval of Class Action Settlement (filed on November 3, 2020)	0.25
Review and Analyze Settlement Administrator's Declaration Regarding Settlement Notice Administration; and Research and Draft Plaintiffs' Motion for Final Approval of Class Settlement, Attorneys' Fees, Costs, and Service Awards, and Declaration of Edwin Aiwasian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on February 11, 2021)	33.75
Total Hours:	541.70

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Araica, et al v. Digital Room Inc., et al.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
8/4/17	U.S. Postmaster	Postage	6.59
9/7/17	U.S. Postmaster	Postage	6.80
9/29/17	U.S. Postmaster	Postage	7.29
9/29/17	U.S. Postmaster	Postage	7.29
10/19/17	Los Angeles Superior Court	Filing Fee	435.00
10/19/17	Los Angeles Superior Court	Complex Fee	1,000.00
10/19/17	Los Angeles Superior Court	Jury Fee	150.00
10/27/17	ProLegal	Attorney Service	255.15
11/9/17	Pure Legal, Inc.	Attorney Service	167.40
1/22/18	Pure Legal, Inc.	Attorney Service	165.60
2/14/18	Pure Legal, Inc.	Attorney Service	162.30
3/1/18	ProLegal	Attorney Service	53.14
6/8/18	Case Anywhere LLC	Attorney Service	87.60
7/13/18	Pure Legal, Inc.	Attorney Service	198.00
7/13/18	Los Angeles Superior Court	Filing Fee	20.00
9/17/18	Case Anywhere LLC	Attorney Service	126.00
10/17/18	Jams, Inc.	Mediation Fee	4,800.00
12/4/18	Case Anywhere LLC	Attorney Service	120.00
3/5/19	Case Anywhere LLC	Attorney Service	120.00
6/3/19	U.S. Postmaster	Postage	6.68
6/13/19	Case Anywhere LLC	Attorney Service	120.00
7/11/19	U.S. Postmaster	Postage	13.70
7/18/19	Jams, Inc.	Mediation Fee	4,450.00
9/4/19	Case Anywhere LLC	Attorney Service	120.00
9/10/19	Pure Legal, Inc.	Attorney Service	195.45
10/10/19	Tiffany Hyun	Travel Reimbursement	71.14
10/10/19	Arby Aiwasian	Travel Reimbursement	164.90
10/22/19	CounselOne, P.C.	Professional Fees	8,500.00
11/8/19	Pure Legal, Inc.	Attorney Service	195.90
12/3/19	Case Anywhere LLC	Attorney Service	132.00
1/9/20	Los Angeles Superior Court	Filing Fee	20.00
3/11/20	Case Anywhere LLC	Attorney Service	132.00
5/6/20	Legal Document Server, Inc	Attorney Service	70.00
6/2/20	Case Anywhere LLC	Attorney Service	126.00
8/25/20	General Logistics Systems US, Inc.	Courier Service	13.08
9/2/20	Case Anywhere LLC	Attorney Service	120.00
10/1/20	General Logistics Systems US, Inc.	Courier Service	18.98
10/13/20	Legal Document Server, Inc	Attorney Service	300.60
10/13/20	Los Angeles Superior Court	Filing Fee	60.00
11/3/20	Los Angeles Superior Court	Remote Appearance Fee	15.00
11/10/20	Los Angeles Superior Court	Document Download Fee	22.20
11/12/20	Legal Document Server, Inc	Attorney Service	235.50

LAWYERS for JUSTICE PC CASE COST DETAIL
Araica, et al v. Digital Room Inc., et al.

11/23/20	Legal Document Server, Inc	Attorney Service	145.00
12/1/20	Case Anywhere LLC	Attorney Service	168.00
Total:			<u>23,304.29</u>

LAWYERS for JUSTICE PC CASE COST DETAIL

Estrada v. AMC Acquisition LLC

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
10/16/19	Los Angeles Superior Court	Filing Fee	435.00
10/16/19	Los Angeles Superior Court	Complex Fee	1,000.00
10/16/19	Pure Legal, Inc.	Attorney Service	201.90
1/13/20	Legal Document Server, Inc.	Attorney Service	65.00
1/13/20	General Logistics Systems US, Inc.	Courier Service	30.10
1/14/20	Travis J. Maher	Travel Reimbursement	6.90
1/15/20	Legal Document Server, Inc.	Attorney Service	110.00
1/27/20	Los Angeles Superior Court	Jury Fee	150.00
1/30/20	Los Angeles Superior Court	Jury Fee	150.00
4/8/20	General Logistics Systems US, Inc.	Courier Service	21.24
4/9/20	Legal Document Server, Inc.	Attorney Service	90.00
6/8/20	General Logistics Systems US, Inc.	Courier Service	17.86
6/9/20	Legal Document Server, Inc.	Attorney Service	145.00
6/22/20	Los Angeles Superior Court	Document Download	2.00
7/31/20	Labor & Workforce Development Agency	Filing Fee	75.00
9/2/20	CaseAnywhere, LLC	Attorney Service	102.00
12/2/20	CaseAnywhere, LLC	Attorney Service	120.00
Total:			2,722.00