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Attorneys for Plaintiffs and the Settlement Class Members

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

NEQUASHA POTTS individually, and on behalf of other members of the general public similarly situated; MARQUIS BERRY, individually, and on behalf of other members of the general public similarly situated; TATIANA BENJAMIN individually, and on behalf of members of the general public similarly situated and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act.

Plaintiffs,

vs.

DOLLS KILL, INC., an unknown business entity; TRINET GROUP, INC., an unknown business entity; and DOES 1 through 100, inclusive,

Defendants.

Case No.: CGC19580228

Honorable Ethan P. Schulman
Department 302

CLASS ACTION

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

[Notice of Motion and Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Enhancement Payments; Declarations of Class Representatives (Nequasha Potts, Marquis Berry, and Tatiana Benjamin); Declaration of Settlement Administrator (Taylor Mitzner); and [Proposed] Final Approval Order and Judgment filed concurrently herein]

Date: July 1, 2021
Time: 9:30 a.m.
Department: 302

Complaint Filed: October 23, 2019
FAC Filed: February 22, 2021
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 Nequasha Potts, Marquis Berry, and Tatiana Benjamin (together, “Plaintiffs”) and the Settlement Class Members. 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 22, 2021, in Department 302 of the above-entitled Court, the Honorable Ethan P. Schulman preliminarily approved the Joint Stipulation of Class and PAGA Settlement and Amendment No. 1 to Stipulation of Class and PAGA Settlement (together, “Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiffs and Defendants Dolls Kill, Inc. and Trinet HR III-A, Inc. (“Defendants”), and conditionally certified the Settlement Class Members for settlement purposes. The Court preliminarily appointed Plaintiffs Nequasha Potts, Marquis Berry, and Tatiana Benjamin 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 Settlement (“Notice”), adopted the notice, opt-out, and objection procedures, and ordered their implementation. The Court appointed Phoenix Settlement Administrators (“Phoenix”) to serve as Settlement Administrator for handling the notice and settlement administration process.

3. As of the date of filing the accompanying Motion for Final Approval, no Settlement Class Members have objected to the Settlement or the request for Attorneys' Fees and Litigation Costs, Enhancement Payments, or Administration Costs.

WORK PERFORMED BY CLASS COUNSEL

4. I have been actively engaged in litigating this matter since prior to the commencement of the action on October 23, 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 Plaintiffs Potts and Berry, and research into the various legal issues involved in the case, namely, the current state of the law as it applied to certification, off-the-clock theory, meal and rest periods, wage-and-hour enforcement, the claims of Plaintiffs Potts and Berry, and potential defenses. After conducting initial investigation, our firm determined that the claims of Plaintiffs Potts and Berry 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 Defendants, who were not properly compensated for, *inter alia*, all hours worked, and non-compliant meal and rest periods.

6. Prior to reaching the Settlement, the parties used the pre-mediation time period to investigate the veracity, strength, and scope of the claims, and also to prepare the matter for class certification and trial. The parties conducted significant informal discovery and investigation into the facts of the case, and also informally exchanged information and data in preparation for mediation. Class Counsel interviewed and obtained information from Plaintiffs and other Settlement Class Members, including and not limited to the names of potential witnesses, and reviewed and analyzed a large volume of documents and data produced by Defendants and obtained through other sources. The documents and data reviewed and analyzed by Class Counsel included, and were not limited to employment records of Plaintiffs and other Settlement Class Members, sampling of time records and earning statements, Employee Handbook, Employee Attendance Policy, IWC Wage Order postings, employment agreements, including arbitration agreement exemplars, and Defendants' operations and employment practices, procedures, and policies, among other documents and data. Class Counsel researched applicable law, developed damages/valuation models in preparation for mediation, and met and conferred with Defendants' counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, case management, discovery, and production of various documents and data prior to mediation. Other work performed by Class Counsel included, and was not limited to, case strategy and

analysis; drafting, reviewing, and revising pleadings and mediation brief; preparing and appearing for court proceedings; and preparing for and attending mediation and settlement negotiations.

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

8. After conducting significant investigation of the facts and law during the prosecution of the case, counsel for the parties engaged in extensive settlement negotiations to try to resolve the entire matter. These efforts included participating in a formal, full-day mediation conducted by Marc J. Feder, Esq., a well-regarded mediator experienced in mediating complex labor and employment matters. During all settlement discussions, the parties conducted their negotiations at arm's length in an adversarial position. Prior to and during mediation, the parties exchanged information and data, and discussed all aspects of the case, including the risks and delays of further litigation, the risks to the parties of proceeding with class certification and trial, the law relating to off-the-clock theory, meal and rest periods, and wage-and-hour enforcement, the evidence produced and analyzed, and the possibility of appeals, among other things. Arriving at a settlement that was acceptable to the parties was not easy. Defendants also contended that individualized questions of fact predominate over any common issues, and these issues would pose challenges to certification. Defendants and their counsel felt very strongly about Defendants' ability to prevail on the merits and to obtain a denial of class certification, while Plaintiffs and Class Counsel believed that class certification would be obtained and that they would prevail at trial. With the aid of the mediator's evaluation, the parties agreed that the

1 case was well-suited for settlement given the legal issues relating to Plaintiffs' principal claims,
2 as well as the costs and risks to the parties that would attend further litigation. These risks of
3 further litigation include, and are not limited to, a determination that the claims are unsuitable for
4 class treatment, failure to obtain certification, class de-certification after certification of a class,
5 allowing a jury to decide the claims asserted in the case, and the real possibility of no recovery
6 after years of litigation.

7 9. As set forth more fully in the accompanying Motion for Final Approval, Class
8 Counsel seeks attorneys' fees in the amount of \$140,000.00, which is thirty-five percent (35%)
9 of the Gross Settlement Amount of \$400,000.00, as set forth in the Settlement Agreement and
10 the Notice. Pursuant to the contingency-fee agreement entered into by and between Plaintiffs
11 and Class Counsel, Plaintiffs have each agreed to contingency fees of at least thirty-five percent
12 (35%) of the recovery. The attorneys' fees sought are commensurate with: (1) the risk that Class
13 Counsel took in commencing the case; (2) the time, effort, and expense that Class Counsel
14 dedicated to the case; (3) the skill and determination that Class Counsel has shown; (4) the
15 results that Class Counsel has achieved throughout the litigation; (5) the value of the settlement
16 that Class Counsel has achieved for the Settlement Class Members; and (6) the other
17 cases that Class Counsel has turned down in order to devote its time and efforts to this matter.

18 10. I am aware that the common and acceptable rate for contingency representation in
19 wage and hour class action litigation is normally 40% before trial, with the range being from
20 33.3% up to 50%.

21 11. While not necessarily required to be demonstrated because the contingent fee is
22 proper for this settlement, Class Counsel has incurred many hours of work in connection with
23 prosecuting the case such that the award of attorneys' fees is also justified under a simple
24 lodestar analysis. Class Counsel has spent a total of **461.6 hours** performing tasks and obtaining
25 recovery on behalf of Plaintiffs and the Settlement Class Members. Attached hereto as
26 **"EXHIBIT A"** is an Attorney Task and Time and Chart that sets forth in detail the nature of the
27 legal services provided by Class Counsel and the time incurred in performing those services.
28 These hours include work done by myself and several of the firm's other members. We also had

litigation support personnel actively engaged in assisting with the prosecution of this matter.

12. The work performed in this particular matter, the background of our firm, as well as the individual backgrounds, training, and experience of the attorneys who worked on this matter, in litigating complex wage-and-hour matters, and in particular, employment class actions, support a reasonable hourly rate of compensation at the rate of \$550 for work performed by Class Counsel. Lawyers for Justice, PC has been awarded attorneys' fees, compensating the firm at the rate of at least \$550 per hour for legal services performed, by courts granting final approval in other cases: 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; approval of the Private Attorneys General Act settlement in *Roberta Robles v. Altamed Health Services Corporation* (Los Angeles County Superior Court Case No. BC639623) was granted on October 31, 2018, and the award of attorneys' fees involved a higher hourly rate of \$602.22; final approval of the class and representative action settlement in *Samuel Guerra, et al v. Graphic Packaging International, Inc.* (Sacramento County Superior Court Case No. 34-2016-00203789) was granted on June 5, 2018, and the award of attorneys' fees involved a higher hourly rate of \$600; 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 *Elizabeth Ortiz, et al. v. Ghirardelli Chocolate Company* (Alameda County Superior Court Case No. RG15764300) was granted on July 19, 2017, and the award of attorneys' fees involved a higher hourly rate of \$575; 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

1 higher hourly rate of \$845.64; and final approval of the class and representative action settlement
2 in *Kevin Coonce v. Ferguson Enterprises, Inc.* (Sacramento County Superior Court Case No. 34-
3 2021-00136285) was granted on May 22, 2014, and the award of attorneys' fees involved a
4 higher hourly rate of \$625.

5 **ADEQUACY OF LAWYERS *for* JUSTICE, PC**

6 ***EDUCATION***

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

15 ***JUDICIAL EXTERNSHIPS***

16 14. From approximately September 2002 to approximately December 2002, I served
17 as a Judicial Extern to the Honorable Kim McLane Wardlaw of the *United States Court of*
18 *Appeals for the Ninth Circuit*. From approximately June 2002 to approximately August 2002, I
19 served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the *California Court of Appeal*
20 *for the Second Appellate District*.

21 ***LITIGATION AND CLASS ACTION EXPERIENCE***

22 15. In December of 2004, I obtained a license to practice law from the California
23 State Bar. From approximately December 2004 to approximately August 2008, I was employed
24 by *Girardi & Keese*.

25 16. At *Girardi & Keese*, my practice focused on class actions and other complex
26 cases involving toxic torts and products liability. In addition, I gained substantial experience on
27 cases involving insurance bad faith, premises liability, and medical negligence. While employed
28

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

12 ***EXAMPLES OF CLASS ACTION RESULTS***

13 18. 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, represented the plaintiffs in a
16 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, represented the plaintiffs in a
21 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
23 approval 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, represented the plaintiffs in a
26 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, 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, 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, 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, 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, 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.

i) Our firm, in association with co-counsel, represented the plaintiffs in a wage-and-hour class action involving allegations of misclassification of the salaried residential

1 “Property Manager” position. On September 17, 2015, the court granted plaintiffs’ motion for
2 class certification. The Los Angeles County Superior Court Case Number is BC474784.

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

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

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

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

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

27 o) Our firm represented the plaintiffs in a wage-and-hour class and
28 representative action against a foodservice distributor, on behalf of non-exempt employees. On

1 January 26, 2017, the court granted final approval of the class and representative action
2 settlement. The San Bernardino County Superior Court Case Number is CIVDS1507260.

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

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

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

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

23 t) Our firm represented the plaintiffs in a wage-and-hour class action and
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 representative action settlement. The
26 Sacramento County Superior Court Case Number is 34-2015-00175871.

27 u) Our firm represented the plaintiffs in a wage-and-hour class action and
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 representative action settlement. The
2 Alameda County Superior Court Case Number is RG15764300.

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

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

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

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

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

26 aa) Our firm, in association with co-counsel, represented the plaintiff in a
27 representative action under the Private Attorneys General Act, against a global provider of
28 products and services to the energy industry, on behalf of hourly-paid and non-exempt

employees. On November 19, 2018, the Court granted approval of the settlement. The Kern County Superior Court Case Number is S-1500-CV-280215-SDC.

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

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

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

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

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

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

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

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

12 19. To date, Class Counsel has borne all the risks and costs of litigation and will not
13 receive any compensation until recovery is obtained by Plaintiffs and the Settlement Class
14 Members. Lawyers *for* Justice, PC has incurred more than **\$15,000.00** in litigation costs and
15 expenses as reflected in "**EXHIBIT B**" attached hereto. These expenses were reasonable and
16 necessary in the prosecution of this matter and to obtain the Settlement. It should be noted that
17 Class Counsel has borne all of the risks and costs of litigation and will not receive any
18 compensation until recovery is obtained under the Settlement.

19 **ENHANCEMENT PAYMENTS TO PLAINTIFFS**

20 20. In recognition of their efforts and work serving as the Class Representatives, the
21 Settlement provides for Enhancement Payments in the amount of \$7,500.00 each to Plaintiffs
22 Nequasha Potts, Marquis Berry, and Tatiana Benjamin to compensate Plaintiffs for the time and
23 effort that they expended on behalf of the Settlement Class Members. The requested
24 Enhancement Payments are fair and appropriate. Plaintiffs spent a substantial amount of time
25 and effort in producing relevant documents and past employment records and provided the facts
26 and evidence necessary to attempt to prove the allegations. Plaintiffs were available whenever
27 Class Counsel needed them and actively tried to obtain information that would benefit the
28 Settlement Class Members. Plaintiffs spent numerous hours speaking with Class Counsel about

1 their claims, describing their work experience with Defendants, and gathering and reviewing
2 documents. Accordingly, it is appropriate for Plaintiffs Nequasha Potts, Marquis Berry, and
3 Tatiana Benjamin to each receive \$7,500.00 as reasonable Enhancement Payments, in addition to
4 their Individual Settlement Payments, for their services on behalf of the Settlement Class
5 Members.

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

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

10 Executed this 9th day of June 2021, at Glendale, California.

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14 Edwin Aiwanian
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EXHIBIT A

POTTS V. DOLLS KILL, INC., ET AL.
(SAN FRANCISCO COUNTY SUPERIOR COURT CASE NO. CGC-19-580228)
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	10
Pre-Lawsuit Investigation of the Merits of Plaintiffs Nequasha Potts and Marquis Berry’s Claims and the Merits of the Claims of the Putative Class Members	12.75
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendants Doll Kills, Inc. and Trinet Group, Inc.’s (“Defendants”) with Respect to the Damages Sustained by Plaintiffs and the Putative Class Members	8
Pre-Lawsuit Legal Research & Analysis of Latest Off-the-Clock, Meal and Rest Break Law, and Certification Decisions in California, including all New Relevant DLSE Materials	6.50
Investigation of Defendants, Defendants’ Business Relationships, and the Industry in which Defendants Operate	6.50
Investigation of Defendants’ Organizational and Corporate Structure, and Executive Reporting Structure as It Related to the Employment and Management of the Putative Class Members	9.75
Investigation of Defendants’ Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	3.50

Analysis of Competitors within Industry and Various Relevant Geographic Areas within which Defendants Operate, and Comparing and Contrasting Defendants' Policies, Practices, and Procedures with the Policies, Practices, and Procedures of Defendant's Competitors	6
Research and Investigation Re: Locations Owned, Managed or Operated by Defendants in California During the Class Period, Including Differences Between Locations and/or Divisions/Departments to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	6.25
Research and Investigation Re: Staffing Models and Staffing Levels at Defendants' Locations and Worked by Putative Class Members Throughout California	8
Research and Investigation Re: Defendants' Written and Unwritten Policies, Practices, and Procedures Relating to Reporting Time, Bonuses/Incentive/Shift Differential Pay, Timekeeping, Scheduling, Meal/Rest Breaks, Overtime Compensation, Dress Code, and Reimbursement of Business-Related Expenses	18
Research and Investigation Re: Software Programs Defendants Use to Conduct Its Everyday Business, Including Timekeeping Software, with a Focus on What Documents (Both Paper and Electronic) Are Created in the Normal Course of Business Relating to Overtime Worked, Off-the-Clock Time Worked Pre/Post Shift, and During Meal Breaks	3.75
Research and Analysis of Potential Defenses Defendants May Raise, Including De Minimis Work, Non-Compensable Off-the-Clock Work, Waiver, and Compliant Policies	5
Research and Investigation Re: Post- <i>Duran vs. U.S. Bank</i> Trial Manageability Issues, including Research Regarding Which Experts to Retain and For What Purpose	3
Research and Analysis of Defendants' Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues	2.75
Prepare a Discovery Strategy Plan of Action, including Topics of Inquiry Important to Certification, Liability, and Damages/Civil Penalties	6.50

Meet and Communicate with Plaintiff Nequasha Potts Throughout the Pendency of the Case	30
Meet and Communicate with Plaintiff Marquis Berry Throughout the Pendency of the Case	31
Meet and Communicate with Plaintiff Tatiana Benjamin Throughout the Pendency of the Case	29
Investigate Potential Putative Class Member Witnesses and Meet and Communicate with Putative Class Members	20
Pleadings and Court Filings	
Research and Draft Plaintiffs Nequasha Potts and Marquis Berry's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on October 23, 2019)	11.50
Review Court's Notice of Case Management Conference (filed on October 23, 2019)	0.25
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation and [Proposed] Order to Extend Time to Respond to Complaint (submitted on December 6, 2019)	2.25
Review Court's Order to Extend Time to Respond to Complaint (filed on December 11, 2019)	0.10
Draft Plaintiffs Nequasha Potts and Marquis Berry's Notice of Posting Jury Fees (filed on January 6, 2020)	0.25
Review Court's Order Denying Complex Designation for Failure to File Application Requesting Designation (filed on February 19, 2020)	0.25
Draft Plaintiffs Nequasha Potts and Marquis Berry's Case Management Statement (filed on February 27, 2020)	0.75
Review Court's Order Continuing Case Management Conference (filed on March 9, 2020)	0.10

Review Plaintiff Punipua Notice of Related Case (served on April 9, 2020)	1
Review Court's Order Continuing Case Management Conference (filed on June 15, 2020)	0.10
Review Court's Order Continuing Case Management Conference (filed on July 24, 2020)	0.10
Review Court's Order Continuing Case Management Conference (filed on October 30, 2020)	0.10
Review Court's Order to Show Cause (filed on December 10, 2020)	0.25
Meet and Confer with Defendant's Counsel, Research and Draft Plaintiff's First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. and Legal Research and Analysis of All Claims Involved, and Draft Joint Stipulation Granting Plaintiff Leave to File First Amended Complaint; [Proposed] Order There On (submitted on December 15, 2020)	8.50
Review Court's Order to Show Cause re: Dismissal (filed on January 28, 2021)	0.25
Review Court's Continued Order to Show Cause re: Dismissal (filed on April 1, 2021)	0.10
Appearances	
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (January 25, 2021)	1
Prepare for and Telephonically Attend Supplemental Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (February 22, 2021)	0.50
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Award (July 1, 2021) (Anticipated)	3
Discovery and Deposition	

Draft Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Nequasha Potts (served on June 11, 2019)	1.50
Draft Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Tatiana Benjamin (served on June 27, 2019)	1
Draft Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Marquis Berry (served on July 2, 2019)	1
Draft Follow Up Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Nequasha Potts (served on August 20, 2019)	0.75
Draft Follow Up Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Tatiana Benjamin (served on August 20, 2019)	0.50
Draft Follow Up Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Marquis Berry (served on August 20, 2019)	0.50
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Nequasha Potts (served on September 3, 2019)	5.75
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Tatiana Benjamin (served on September 3, 2019)	3.50
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Marquis Better (served on September 3, 2019)	4.25
Review and Analyze Documents Produced by Defendant (served on September 3, 2019)	4
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Brittany Baxter (served on November 27, 2019)	1.25

Letters and Correspondence	
Draft PAGA Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Nequasha Potts for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on August 10, 2020)	3
Meet with Defendant's Counsel, and Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	16.50
Mediation/Settlement	
Review and Analyze Mediation Data and Documents Produced by Defendant (served on April 15, 2020) (served on April 16, 2020) (served on May 26, 2020) (served on May 29, 2020) • Employee Handbooks and Policies • Sampling of Employee Time Data • Sampling of Employee Pay Data and Earnings Statements • Arbitration Agreement Exemplars	32
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 Analysis/Calculations (submitted on June 5, 2020)	38
Remotely Attend Mediation Session (June 8, 2020; Zoom Video Conference)	8
Draft, Review, Revise, Negotiate, and Finalize Class Action and PAGA Settlement Agreement (executed on December 11, 2020) and Draft Exhibits	18

Coordinate Settlement Administration with Settlement Administrator, Ongoing Monitoring of Settlement Administration, and Respond to Class Inquiries	6
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 Nequasha Potts in Support Thereof, Declaration of Marquis Berry in Support Thereof, Declaration of Tatiana Benjamin in Support Thereof, and [Proposed] Order Thereon (filed on December 29, 2020)	28
Meet and Confer with Defendant's Counsel, and Draft Joint Supplemental Brief in Support of Motion for Preliminary Approval, Supplemental Declaration of Edwin Aiwasian in Support Thereof, [Revised Proposed] Order Granting Preliminary Approval (submitted on February 16, 2021)	16
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 Enhancement Payments, and Declaration of Edwin Aiwasian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on June 9, 2021) (Anticipated)	25
Total Hours:	461.10

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Potts v. Dolls Kill, Inc.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
6/27/2019	U.S. Postmaster	Postage	6.85
7/2/2019	U.S. Postmaster	Postage	6.85
8/11/2019	U.S. Postmaster	Postage	6.85
8/20/2019	U.S. Postmaster	Postage	21.00
10/23/2019	Superior Court of California, County of San Francisco	Filing Fee	450.00
10/23/2019	Superior Court of California, County of San Francisco	Complex Fee	1,000.00
10/29/2019	U.S. Postmaster	Postage	6.85
11/6/2019	Legal Document Server, Inc.	Attorney Service	130.00
11/14/2019	Legal Document Server, Inc.	Attorney Service	110.00
11/19/2019	Legal Document Server, Inc.	Attorney Service	110.00
11/21/2019	File & ServeXpress	Attorney Service	33.00
1/2/2020	Legal Document Server, Inc.	Attorney Service	10.00
1/7/2020	Legal Document Server, Inc.	Attorney Service	15.25
1/7/2020	Superior Court of California, County of San Francisco	Jury Fee	150.00
3/3/2020	Legal Document Server, Inc.	Attorney Service	10.00
3/27/2020	Marc J. Feder	Mediation Fee	5,000.00
4/27/2020	General Logistics Systems US, Inc.	Courier Service	20.14
6/19/2020	Legal Document Server, Inc.	Attorney Service	10.00
8/7/2020	Labor & Workforce Development Agency	Filing Fee	75.00
8/21/2020	Marc J. Feder	Mediation Fee	5,000.00
10/23/2020	CounselOne, P.C.	Damages Consulting Expert	6,400.00
12/16/2020	Legal Document Server, Inc.	Attorney Service	95.00
12/22/2020	Legal Document Server, Inc.	Attorney Service	11.70
12/22/2020	Superior Court of California, County of San Francisco	Filing Fee	20.00
12/24/2020	File & ServeXpress	Attorney Service	49.40
12/30/2020	File & ServeXpress	Attorney Service	64.40
1/12/2021	Superior Court of California, County of San Francisco	Filing Fee	90.00
2/23/2021	Legal Document Server, Inc.	Attorney Service	95.00
3/2/2021	Legal Document Server, Inc.	Attorney Service	11.00
3/8/2021	Legal Document Server, Inc.	Attorney Service	11.00
Total:			19,019.29