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Attorneys for Plaintiff Sandy Acosta

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

EVELYN MARTINEZ and SANDY
ACOSTA, as individuals and on behalf of all
others similarly situated, and as private
attorneys general,

Plaintiffs,

vs.

CITY OF HOPE NATIONAL MEDICAL
FOUNDATION, a California corporation;
CITY OF HOPE, a California corporation;
CITY OF HOPE MEDICAL
FOUNDATION, a California corporation;
and DOES 1 through 50, inclusive,

Defendants.

Case No.: CIVDS2015729

Honorable David S. Cohn
Department S26

CLASS ACTION

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

[Plaintiffs' Motion for Preliminary Approval of
Class Action and PAGA Settlement;
Declaration of Class Counsel (Larry W. Lee);
Declarations of Proposed Class Representatives
(Evelyn Martinez and Sandy Acosta); and
[Proposed] Order filed concurrently herewith]

Date: June 21, 2022
Time: 10:00 a.m.
Department: S26

DECLARATION OF EDWIN AIWAZIAN

I, Edwin Aiwarzian, 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 Sandy Acosta (“Plaintiff Acosta”). 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.

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 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 the law firm of *Girardi & Keese*.

5. 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

1 *Girardi & Keese*, I argued approximately 100 motions, took or defended approximately 150
2 depositions, and prepared dozens of expert witnesses for deposition or trial.

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

12 **EXAMPLES OF CLASS ACTION RESULTS**

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

15 a) Our firm, in association with co-counsel therein, represented the plaintiffs in
16 a wage-and-hour class and representative action against a major property management company
17 involving allegations of misclassification of various “manager” positions. On September 20,
18 2010, the court granted final approval of the class and representative action settlement. The Los
19 Angeles County Superior Court Case Number is BC400414.

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

25 c) Our firm, in association with co-counsel therein, represented the plaintiffs in
26 a wage-and-hour class and representative action against a national property management company
27 involving allegations of misclassification of the “Property Manager” position. On May 23, 2012,
28 the court granted final approval of the class and representative action settlement. The Los Angeles

County Superior Court Case Number is BC430918.

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

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

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

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

h) Our firm, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class and 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 representative action settlement. The San Francisco County Superior Court Case Number is CGC-13-532344.

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

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

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

15 l) Our firm, in association with co-counsel therein, represented the plaintiffs in
16 a wage-and-hour class action against a national retailer of apparel, accessories, and home products,
17 involving allegations of misclassification of the “Department Manager” position. On August 12,
18 2016, the court granted plaintiffs’ motion for class certification in part and certified a class. The
19 Alameda County Superior Court Case Number is RG13680477.

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

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

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

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

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

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

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

25 t) Our firm represented the plaintiffs in a wage-and-hour class action and
26 representative action against a food company on behalf of non-exempt employees. On June 30,
27 2017, the court granted final approval of the class and representative action settlement. The
28 Sacramento County Superior Court Case Number is 34-2015-00175871.

1 u) Our firm represented the plaintiffs in a wage-and-hour class action and
2 representative action against a chocolate company on behalf of non-exempt employees. On July
3 19, 2017, the court granted final approval of the class and representative action settlement. The
4 Alameda County Superior Court Case Number is RG15764300.

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

9 w) Our firm, in association with co-counsel therein, represented the plaintiffs in
10 a wage-and-hour class and representative action against a bank on behalf of non-exempt
11 employees. On December 11, 2017, the court entered an order granting final approval of class and
12 representative action settlement. The Los Angeles County Superior Court Case Number is
13 BC569646.

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

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

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

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1 aa) Our firm represented the plaintiffs in a wage-and-hour class and
2 representative action against a behavioral health service provider on behalf of non-exempt
3 employees. On November 13, 2018, the court granted final approval of the class and
4 representative action settlement. The Alameda County Superior Court Case Number is
5 RG16811450.

6 bb) Our firm, in association with co-counsel therein, represented the plaintiff in
7 a representative action under the Private Attorneys General Act, against a global provider of
8 products and services to the energy industry, on behalf of hourly-paid and non-exempt employees.
9 On November 19, 2018, the Court granted approval of the settlement. The Kern County Superior
10 Court Case Number is S-1500-CV-280215-SDC.

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

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

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

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1 ff) Our firm represented the plaintiffs in a wage-and-hour class and
2 representative action against a national retailer of apparel and fashion accessories, on behalf of
3 non-exempt employees. On October 9, 2019, the court granted the plaintiffs' motion for class
4 certification in part and certified a class. The Sacramento County Superior Court Case Number is
5 34-2015-00175330-CU-OE-GDS.

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

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

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

20 jj) Our firm represented the plaintiffs in a wage-and-hour class and PAGA
21 representative action against a plastic packaging company on behalf of non-exempt employees.
22 On June 8, 2020, the court granted in part the plaintiffs' motion for class certification and certified
23 a class. The San Bernardino County Superior Court Case Number is CIVDS1507361.

24 kk) Our firm, in association with co-counsel therein, represented the plaintiffs in
25 a wage-and-hour class action against manufacturer and supplier of power products and services
26 on behalf of non-exempt employees. On July 31, 2020, the court granted in part the plaintiffs'
27 motion for class certification and certified a class. The San Diego County Superior Court Case
28 Number is 37-2015-00025968-CU-OE-CTL.

1 ll) Our firm represented the plaintiff in a wage-and-hour class action against a
2 nutritional products manufacturer on behalf of non-exempt production line employees. On
3 December 13, 2021, the court granted the plaintiff's motion for class certification in part and
4 certified a class. The Solano County Superior Court Case Number is FCS051001.

5 mm) Our firm represented the plaintiff in a wage-and-hour class action against an
6 iconic lifestyle accessories brand and retailer on behalf of non-exempt employees. On March 15,
7 2022, the court granted the plaintiff's motion for class certification in part and certified a class.
8 The San Francisco Superior Court Case Number is CGC-16-550794.

9	SUMMARY OF WORK PERFORMED
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8. I have been actively engaged in this litigation from the inception of Plaintiff Acosta’s putative class action case entitled *Sandy Acosta v. City of Hope, et al.*, Los Angeles County Superior Court Case No. 21STCV04440 (“Acosta Class Lawsuit”), which was filed on February 4, 2021, as have several other attorneys and staff members at our firm. Lawyers for Justice, PC has fully and actively participated in the litigation process throughout the pendency of the Acosta Class Lawsuit, as well as the pendency of the Private Attorneys General Act case entitled *Sandy Acosta v. City of Hope Medical Foundation, et al.*, Los Angeles County Superior Court Case No. 21BBCV00284 (“Acosta PAGA Lawsuit”), which was filed on March 22, 2021.

18 9. On January 14, 2021, prior to commencing the *Acosta* PAGA Lawsuit, Plaintiff
19 Acosta submitted a letter to the Labor and Workforce Development Agency and Defendants,
20 regarding her intent to seek civil penalties for violations of the California Labor Code and
21 Industrial Welfare Commission Wage Orders, on behalf of alleged aggrieved employees who are
22 current and former hourly-paid or non-exempt employees of Defendants within the State of
23 California.

24 10. In the *Acosta* Class Action, Plaintiff Acosta and Defendants have engaged in
25 extensive formal and informal discovery and exchange of data, documents, and information,
26 including and not limited to, the following formal discovery:

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1 a. On April 30, 2021, Plaintiff Acosta served multiple sets of discovery
2 requests, including Requests for Production of Documents (Set One), Special Interrogatories (Sets
3 One & Two), and Form Interrogatories-General (Set One), on Defendant City of Hope National
4 Medical Center, and noticed two depositions of the person(s) most knowledgeable at Defendant
5 City of Hope National Medical Center. Also on April 30, 2021, Defendant City of Hope National
6 Medical Center served Requests for Production of Documents (Set One) on Plaintiff Acosta and
7 served notice of taking Plaintiff Acosta's deposition, along with request for production of
8 documents.

9 b. On May 27, 2021, Defendant City of Hope National Medical Center served
10 its objections and responses to Plaintiff Acosta's deposition notices and request for production of
11 documents.

12 c. On May 28, 2021, Plaintiff Acosta served responses to Defendant City of
13 Hope National Medical Center's Requests for Production of Documents (Set One), and thereafter,
14 on July 21, 2021, Plaintiff Acosta served supplemental responses to Defendant City of Hope
15 National Medical Center's Requests for Production of Documents (Set One).

16 d. On July 23, 2021, Defendant City of Hope National Medical Center served
17 its objections and responses to Plaintiff Acosta's Requests for Production of Documents (Set One),
18 Special Interrogatories, (Sets One & Two), and Form Interrogatories-General (Set One).

19 e. On August 27, 2021, Plaintiff Acosta served additional sets of discovery
20 requests, including Requests for Production of Documents (Sets Two & Three); Special
21 Interrogatories (Set Three); Requests for Admissions (Set One), and Form Interrogatories-General
22 (Set Two) on Defendant City of Hope National Medical Center, and noticed two depositions of
23 the person(s) most knowledgeable at Defendant City of Hope National Medical Center.
24 Additionally, Plaintiff Acosta served Requests for Production of Documents (Set One) on
25 Defendant City of Hope, and noticed one deposition of the person(s) most knowledgeable at
26 Defendant City of Hope, and served Requests for Production of Documents (Set One) on
27 Defendant City of Hope Medical Foundation, and noticed one deposition of the person(s) most
28 knowledgeable at Defendant City of Hope Medical Foundation.

1 f. On September 1, 2021, Defendant City of Hope National Medical Center
2 served multiple sets of discovery requests, including Requests for Production of Documents, (Set
3 One), Requests for Admission (Set One), and Form Interrogatories-General (Set One) on Plaintiff
4 Acosta.

5 g. On September 23, 2021, Defendants served objections and responses to
6 Plaintiff Acosta's deposition notices and requests for production of documents. Additionally,
7 Defendant City of Hope served an amended notice of taking Plaintiff Acosta's deposition.

8 h. On September 28, 2021, Plaintiff Acosta served her objections and responses
9 to Defendant City of Hope National Medical Center's amended notice of deposition.

10 i. On September 29, 2021, Plaintiff Acosta's counsel took the deposition of
11 George Vukazich, Executive Director of Employee and Labor Relations of City of Hope National
12 Medical Center.

13 j. On October 1, 2021, Plaintiff Acosta served responses to Defendant City of
14 Hope Medical Center's Requests for Admission (Set One) and Form Interrogatories, (Set One).

15 k. On October 5, 2021, Defendant City of Hope National Medical Center
16 served objections to Plaintiff Acosta's Requests for Production of Documents (Sets Two & Three),
17 Special Interrogatories (Set Three), Requests for Admission (Set One), and Form Interrogatories-
18 General (Set Two), Defendant City of Hope Medical Foundation served objections to Plaintiff
19 Acosta's Requests for Production of Documents (Set One), and Defendant City of Hope served
20 objections to Plaintiff Acosta's Requests for Production of Documents (Set One).

21 l. On October 7, 2021, Defendant City of Hope National Medical Center
22 served a second amended notice of taking Plaintiff Acosta's deposition.

23 m. On October 19, 2021, after Plaintiff Acosta and Defendants engaged in and
24 completed the *Belaire-West* process, Plaintiff Acosta and her counsel received the contact
25 information of 5,248 putative class members.

26 n. On October 11, 2021, Plaintiff Acosta's deposition was taken.

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o. On October 20, 2021, Defendant City of Hope National Medical Center also served four (4) Notice to Consumer or Employee and Objection along with Deposition Subpoena for Production of Business Records, in connection with Plaintiff Acosta.

p. On October 26, 2021, Defendant City of Hope National Medical Center served objections and responses to Plaintiff Acosta's Requests for Production of Documents (Set Three), Special Interrogatories (Set Three), Requests for Admission (Set One), and Form Interrogatories-General (Set One).

q. On November 1, 2021, Defendant City of Hope National Medical Center served amended and supplemental objections and responses to Plaintiff Acosta's Special Interrogatories (Sets One & Two).

11. Lawyers for Justice, PC joined forces with other plaintiff's counsel, Diversity Law Group P.C. (that commenced the above-captioned earlier filed case, entitled *Evelyn Martinez v. City of Hope National Medical Center*, San Bernardino County Case No. CIVDS2015729 ("Martinez Lawsuit")). Lawyers for Justice, PC and Diversity Law Group P.C.'s (together, "Class Counsel"), and Plaintiffs Evelyn Martinez and Sandy Acosta (together, "Plaintiffs"), collectively prosecuted the *Acosta* Class Lawsuit, *Acosta* PAGA Lawsuit, and *Martinez* Lawsuit. Class Counsel's efforts and the efforts of Plaintiffs have been successful in reaching the Stipulation of Class Action and PAGA Settlement (the "Settlement" or "Settlement Agreement"), approval of which is being sought by Plaintiffs' Motion for Preliminary Approval of Class Action and PAGA Settlement filed concurrently with this declaration.

12. Before initiating the *Acosta* Class Lawsuit and *Acosta* PAGA Lawsuit, Lawyers 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 Acosta, and research into the various legal issues involved in the *Acosta* Class Lawsuit and the *Acosta* PAGA Lawsuit, 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 Acosta's claims, and potential defenses. After conducting initial investigation, our firm

1 determined that Plaintiff Acosta's claims were well-suited for class action treatment and
2 representative adjudication owing to what appeared to be a common course of conduct affecting a
3 similarly situated group of non-exempt employees who worked for Defendants City of Hope, City
4 of Hope National Medical Center, and City of Hope Medical Foundation (collectively,
5 "Defendants") within the State of California, who were not properly compensated for, *inter alia*,
6 all hours worked, non-compliant meal and rest periods, and unreimbursed business expenses.

7 13. Plaintiff Martinez and Defendant City of Hope National Medical Center mediated
8 in July 2021, but they were not successful in reaching a resolution. After conducting significant
9 investigation of the facts and law during the prosecution of the cases, Plaintiffs and Defendants
10 engaged in extensive settlement negotiations and participated in a formal, full-day mediation on
11 December 23, 2021, conducted by Paul Grossman, Esq., a well-respected mediator experienced in
12 mediating complex labor and employment matters. Prior to and during the mediation and
13 settlement discussions, the parties exchanged class information and engaged in an extensive
14 discussion regarding their evaluations of the cases and various aspects of the cases, including but
15 not limited to, the risks and delays of further litigation, the risks to the parties of proceeding with
16 class certification and/or representative adjudication, the law relating to off-the-clock theory, meal
17 and rest periods, PAGA representative actions, and wage-and-hour enforcement, as well as the
18 evidence produced and analyzed, and the possibility of appeals, among other things. During all
19 settlement discussions, the parties conducted their negotiations at arm's length in an adversarial
20 position. Arriving at a settlement that was acceptable to all parties was not easy. Defendants and
21 their counsel felt strongly about their ability to prevail on the merits and at certification, and
22 Plaintiffs and Class Counsel believed that they would be able to obtain class certification and
23 prevail at trial. After conducting investigations, formal and informal discovery, and exchange of
24 information, extensive settlement negotiations, and with the aid of mediator Paul Grossman's
25 evaluations, the parties have agreed to resolve the cases given the legal issues relating to Plaintiffs'
26 principal claims, as well as the costs and risks to both sides that would attend further litigation.
27 These risks of further litigation include, and are not limited to, a determination that the claims are
28 unsuitable for class treatment, class de-certification after certification of a class, a determination

1 that the PAGA claims are unmanageable, allowing a jury to decide the claims asserted in the cases,
2 and the real possibility of no recovery after years of litigation. The Settlement is a fair, reasonable,
3 and adequate resolution of the Plaintiffs and Participating Settlement Class Members' Class
4 Released Claims against the Released Parties, and the Plaintiffs, State of California, and PAGA
5 Aggrieved Employees' PAGA Released Claims against the Released Parties. Prior to reaching the
6 Settlement, Lawyers for Justice, PC investigated the veracity, strength, and scope of the claims in
7 the *Acosta* Class Lawsuit and *Acosta* PAGA Lawsuit, and was also preparing for class certification
8 and trial. Prior to engaging in mediation, Plaintiff Acosta conducted significant investigation and
9 formal and informal discovery regarding the facts of the *Acosta* Class Lawsuit and *Acosta* PAGA
10 Lawsuit, including and not limited to, the exchange, review, and analysis of thousands of pages of
11 documents and data obtained from Defendants, Plaintiff Acosta, and other sources. The volume
12 of data and documents that Lawyers for Justice, PC reviewed and analyzed included and was not
13 limited to: Plaintiff Acosta and other Settlement Class Members' employment records, a detailed
14 sampling of Settlement Class Members' time and pay data, Collective Bargaining Agreements,
15 job descriptions, internal memorandum, training materials, policy acknowledgements and
16 agreements (including, but not limited to, Acknowledgement of Employee Handbook and City of
17 Hope Meal and Rest Period Agreement), and documents regarding Defendants' operations and
18 employment policies, practices, procedures, and forms (including but not limited to Attendance
19 and Tardiness Policy, Employee Injury, Illness and Exposure Reporting policy, Sick Time Paid
20 policy, Meal and Rest Periods policy, Timekeeping policy, Travel and Business Expense
21 Reimbursement Policy for Employee and Medical Staff, Working Hours policy, Payroll Cycle
22 policy, Performance Appraisal Form, Six-Hour Meal Period Waiver, and Meal Period Waiver for
23 Employees in the Health Care Industry), among other information and documents. Lawyers for
24 Justice, PC interviewed Plaintiff Acosta and other Settlement Class Members to gather facts and
25 to identify potential witnesses. Counsel for the parties also met and conferred on numerous
26 occasions, e.g., to discuss issues relating to the pleadings, discovery, and the production of
27 documents and data prior to the mediation. Other work that Lawyer for Justice, PC performed
28 included, and was not limited to, case strategy and analysis; reviewing, and revising the pleadings

1 and motion-related papers; preparing for and attended court proceedings, mediation, and
2 settlement negotiations, among other tasks.

3 14. Lawyers for Justice, PC has also invested time researching and investigating the
4 applicable law, which is constantly evolving as it relates to certification, representative PAGA
5 claims, off-the-clock theory, meal and rest periods, wage-and-hour enforcement, Plaintiff Acosta's
6 claims and damages, and Defendants' defenses thereto, as well as facts discovered.

7 15. Based on investigation and information discovered, Lawyers for Justice, PC believes
8 that there is sufficient evidence to support the allegations made in the cases, including the
9 allegations that Defendants, with respect to Plaintiffs and the Settlement Class Members, *inter*
10 *alia*, failed to properly pay wages for all hours worked, failed to provide a day of rest, failed to
11 provide compliant meal and rest periods and to pay associated premium pay, failed to timely pay
12 wages during employment and upon termination of employment, failed to provide compliant wage
13 statements, failed to maintain and provide employee records, and failed to reimburse necessary
14 business expenses, and thereby engaged in unfair business practices and conduct giving rise to
15 civil penalties recoverable under the Private Attorneys General Act of 2004 (California Labor
16 Code sections 2698, et seq.). Plaintiffs also asserted that Settlement Class Members were expected
17 to perform similar job duties and were subject to the same or similar operations and employment
18 policies, practices, and procedures. Additionally, Plaintiffs asserted that Defendants'
19 recordkeeping practices with respect to Plaintiffs and the Settlement Class Members were
20 substantially the same during the time period at issue. As a result, Plaintiffs claim that the
21 Settlement Class Members, were uniformly not paid all of the compensation that was owed to
22 them by Defendants since July 23, 2016. Thus, in Class Counsel's view, it is clear that the outcome
23 of this litigation would be determined by Defendants' uniform operations and employment
24 practices, policies, and procedures that Plaintiffs allege applied across Defendants' non-exempt
25 employees in California during the Settlement Class Period.

26 16. Class Counsel is aware of the defenses and position of Defendants, but believe that
27 Plaintiffs could potentially obtain class certification despite many obstacles. Plaintiffs have also
28 taken into account the uncertainty and risk of the outcome of further litigation, and the difficulties

1 and delays inherent in such litigation, including those involved in class certification and/or
2 representative adjudication. Plaintiffs further recognize the burdens of proof necessary to establish
3 liability for the claims asserted in the cases, Defendants' defenses, and the difficulties in
4 establishing entitlement to monetary recovery. Plaintiffs have also considered the parties'
5 settlement discussions, as well as the evaluations of the mediator, who is experienced and well-
6 regarded in complex labor and employment matters.

7 17. Defendants, on the other hand, deny and continue to deny any liability and
8 wrongdoing of any kind associated with the claims alleged in the cases, and further deny that the
9 cases or claims asserted therein are appropriate for class treatment or representative adjudication
10 for any purpose other than the Settlement. Defendants believe that they would ultimately succeed
11 in the matter. Both sides have also had the opportunity to interview witnesses and review
12 documents and information relating to Plaintiffs' and Settlement Class Members' employment
13 with Defendants, and Defendants' operations and employment policies, practices, and procedures.
14 The parties also reviewed and analyzed thousands of pages of documents and data, including but
15 not limited to a detailed sampling of Settlement Class Members' time and pay information, to
16 determine the potential value and strength of the claims. The available information enabled Class
17 Counsel to estimate the potential claims of the Settlement Class and prepare damages/valuation
18 models. Accordingly, the Parties have conducted adequate investigation and discovery to be
19 sufficiently informed of the nature and extent of the class and PAGA claims, and to enable both
20 sides to fully evaluate the Settlement for its fairness, adequacy, and reasonableness. The parties
21 have agreed that the matter is well-suited for settlement given the legal issues relating to Plaintiffs'
22 principal claims, as well as the costs and risks to both sides that would attend further litigation.
23 The Settlement takes into account the strengths and weaknesses of each side's position and the
24 uncertainty of how the case might have concluded at certification, trial, and/or appeals.

25 18. The Settlement Agreement provides for Class Counsel to apply for attorneys' fees
26 in an amount of up to thirty-five percent (35%) of the Gross Settlement Amount (i.e.,
27 \$1,925,000.00 if the Gross Settlement Amount remains at \$5,500,00.00) and expenses and costs
28 in an amount not to exceed Eighty-Five Thousand Dollars and No Cents (\$85,000.00), which will

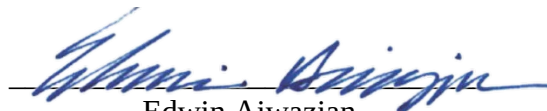
1 be paid out of the Gross Settlement Amount, subject to approval by the Court. It should be noted
2 that Class Counsel has borne all of the risks and costs of litigation and will not receive any
3 compensation until recovery is obtained.

4 19. The Settlement Agreement provides for payments of up to Fifteen Thousand Dollars
5 and No Cents (\$15,000.00) each to Plaintiffs as Class Representative Service Awards, to be paid
6 out of the Gross Settlement Amount subject to approval by the Court. Plaintiff Acosta spent
7 considerable time and effort to produce relevant documents and past employment records and to
8 provide the facts and evidence necessary to attempt to prove the allegations. Additionally, Plaintiff
9 Acosta provided objections, responses, supplemental responses, and documents responsive to
10 Defendants' discovery requests, and prepared for and attended a full day deposition. Plaintiff
11 Acosta was available whenever Lawyers for Justice, PC needed her and actively tried to obtain
12 and provide information that would facilitate the pursuit of the class and PAGA claims.
13 Accordingly, it is appropriate and just for Plaintiffs to each receive a Class Representative Service
14 Award, in addition to their Individual Settlement Payments and Individual PAGA Payments, for
15 their services on behalf of the Settlement Class, State of California, and PAGA Aggrieved
16 Employees.

17 20. I submit that the Settlement is fair, reasonable, and adequate. In addition, the
18 Settlement is in the best interests of Plaintiffs, Settlement Class Members, the State of California,
19 and PAGA Aggrieved Employees.

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

22 Executed on this 7th day of April 2022, at Glendale, California.

23 
24 Edwin Aiwanian