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Attorneys for Plaintiffs and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

SPENCER SUMISAKI, DAVIAN
MONTGOMERY, individually, and on
behalf of other members of the general
public similarly situated; NADIA
MORALES, 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;
NINA WILLIAMS, individually, on behalf
of other aggrieved employees pursuant to
the California Private Attorneys General
Act,

Plaintiffs,

v.

BERKELEY BOWL PRODUCE, INC., a
California corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No.: RG19014520

Honorable Evelio Grillo
Department 21

CLASS ACTION

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

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Service Payments;
Declarations of Class Representatives (Davian
Montgomery, Nadia Morales, and Nina
Williams); Declaration of Settlement
Administrator (Evelin Reyes); and [Proposed]
Final Approval Order and Judgment filed
concurrently herein]

Reservation No. 876901747574
Date: June 15, 2022
Time: 10:00 a.m.
Department: 21

Complaint Filed: April 10, 2019
FAC Filed: July 17, 2019
SAC Filed: November 20, 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 Davian Montgomery, Nadia Morales, and Nina Williams (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 February 17, 2022, in Department 21 of the above-entitled Court, the Honorable Evelio Grillo preliminarily approved the Class Action and PAGA Settlement Agreement and Stipulation (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiffs and Defendant Berkeley Bowl Produce, Inc. (“Defendant”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiffs Davian Montgomery, Nadia Morales, and Nina Williams as Class Representatives. The Court also preliminarily appointed and designated Lawyers *for* Justice, PC as Class Counsel. The Court approved and ordered the mailing of the Notice of Class Action and PAGA Settlement (“Class Notice”), adopted the notice, opt-out, and objection procedures, and ordered their implementation. The Court appointed Simpluris, Inc. (“Simpluris” or “Settlement Administrator”) to handle 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 Class Settlement or the request for Attorneys’ Fees and Costs, Service Payments, Settlement Administration Costs, or allocation for the penalties under the Private Attorneys General Act of 2004, California Labor Code section 2698, et seq. (“PAGA”).

WORK PERFORMED BY CLASS COUNSEL

4. I have been actively engaged in litigating the above-captioned action since prior to the commencement of the action on April 10, 2019, as have several other attorneys and members in our firm.

5. Lawyers *for* Justice, PC has actively participated in all phases of the litigation

process. 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 former plaintiff Spencer Sumisaki, 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, 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 hourly-paid or non-exempt employees who worked for Defendant, 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 were actively preparing the matter for class certification, representative adjudication, and trial. The parties conducted significant formal and informal discovery and investigation into the facts of the case, and also informally exchanged information and data in preparation for mediation. Class Counsel propounded multiple sets of formal and informal written discovery requests onto Defendant (specifically, Form Interrogatories-General (Set One), Requests for Production of Documents (Set One), and Special Interrogatories (Sets One, Two, and Three)), reviewed Defendant's responses and amended responses thereto, noticed the depositions of a non-party percipient witness and Defendant's person(s) most knowledgeable designees, and prepared for and took the deposition of Defendant's Human Resources Director. Class Counsel worked with former plaintiff Spencer Sumisaki and Plaintiff Damian Montgomery to provide responses, supplemental responses, and further supplemental responses to multiple sets of discovery requests that were propounded by Defendant (specifically, Form Interrogatories-Employment (Set One), Form Interrogatories-General (Set One), Requests for Production of Documents and Things (Sets One and Two), and Special Interrogatories (Sets One and Two)). Class Counsel also worked with Plaintiffs Davian Montgomery, Nadia Morales, and Nina Williams to respond to Requests for Production of

Documents that accompanied Defendant's notices of deposition of Plaintiffs, and prepared for and defended the depositions of Plaintiffs Davian Montgomery, Nadia Morales, and Nina Williams. The volume of data and documents that Class Counsel reviewed and analyzed included and was not limited to: Plaintiffs and other Class Members' employment records, a detailed sampling of Class Members' time and pay data, multiple iterations of Defendant's Employee Handbook, company policy acknowledgements, job descriptions, new hire checklists, and Defendant's operations and employment practices, policies, procedures, and forms (including but not limited to those regarding Worker's Compensation Form, Employee Handbook Acknowledgement Form, Time & Attendance Policy Acknowledgement Form, California Meal Period Waiver, Missed Punch Form, Employee Counseling Notice, Timecard Exception Log, Time Clock Procedures, Work Schedules, Attendance and Punctuality, Rest Breaks and Meal Periods, Employee Classification, Change to Classification, Overtime and Payday, Performance Reviews, New Hire Audit, Attendance Records, Counseling Notices, Unpaid Suspension, and Dress, Appearance and Personal Hygiene), among other documents and data. Class Counsel researched applicable law, developed damages/valuation models in preparation for mediation, and met and conferred with Defendant's counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, discovery, *Belaire-West* process, and the production of 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; preparing and appearing for court proceedings, mediation, and settlement negotiations, among other tasks.

7. As outlined herein, the parties have conducted significant formal and informal discovery and investigation during the course of litigating the case. Class Counsel analyzed thousands of pages of documents and data (in excess of 100,000 pages) obtained from Plaintiffs, Defendant, and other sources. These documents and data provided a critical understanding of the nature of the work performed by the Class Members, as well as Defendant's 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

1 mediation and settlement negotiation process. Class Counsel also performed significant research
2 into the law concerning Defendant's defenses.

3 8. After conducting significant investigation of the facts and law during the
4 prosecution of the case, counsel for the parties engaged in extensive settlement negotiations to
5 try to resolve the entire matter. These efforts included participating in a formal, full-day
6 mediation conducted by Jeffrey A. Ross, Esq. a well-regarded mediator experienced in mediating
7 complex labor and employment matters. During all settlement discussions, the parties conducted
8 their negotiations at arm's length in an adversarial position. Prior to and during mediation and
9 settlement discussions, the parties exchanged class information and data, and discussed all
10 aspects of the case, including the risks and delays of further litigation, the risks to the parties of
11 proceeding with class certification and trial, the law relating to off-the-clock theory, meal and
12 rest periods, representative PAGA claims, and wage-and-hour enforcement, the evidence
13 produced and analyzed, and the possibility of appeals, among other things. Arriving at a
14 settlement that was acceptable to the parties was not easy. Defendant contended that
15 individualized questions of fact predominate over any common issues, and these issues would
16 pose challenges to certification and representative adjudication. Defendant and its counsel felt
17 very strongly about Defendant's ability to prevail on the merits and to obtain a denial of class
18 certification, while Plaintiffs and Class Counsel believed that class certification would be
19 obtained and that they would prevail at trial. With the aid of the mediator's evaluation, the
20 parties agreed that the case was well-suited for settlement given the legal issues relating to
21 Plaintiffs' principal claims, as well as the costs and risks to the parties that would attend further
22 litigation. These risks of further litigation include, and are not limited to, a determination that
23 the claims are unsuitable for class treatment and/or representative adjudication, failure to obtain
24 certification, class de-certification after certification of a class, allowing a jury to decide the
25 claims asserted in the case, and the real possibility of no recovery after years of litigation.

26 9. As set forth more fully in the accompanying Motion for Final Approval, Class
27 Counsel seeks attorneys' fees in the amount of \$1,140,000.00, which is thirty-eight percent
28 (38%) of the Maximum Settlement Amount of \$3,000,000.00, as set forth in the Settlement

1 Agreement and the Class Notice. Pursuant to the contingency-fee agreement entered into by and
2 between Plaintiffs and Class Counsel, Plaintiffs have each agreed to contingency fees of at least
3 thirty-five percent (38%) of the recovery. The attorneys' fees sought are commensurate with:
4 (1) the risk that Class Counsel took in commencing the case; (2) the time, effort, and expense
5 that Class Counsel dedicated to the case; (3) the skill and determination that Class Counsel has
6 shown; (4) the results that Class Counsel has achieved throughout the litigation; (5) the value of
7 the settlement that Class Counsel has achieved for the Class Members, State of California, and
8 PAGA Members; and (6) the other cases that Class Counsel has turned down in order to devote
9 its time and efforts to this matter.

10 10. I am aware that the common and acceptable rate for contingency representation in
11 wage and hour class action litigation is normally 40% before trial, with the range being from
12 33.3% up to 50%.

13 11. While not necessarily required to be demonstrated because the percentage fee
14 sought in this matter is proper, Class Counsel has incurred many hours of work in connection
15 with prosecuting the case, such that the attorneys' fees requested is also justified under a lodestar
16 analysis. Class Counsel has spent a total of **1,756.50 hours** performing tasks and obtaining
17 recovery on behalf of Plaintiffs, Class Members, the State of California, and PAGA Members.
18 Attached hereto as "**EXHIBIT A**" is an Attorney Task and Time and Chart that sets forth in
19 detail the nature of the legal services provided by attorneys at Lawyers *for* Justice, PC and the
20 time incurred in performing those services. These hours include work done by myself and
21 several other attorneys at the firm. Additionally, Lawyers *for* Justice, PC had litigation support
22 personnel actively engaged in assisting with the prosecution of this matter.

23 12. The work performed in this particular matter, the background of our firm, as well
24 as the individual backgrounds, training, and experience of the attorneys who worked on this
25 matter, in litigating complex wage-and-hour matters, and in particular, employment class actions,
26 support a reasonable hourly rate of compensation at the rate of \$650 for work performed by
27 Class Counsel. Lawyers *for* Justice, PC has been awarded attorneys' fees, compensating the firm
28 at the rate of at least \$650 per hour for legal services performed, by courts granting final

approval in other cases: final approval of the class and representative action settlement in *David Dugan v. TEC Equipment, Inc., et al.* (Los Angeles Superior Court Case No. 19STCV01591) was granted on July 8, 2021, and the award of attorneys' fees involved an hourly rate of \$936.47; final approval of the class and representative action settlement in *Larry Greenwood, et al. v. Scan Health Plan* (Los Angeles Superior Court Case No. BC715157) was granted on April 20, 2021, and the award of attorneys' fees involved an hourly rate of \$919.57; 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 higher hourly rate of \$831.38; final approval of the class and representative action settlement in *Maryjo Ungerbuhler Anderson v. Boyett Petroleum* (Stanislaus County Superior Court Case No. 2020582) was granted on May 15, 2018, and the award of attorney's fees involved a higher hourly rate of \$780.77; final approval of the class and representative action settlement in *Demetrius Camarillo v. Blue Diamond Growers* (Sacramento County Superior Court Case No. 34-2015-00175871) was granted on June 30, 2017, and the award of attorneys' fees involved a higher hourly rate of \$845.64.

ADEQUACY OF LAWYERS for JUSTICE, PC

EDUCATION

13. 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

14. 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

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, *Lawyers for Justice, PC* 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 recovered millions of dollars on behalf of thousands of individuals in California.

**EXAMPLES OF RESULTS IN WAGE AND HOUR CLASS ACTION AND
REPRESENTATIVE ACTION CASES**

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

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

6 b) LFJ, in association with co-counsel therein, represented the plaintiffs in a
7 wage-and-hour class action against a national retailer of household items involving allegations of
8 misclassification of the “Assistant Store Manager” position. On October 28, 2010, the court
9 granted final approval of the class action settlement. The Los Angeles County Superior Court
10 Case Number is BC413498.

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

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

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

26 f) LFJ, in association with co-counsel therein, represented the plaintiff in a
27 wage-and-hour class and PAGA representative action against a national wholesale distributor of
28 plumbing and builder supplies, involving allegations of misclassification of multiple salaried

1 “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA
2 representative action settlement. The Sacramento County Superior Court Case Number is 34-
3 2012-00136285.

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

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

14 i) LFJ, in association with co-counsel therein, represented the plaintiff in a
15 wage-and-hour class and PAGA action involving allegations of misclassification of the salaried
16 residential “Property Manager” position. On September 17, 2015, the court granted plaintiff’s
17 motion for class certification. On October 20, 2017, the court granted final approval of the class
18 and PAGA representative action settlement. The Los Angeles County Superior Court Case
19 Number is BC474784.

20 j) LFJ, in association with co-counsel therein, represented the plaintiffs in a
21 wage-and-hour class and PAGA representative action against a national retailer of upscale
22 hardware and home furnishings, on behalf of non-exempt employees. On April 28, 2016, the
23 court granted final approval of the class and PAGA representative action settlement. The Los
24 Angeles County Superior Court Case Numbers are BC516795 and JCCP4794, and the Judicial
25 Council Coordination Proceeding Number is 4794.

26 k) LFJ, in association with co-counsel therein, represented the plaintiffs in a
27 wage-and-hour class action against a national retailer of apparel and fashion accessories, on
28

1 behalf of non-exempt employees. On August 5, 2016, the court granted final approval of the
2 class action settlement. The Los Angeles County Superior Court Case Number is BC488069.

3 l) LFJ, in association with co-counsel therein, represented the plaintiffs in a
4 wage-and-hour class action against a national retailer of apparel, accessories, and home products,
5 involving allegations of misclassification of the “Department Manager” position. On August 12,
6 2016, the court granted the plaintiffs’ motion for class certification in part and certified a class.
7 On August 6, 2019, the court granted final approval of the class action settlement. The Alameda
8 County Superior Court Case Number is RG13680477.

9 m) LFJ represented the plaintiff in a PAGA representative action against a
10 real estate and property management company, on behalf of non-exempt employees. On
11 November 4, 2016, the court granted approval of the PAGA representative action settlement. The
12 Orange County Superior Court Case Number is 30-2015-00775439-CU-OE-CXC.

13 n) LFJ, in association with co-counsel therein, represented the plaintiffs in a
14 wage-and-hour class and PAGA representative action against a full-service bank, on behalf of
15 non-exempt employees. On November 18, 2016, the court granted final approval of the class and
16 PAGA representative action settlement. The San Francisco County Superior Court Case Number
17 is CJC-13-004839 and the Judicial Council Coordination Proceeding Number is 4839.

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

22 p) LFJ, on behalf of the plaintiff and respondent in a PAGA representative
23 action, successfully opposed in the trial court, and briefed and argued an appeal with respect to
24 the employer’s motion to compel arbitration, which resulted in a published opinion by the
25 California Court of Appeal in favor of employees. *Roberto Betancourt v. Prudential Overall*
26 *Supply* (Cal. App. 4th Dist., Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S.
27 Supreme Court Docket No. 17-254). The Riverside County Superior Court Case Numbers are
28

1 RIC1503952 and RICJCCP5046, and the Judicial Council Coordination Proceeding Number is
2 5046.

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

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

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

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

23 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
24 representative action against a food company on behalf of non-exempt employees. On June 30,
25 2017, the court granted final approval of the class and PAGA representative action settlement.
26 The Sacramento County Superior Court Case Number is 34-2015-00175871.

27 v) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
28 representative action against a chocolate company on behalf of non-exempt employees. On July

1 19, 2017, the court granted final approval of the class and PAGA representative action
2 settlement. The Alameda County Superior Court Case Number is RG15764300.

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

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

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

17 z) LFJ, in association with co-counsel therein, represented the plaintiffs in a
18 wage-and-hour class and PAGA representative action against a property management company
19 on behalf of hourly-paid and non-exempt employees. On January 4, 2018, the court entered an
20 order granting final approval of the class and PAGA representative action settlement. The Los
21 Angeles County Superior Court Case Number is JCCP4819 and the Judicial Council
22 Coordination Proceeding Number is 4819.

23 aa) LFJ, in association with co-counsel therein, represented the plaintiffs in a
24 wage-and-hour class and PAGA representative action against a global provider of flexible office
25 space solutions. On February 15, 2018, the court entered an order granting final approval of the
26 class and PAGA representative action settlement. The Los Angeles County Superior Court Case
27 Number is BC498401.

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

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

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

15 ee) LFJ, in association with co-counsel therein, represents the plaintiff in a
16 wage-and-hour class action against a parking company on behalf of non-exempt employees. On
17 September 3, 2019, the court granted the plaintiff's motion for class certification and certified a
18 class. The Santa Clara County Superior Court Case Number is 16CV292208 and the Judicial
19 Council Coordination Proceeding Number is 4886.

20 ff) LFJ, in association with co-counsel therein, represents the plaintiffs in a
21 wage-and-hour class and representative action against a bank on behalf of non-exempt
22 employees. On September 27, 2019, the court granted the plaintiffs' motion for class
23 certification in part and certified a class. The Alameda County Superior Court Case Number is
24 RG15757606 and the Judicial Council Coordination Proceeding Number is 4921.

25 gg) LFJ, in association with co-counsel therein, represented the plaintiffs in a
26 wage-and-hour class and PAGA representative action against a national retailer of apparel and
27 fashion accessories, on behalf of non-exempt employees. On October 9, 2019, the court granted
28 the plaintiffs' motion for class certification in part and certified a class. On May 14, 2021, the

1 court granted final approval of the class and PAGA representative action settlement. The
2 Sacramento County Superior Court Case Number is 34-2015-00175330-CU-OE-GDS.

3 hh) LFJ, in association with co-counsel therein, on behalf of the plaintiff and
4 respondent in a PAGA representative action, successfully opposed in the trial court, and briefed
5 and argued an appeal with respect to the employer's motion to compel arbitration, resulting in a
6 notable decision from the California Supreme Court clarifying the law and finding, in part, that
7 employer arbitration agreements are unenforceable where they block a PAGA claim from
8 proceeding, *ZB, N.A. v. Superior Court* (2019) 8 Cal.5th 175. On February 21, 2020, the court
9 granted approval of the PAGA representative action settlement. The San Diego County Superior
10 Court Case Number is 34-2015-00175330.

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

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

21 kk) LFJ, in association with co-counsel therein, represents the plaintiffs in a
22 wage-and-hour class and PAGA representative action against a national retailer of sportswear,
23 footwear, and camping equipment on behalf of non-exempt employees. On March 16, 2020, the
24 court granted in part the plaintiff's motion for class certification and certified a class. The
25 Riverside County Superior Court Case Numbers are RIC1507504 and RICJCCP4930, and the
26 Judicial Council Coordination Proceeding Number is 4930.

27 ll) LFJ, in association with co-counsel therein, represents the plaintiffs in a
28 wage-and-hour class and PAGA representative action against a plastic packaging company on

1 behalf of non-exempt employees. On June 8, 2020, the court granted in part the plaintiffs'
2 motion for class certification and certified a class. On November 8, 2021, the court granted
3 approval of the partial settlement of the action. The San Bernardino County Superior Court Case
4 Number is CIVDS1507361.

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

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

14 oo) LFJ represents the plaintiff in a wage-and-hour class action against an
15 iconic lifestyle accessories brand and retailer on behalf of non-exempt employees. On March 15,
16 2022, the court granted the plaintiff's motion for class certification in part and certified a class.
17 The San Francisco Superior Court Case Number is CGC-16-550794.

18 **LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL**

19 19. To date, Class Counsel has borne all the risks and costs of litigation and will not
20 receive any compensation until recovery is obtained in the above-captioned action. Lawyers *for*
21 Justice, PC has incurred **\$98,471.88** in litigation costs and expenses as reflected in **"EXHIBIT**
22 **B"** attached hereto. These expenses were reasonable and necessary in the prosecution of this
23 matter and to obtain the Settlement. It should be noted that Class Counsel has borne all of the
24 risks and costs of litigation and will not receive any compensation until recovery is obtained
25 under the Settlement.

26 **SERVICE PAYMENTS TO PLAINTIFFS**

27 20. In recognition of their efforts and work serving as the Class Representatives, the
28 Settlement provides for Service Payments in the amount of \$10,000.00 each to Plaintiffs Davian

Montgomery, Nadia Morales, and Nina Williams to compensate Plaintiffs for the time and effort that they expended on behalf of the Class Members, State of California, and PAGA Members. The requested Service Payments are fair and appropriate. Plaintiffs spent a substantial amount of time and effort in producing relevant documents and past employment records and provided the facts and evidence necessary to attempt to prove the allegations. For example, all three Plaintiffs prepared for and appeared for deposition, all three Plaintiffs objected to and provided response to requests for production of documents propounded by Defendant in connection with their depositions, and Plaintiff Montgomery provided response to additional formal written discovery requests propounded by Defendant. Plaintiffs were available whenever Class Counsel needed them and actively tried to obtain information that would facilitate the pursuit of the Class and PAGA claims. Plaintiffs spent numerous hours speaking with Class Counsel about their claims, describing their work experience with Defendant, and gathering and reviewing documents. Accordingly, it is appropriate for Plaintiffs Davian Montgomery, Nadia Morales, and Nina Williams to each receive \$10,000.00 as reasonable service payments, in addition to their Individual Settlement Payments and/or Individual PAGA Payments, for their services on behalf of the Class Members, State of California, and PAGA Members.

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

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

Executed this 23rd day of May 2022, at Glendale, California.



Edwin Aiwasian

EXHIBIT A

SUMISAKI, ET AL. V. BERKELEY BOWL PRODUCE, INC.
(ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG19014520)

ATTORNEY TASK AND TIME CHART

TASK	LAWYERS FOR 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	15.80
Pre-Lawsuit Investigation of the Merits of Plaintiff Spencer Sumisaki's ("Plaintiff") Claims and the Merits of the Claims of the Putative Class Members	13.50
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendant Berkeley Bowl Produce, Inc. ("Defendant") with Respect to the Damages Sustained by Plaintiff and the Putative Class Members	11.60
Pre-Notice Investigation of the Key Facts with a Focus on the Merits of the Private Attorneys General Act ("PAGA") Claim on Behalf of the State of California With Respect to Plaintiffs Nadia Morales and Nina Williams and the Aggrieved Employees	12.50
Pre-Notice Investigation of Potential Civil Penalties Exposure of Defendant with Respect to Alleged Labor Code and IWC Wage Order Violations With Respect to Plaintiffs Nadia Morales and Nina Williams and the Aggrieved Employees	9.70
Pre-Lawsuit Legal Research and Analysis of Latest Off-the-Clock, Meal and Rest Break, Representative PAGA, and Certification Decisions in California, Including all New and Relevant DLSE Materials	9.10

Investigation of Defendant, Defendant's Business Relationships, and the Industry in which Defendant Operates	5.50
Investigation of Defendant's Organizational and Corporate Structure, and Executive Reporting Structure as It Relate to the Employment and Management of the Putative Class Members	7.00
Investigation of Defendant's Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	4.50
Analysis of Competitors in Various Relevant Geographic Areas within which Defendant Operates, and Comparing and Contrasting Defendant's Policies, Practices, and Procedures with the Policies, Practices, and Procedures of Defendant's Competitors	6.50
Research and Investigation Re: Location(s), Department(s), and/or Division(s) Owned, Managed, Serviced and/or or Operated by Defendant in California During the Class Period, Including Differences Between Them to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	6.70
Comparative Analysis and Cross-Checking of All Available Job Postings by Defendant in Order to Determine Any Variation and Identify Job Duties and Responsibilities That Would be Susceptible to Being Performed Off-the-Clock or During Meal or Rest Breaks	8.50
Comparative Analysis and Cross-Checking of All Available Job Reviews and Consumer Reviews for Defendant in Order to Determine Wage and Hour Issues, Variation, and Job Duties and Responsibilities Involving Performance of Work Off-the-Clock or During Meal or Rest Breaks	7.10
Research and Investigation Re: Workforce, Staffing Models, and Staffing Levels at Locations at which Putative Class Members Worked Throughout California	7.50
Research and Investigation Re: Defendant's Policies, Practices, and Procedures Relating to Timekeeping, Scheduling, Bag Checks, Opening and Closing Procedures, Meal/Rest Breaks, On-Premises Rest Breaks,	33.60

Overtime Compensation, Bonuses/Incentive/Shift Differential Pay, Customer Service, Dress Code, Footwear, and Reimbursement of Business-Related Expenses	
Research and Investigation Re: Various Software Programs and Other Technology Defendant Uses to Conduct Its Everyday Business, Including Timekeeping, Human Resources (e.g., UltiPro), Inventory, Point of Sale, Security, and Logistics Systems, 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 Time Worked During Meal Breaks	5.50
Research and Analysis of Potential Defenses Defendant May Raise, Including <i>De Minimis</i> Work, Non-Compensable Off-the-Clock Work, Waiver, and Compliant Policies	10.40
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	8.90
Research and Analysis of Defendant's Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues	5.50
Prepare a Discovery Strategy Plan of Action, Including Topics of Inquiry Important to Certification, Liability, and Damages/Civil Penalties	8.10
Research and Investigation of Impact of COVID-19 Pandemic on Defendant, Its Operations, and Putative Class Members' Work	9.70
Research and Outline Contemplated Motion for Class Certification and Trial Plan	48.50
Meet and Communicate with Former Plaintiff Spencer Sumisaki	24.50
Meet and Communicate with Plaintiff Davian Montgomery Throughout the Pendency of the Case	54.50
Meet and Communicate with Plaintiff Nadia Morales Throughout the Pendency of the Case	42.50

Meet and Communicate with Plaintiff Nina Williams Throughout the Pendency of the Case	43.50
Meet and Communicate with Putative Class Members and Conduct Interviews	59.50
Pleadings and Court Filings	
Research and Draft Plaintiff's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on April 10, 2019)	9.10
Review Court's Notice of Hearing (filed on April 11, 2019)	0.10
Review Court's Order Designating Complex Determination (filed on May 22, 2019)	0.20
Draft Plaintiff Sumisaki's Initial Case Management Conference Statement (filed on June 18, 2019)	1.50
Review Court's Case Management Order (filed on June 25, 2019)	0.20
Research and Draft Plaintiffs' Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on July 17, 2019)	6.50
Review and Analyze Defendant's Answer to First Amended Class Action Complaint for Damages and Research Affirmative Defenses in Defendant's Answer (served on September 9, 2019)	4.50
Review and Analyze Defendant's First Amended Answer to First Amended Class Action Complaint for Damages and Research Affirmative Defenses in Defendant's Answer (served on October 3, 2019)	4.50
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on October 17, 2019)	2.20
Review Court's Tentative Case Management Order (filed on October 22, 2019)	0.10

Meet and Confer with Defendant's Counsel, and Draft Joint Stipulated Protective Order Regrading Confidential Information (submitted on January 14, 2020)	2.50
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on January 22, 2020)	2.50
Review Court's Case Management Order (filed on February 5, 2020)	0.30
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on May 15, 2020)	2.10
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on June 16, 2020)	1.90
Review Court's Case Management Order (filed on June 30, 2020)	0.10
Draft Request for Dismissal of Plaintiff Spencer Sumisaki's Individual Claims in this Action Without Prejudice, Declaration of Edwin Aiwarzian in Support Thereof, and [Proposed] Order Thereon (filed on August 27, 2020)	2.50
Review Court's Order Dismissing Plaintiff Spencer Sumisaki's Individual Claims in this Action Without Prejudice (filed on September 15, 2020)	0.20
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on September 30, 2020)	2.60
Review Court's Case Management Order (filed on October 6, 2020)	0.20
Research and Draft Plaintiffs' Second Amended Class Action Complaint for Damages and Legal Research & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. and Analysis of All Claims Involved; Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation and [Proposed] Order Granting Plaintiff Leave to File a [Proposed] Second Amended Class Action	11.50

Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. (submitted on November 4, 2020)	
Review Court's Order Granting Plaintiff Leave to File a Second Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. (submitted on November 12, 2020)	0.20
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on November 25, 2020)	1.50
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on November 30, 2020)	1.50
Review Court's Tentative Case Management Order (filed on December 15, 2020)	0.10
Review Court's Case Management Order (filed on December 16, 2020)	0.20
Review and Analyze Defendant's Answer to Second Amended Class Action Complaint for Damages and Research Affirmative Defenses in Defendant's Answer (served on December 22, 2020)	4.60
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation and [Proposed] Order to Continue Case Management Conference (submitted on July 26, 2021)	2.50
Review Court's Order to Continue Case Management Conference from August 3, 2021 to September 2, 2021 (filed on July 27, 2021)	0.30
Review Court's Notice of Hearing (Amended) (filed on July 28, 2021)	0.10
Draft Plaintiff's Notice of Entry of Judgment or Order (filed on July 29, 2021)	0.30
Review Court's Notice of Reassignment of Judge for All Purposes (filed on August 11, 2021)	0.30

Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement and Notice of Settlement (submitted on September 15, 2021)	1.50
Review Court's Case Management Order (filed on September 22, 2021)	0.20
Meet and Confer with Defendant's Counsel, and Draft Joint Further Case Management Conference Statement (submitted on January 20, 2022)	1.50
Review Court's Minute Order Re: Case Management Conference (filed on January 26, 2022)	0.10
Review Court's Case Management Conference Order (filed on January 26, 2022)	0.10
Review Court's Minute Order Re: Case Management Conference (filed on February 15, 2022)	0.10
Draft Plaintiff's Notice of Entry of Judgment or Order (filed on February 24, 2022)	0.30
Appearances	
Prepare for and Telephonically Attend Initial Case Management Conference (June 25, 2019)	0.90
Prepare for and Telephonically Attend Case Management Conference (February 5, 2020)	1.10
Prepare for and Telephonically Attend Case Management Conference (October 6, 2020)	1.10
Prepare for and Telephonically Attend Case Management Conference and Motion for Preliminary Approval of Class Action Settlement (January 26, 2022)	1.10
Prepare for Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement and Case Management Conference (February 15, 2022)	0.80
Prepare for, Travel to/from, and Attend Hearing on Plaintiffs's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Award (June 15, 2022) (Anticipated)	1.50

Discovery and Deposition	
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Spencer Sumisaki (served on March 7, 2019)	1.90
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Spencer Sumisaki (served on April 2, 2019)	3.60
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Davian Montgomery (served on April 2, 2019)	1.90
Draft Follow-Up Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Davian Montgomery (served on June 19, 2019)	2.10
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Davian Montgomery (served on June 25, 2019)	5.50
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (November 4, 2019; Organizational Structure) (served on September 5, 2019)	6.10
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (November 5, 2019; Job Duties) (served on September 5, 2019)	6.50
Draft Plaintiff's Form Interrogatories - General (Set One), Special Interrogatories (Set One), Special Interrogatories (Set Two), and Requests for Production of Documents (Set One) to Defendant (served on September 5, 2019)	9.30
Review and Analyze Defendant's Objections to Plaintiffs' Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (November 4, 2019; Organizational Structure) (served on October 30, 2019)	4.70

Review and Analyze Defendant's Objections to Plaintiffs' Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (November 5, 2019; Wage and Hour Practices) (served on October 30, 2019)	5.10
Review and Analyze Defendant's Responses to Plaintiffs' Spencer Sumisaki and Davian Montgomery's Form Interrogatories - General (Set One), Special Interrogatories (Set Two), and Requests for Production of Documents (Set One) to Defendant (served on December 3, 2019)	18.30
Review and Analyze Documents Produced by Defendant (served December 3, 2019)	2.30
Review and Analyze Documents Produced by Defendant (BP000001- BP000418) (served January 14, 2020)	7.40
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (February 12, 2020; Wage and Hour Practices) (served on December 10, 2019)	6.50
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (February 12, 2020; Affirmative Defenses) (served on December 10, 2019)	6.10
Draft Plaintiff's Special Interrogatories (Set Three) and Request for Production of Documents (Set Two) (served on December 10, 2019)	6.30
Review and Analyze Defendant's Responses to Plaintiffs Spencer Sumisaki and Davian Montgomery's Special Interrogatories (Set Three) and Request for Production of Documents (Set Two) (served on January 13, 2020)	9.50
Review and Analyze Documents Produced by Defendant (served on January 14, 2020)	15.30
Review and Analyze Defendant's First Amended Responses to Plaintiffs Spencer Sumisaki and Davian Montgomery's Form Interrogatories- General (Set One) and Request for Production of Documents (Set One) (served on February 21, 2020)	6.50
Review Defendant's Declaration of Sean Bothamley for Additional Discovery (served on April 6, 2020)	0.60

Review and Analyze Defendant's Form Interrogatories-General (Set One), Form Interrogatories-Employment Law (Set One), Special Interrogatories (Set One), and Request for Production of Documents (Set One) to Plaintiff Davian Montgomery (served on April 6, 2020)	1.30
Review and Analyze Defendant's Form Interrogatories-General (Set One), Form Interrogatories-Employment Law (Set One), Special Interrogatories (Set One), and Request for Production of Documents (Set One) to Plaintiff Spencer Sumisaki (served on April 6, 2020)	1.10
Review and Analyze Defendant's First Amended Responses to Plaintiffs Spencer Sumisaki and Davian Montgomery's Form Interrogatories- General (Set One) and Request for Production of Documents (Set One) (served on April 14, 2020)	6.20
Draft Plaintiffs' Notice of Videotape Deposition of Non-Party Witness Chemseddine Chekill and Deposition Subpoena for Personal Appearance (served on April 23, 2020)	2.70
Meet and Confer with Defendant's Counsel, Draft <i>Belaire-West</i> Notice Paperwork, Review Translation of Notice Paperwork, Monitor Notice Administration Process, and Review Class Contact List (notice mailed March 31, 2020; list released April 29, 2020)	8.20
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Nina Williams (served on May 20, 2020)	2.20
Review and Analyze Documents Produced by Defendant (BBP000419-BBP005011) (served on June 4, 2020)	27.30
Draft Plaintiff Davian Montgomery's Responses to Defendant's Form Interrogatories-Employment (Set One), Form Interrogatories-General, Special Interrogatories (Set One), and Requests for Production of Documents and Things (Set One), and Gather Document Production (served on June 5, 2020)	25.50

Draft Former Plaintiff Spencer Sumisaki's Responses to Defendant's Form Interrogatories-Employment (Set One), Form Interrogatories-General, Special Interrogatories (Set One), and Requests for Production of Documents and Things (Set One), and Gather Document Production (served on June 5, 2020)	22.10
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (July 30, 2020; Wage and Hour Practices) (served on June 19, 2020)	5.60
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (July 31, 2020; Affirmative Defenses) (served on June 19, 2020)	5.10
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Nadia Morales (served on July 2, 2020)	1.90
Review and Analyze Defendant's Demand for Inspection to Plaintiff Davian Montgomery (Set One) (served on July 9, 2020)	0.60
Review and Analyze Defendant's Demand for Inspection to Plaintiff Spencer Sumisaki (Set One) (served on July 9, 2020)	0.60
Review and Analyze Documents Produced by Defendant (BBP000001-BBP036405) (served on July 22, 2020)	158.50
Review and Analyze Defendant's Objections to Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (July 30, 2020; Wage and Hour Practices) (served on July 22, 2020)	6.30
Review and Analyze Defendant's Objections to Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (July 31, 2020; Affirmative Defenses) (served on July 22, 2020)	3.50
Review and Analyze Documents Produced by Defendant (served on July 28, 2020)	2.50

Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Madia Morales (served on July 28, 2020)	2.10
Review and Analyze Documents Produced by Defendant (BBP000001-115100) (served on July 28, 2020)	213.50
Review and Analyze Documents Produced by Defendant (BBP115101-116369) (served on July 29, 2020)	21.40
Prepare for and Defend the Deposition of Person Most Knowledgeable Rosalinda Nava (July 30, 2020; Video Conference) and Review Deposition Transcript	17.50
Draft Plaintiff Davian Montgomery's Responses to Defendant's Demand for Inspection (Set One) (served on August 10, 2020)	3.80
Draft Plaintiff Spencer Sumisaki's Responses to Defendant's Demand for Inspection (Set One) (served on August 10, 2020)	3.40
Draft Follow-Up Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Nadia Morales (served on August 11, 2020)	2.50
Draft Plaintiff Davian Montgomery's Supplemental Responses to Defendant's Special Interrogatories (Set One) (served on September 4, 2020)	13.50
Draft Plaintiff Davian Montgomery's Supplemental Responses to Defendant's Form Interrogatories-General (Set One), Form Interrogatories-Employment (Set One), and Request for Production of Documents and Things to Plaintiff Davian Montgomery (Set One), and Gather Document Production (served on September 8, 2020)	22.50
Review Defendant's Declaration of Sean Bothamley for Additional Discovery (served on September 10, 2020)	0.60
Review and Analyze Defendant's Special Interrogatories (Set Two) and Request for Production of Documents (Set Two) to Plaintiff Davian Montgomery (served on September 10, 2020)	2.10

Draft Plaintiff Davian Montgomery's Responses to Defendant's Special Interrogatories (Set Two) and Request for Production of Documents (Set Two) (served on October 9, 2020)	19.50
Draft Plaintiff Davian Montgomery's Further Supplemental Responses to Defendant's Request for Production of Documents (Set One) (served on October 23, 2020)	16.40
Review and Analyze Defendant's Notice of Deposition of Davian Montgomery and Requests for Production of Documents (served on June 15, 2021)	2.10
Review and Analyze Defendant's Notice of Deposition of Nadia Morales and Requests for Production of Documents (served on June 15, 2021)	2.20
Review and Analyze Defendant's Notice of Deposition of Nina Williams and Requests for Production of Documents (served on June 15, 2021)	2.20
Draft Plaintiff Davian Montgomery's Objections and Responses to Defendant's Notice of Deposition of Davian Montgomery (served on June 28, 2021)	5.30
Draft Plaintiff Nadia Morales' Objections and Responses to Defendant's Notice of Deposition of Nadia Morales (served on June 28, 2021)	5.70
Draft Plaintiff Nina Williams' Objections and Responses to Defendant's Notice of Deposition of Nina Williams (served on June 28, 2021)	5.60
Prepare for and Defend the Deposition of Plaintiff Nina Williams (July 7, 2021; Video Conference) and Review Deposition Transcript	11.30
Prepare for and Defend the Deposition of Plaintiff Davian Montgomery (July 11, 2021; Video Conference) and Review Deposition Transcript	10.40
Prepare for and Defend the Deposition of Plaintiff Nadia Morales (July 12, 2021; Video Conference) and Review Deposition Transcript	12.50

Letters and Correspondence	
Research and Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Nadia Morales for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on August 27, 2020)	4.50
Research and Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Nina Williams for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on August 27, 2020)	4.50
Meet with, Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	35.70
Mediation/Settlement	
Review and Analyze Mediation Data and Documents Produced by Defendant (served on May 11, 2021, July 6, 2021, and July 8, 2021) • Employee Handbooks and Policies • Sampling of Employee Time Data • Sampling of Employee Pay Data	190.50
Prepare for Mediation, Including Researching Settlement-Related Issues and Merits of Claims, Drafting the Mediation Brief, Compiling the Mediation Exhibits in Support of Mediation Brief, and Performing Damages and Penalties Analysis/Calculations (submitted on July 14, 2021)	50.40
Attend Mediation Session (July 21, 2021; Zoom Video Conference)	14.50
Draft, Review, Revise, Negotiate, and Finalize Class Action and PAGA Settlement Agreement (executed on January 5, 2022) and Draft Exhibits	18.50
Review and Monitor Settlement Administration Process and Weekly Reports	7.90

Law and Motion	
Research and Draft Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, Declaration of Edwin Aiwasian in Support Thereof, Declaration of Davian Montgomery in Support Thereof, Declaration of Nadia Morales in Support Thereof, Declaration of Nina Williams in Support Thereof, and [Proposed] Order Thereon (filed on January 5, 2022)	27.10
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation to Deem the Filing of Plaintiffs' Motion for Preliminary Approval Timely; [Proposed] order Thereon (submitted on January 10, 2022)	2.10
Review Court's Order Granting Filing of Plaintiffs' Motion for Preliminary Approval Timely (filed on January 17, 2022)	0.30
Review Court's Minute Order Re: Motion for Preliminary Approval of Class Action Settlement (filed on January 26, 2022)	0.10
Review Court's Order Continuing Motion for Preliminary Approval Hearing to February 15, 2022 (filed on January 26, 2022)	0.10
Draft Plaintiffs' Supplemental Brief in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, Supplemental Declaration of Edwin Aiwasian in Support Thereof, Declaration of Sean Bothamley in Support Thereof, and [Revised Proposed] Order Thereon (filed on February 8, 2022)	13.50
Review Court's Minute Order Re: Motion for Preliminary Approval (filed on February 15, 2022)	0.20
Review Court's Order Granting Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (filed on February 15, 2022)	0.20
Review Court's Order Granting Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (filed on February 17, 2022)	0.40

Review and Analyze Settlement Administrator's Declaration Regarding Settlement Notice Administration; and Research and Draft Plaintiff's Motion for Final Approval of Class Settlement, Attorneys' Fees, Costs, and Service Awards, and Declaration of Edwin Aiwarzian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on May 23, 2022) (Anticipated)	25.80
Total Hours:	1,756.50

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Sumisaki v. Berkeley Bowl Produce, Inc.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
4/10/2019	Alameda Superior Court	Filing Fee	435.00
4/10/2019	Alameda Superior Court	Complex Fee	1,000.00
4/10/2019	ProLegal	Attorney Service	265.95
6/18/2019	Legal Document Server, Inc.	Attorney Service	120.00
6/20/2019	Legal Document Server, Inc.	Attorney Service	150.00
6/25/2019	Daniel Kramer	Travel Reimbursement	833.88
7/17/2019	Legal Document Server, Inc.	Attorney Service	195.00
7/18/2019	Golden State Overnight	Courier Service	18.93
7/23/2019	Legal Document Server, Inc.	Attorney Service	120.00
7/24/2019	Legal Document Server, Inc.	Attorney Service	65.00
9/5/2019	Golden State Overnight	Courier Service	22.67
10/17/2019	Legal Document Server, Inc.	Attorney Service	195.00
10/25/2019	Courtcall, LLC	Attorney Service	94.00
12/10/2019	Golden State Overnight	Courier Service	28.78
1/22/2020	Legal Document Server, Inc.	Attorney Service	195.00
2/6/2020	Courtcall, LLC	Attorney Service	124.00
3/31/2020	Simpluris, Inc.	Privacy Mailing	1,350.00
4/23/2020	General Logistics Systems US, Inc.	Courier Service	27.36
4/24/2020	ProLegal	Attorney Service	196.20
4/27/2020	FedEx Express	Courier Service	73.08
5/8/2020	FedEx Express	Courier Service	45.32
5/18/2020	Legal Document Server, Inc.	Attorney Service	130.00
5/27/2020	General Logistics Systems US, Inc.	Courier Service	58.28
5/29/2020	General Logistics Systems US, Inc.	Courier Service	36.44
6/15/2020	General Logistics Systems US, Inc.	Courier Service	27.54
6/19/2020	General Logistics Systems US, Inc.	Courier Service	33.53
6/22/2020	Legal Document Server, Inc.	Attorney Service	130.00
7/15/2020	General Logistics Systems US, Inc.	Courier Service	20.85
7/20/2020	General Logistics Systems US, Inc.	Courier Service	41.70
7/27/2020	General Logistics Systems US, Inc.	Courier Service	36.68
7/30/2020	Esquire Deposition Solutions, LLC	Court Reporter	8,420.35
7/30/2020	Esquire Deposition Solutions, LLC	Videography Service	665.00
8/3/2020	General Logistics Systems US, Inc.	Courier Service	20.35
8/17/2020	FedEx Express	Courier Service	26.10
8/27/2020	Labor & Workforce Development Agency	Filing Fee	75.00
9/16/2020	Legal Document Server, Inc.	Attorney Service	130.00
11/4/2020	Alameda Superior Court	Filing Fee	20.00
11/16/2020	Legal Document Server, Inc.	Attorney Service	150.70
11/19/2020	Legal Document Server, Inc.	Attorney Service	150.00
12/1/2020	Legal Document Server, Inc.	Attorney Service	115.00

LAWYERS for JUSTICE PC CASE COST DETAIL

Sumisaki v. Berkeley Bowl Produce, Inc.

12/11/2020	Legal Document Server, Inc.	Attorney Service	65.00
1/14/2021	Legal Document Server, Inc.	Attorney Service	130.00
2/8/2021	Jeffrey Ross	Mediation Fee	7,000.00
3/9/2021	Stats Company	Analysis of Sampling of Time Records	861.00
4/19/2021	Stats Company	Analysis of Sampling of Time Records	6,279.00
5/27/2021	Stats Company	Analysis of Sampling of Time Records	9,324.00
7/7/2021	Bell & Myers Court Reporters & Legal Videographers	Court Reporter	1,268.63
7/7/2021	Esquire Deposition Solutions, LLC	Conference Room Rental	312.20
7/11/2021	Esquire Deposition Solutions, LLC	Conference Room Rental	238.75
7/12/2021	Bell & Myers Court Reporters & Legal Videographers	Court Reporter	1,716.55
7/26/2021	Alameda Superior Court	Filing Fee	20.00
7/26/2021	Legal Document Server, Inc.	Attorney Service	130.70
7/27/2021	Numerical Company	Analysis of Sampling of Time Records	6,826.05
7/29/2021	Legal Document Server, Inc.	Attorney Service	130.00
8/2/2021	Numerical Company	Analysis of Sampling of Time Records	8,797.17
8/10/2021	Numerical Company	Analysis of Sampling of Time Records	15,615.60
8/23/2021	Numerical Company	Analysis of Sampling of Time Records	1,847.50
9/16/2021	Legal Document Server, Inc.	Attorney Service	130.00
10/5/2021	Numerical Company	Analysis of Sampling of Time Records	19,981.75
12/9/2021	Alameda Superior Court	Document Download Fee	1.00
12/29/2021	Alameda Superior Court	Document Download Fee	2.00
1/5/2022	Alameda Superior Court	Filing Fee	60.00
1/5/2022	Legal Document Server, Inc.	Attorney Service	20.80
1/6/2022	Legal Document Server, Inc.	Attorney Service	236.50
1/11/2022	Alameda Superior Court	Filing Fee	20.00
1/11/2022	Legal Document Server, Inc.	Attorney Service	18.90
1/20/2022	Legal Document Server, Inc.	Attorney Service	17.95
1/21/2022	Alameda Superior Court	Document Download Fee	4.00
1/29/2022	Alameda Superior Court	Document Download Fee	1.00
2/4/2022	Alameda Superior Court	Document Download Fee	5.00
2/8/2022	Legal Document Server, Inc.	Attorney Service	95.00
2/25/2022	Legal Document Server, Inc.	Attorney Service	17.95
4/12/2022	Bell & Myers Court Reporters & Legal Videographers	Court Reporter	1,455.19
Total:			98,471.88