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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

ASHLEY SIMPSON, 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;

Plaintiff,

v.

CHOICE HOMECARE, INC., a California
corporation; and DOES I through 100,
inclusive,

Defendants.

Case No.: Kenneth R. Freeman

Honorable 19STCV20172
Department SSC14

CLASS ACTION

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

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Enhancement
Award; Declaration of Class Representative
(Ashley Simpson); Declaration of Settlement
Administrator (Lindsay Kline); and [Proposed]
Final Approval Order and Judgment filed
concurrently herein]

Date: March 1, 2022
Time: 11:00 a.m.
Department: SSC14

Complaint Filed: June 11, 2019
FAC Filed: October 11, 2019
SAC Filed: December 30, 2019
TAC Filed: April 6, 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 Plaintiff Ashley Simpson (“Plaintiff”) 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 July 19, 2021, in Department SSC14 of the above-entitled Court, the Honorable Kenneth R. Freeman preliminarily approved the Settlement and Release Agreement and (together, “Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff and Defendant Choice Homecare, Inc. (“Defendant”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiff Ashley Simpson as Class Representative. 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 Proposed Settlement and Final Approval Hearing (“Class Notice”), adopted the notice, opt-out, and objection procedures, and ordered their implementation. The Court appointed Simpluris, Inc. (“Simpluris”) to serve as Settlement Administrator for handling the notice and settlement administration process.

3. As of the date of filing the accompanying Motion for Final Approval, no Class Members have objected to the Settlement or the request for Attorneys’ Fees and Costs, Enhancement Award, 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 this matter since prior to the commencement of the action on June 11, 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 Plaintiff, 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 Plaintiff, and potential defenses. After conducting initial investigation, our firm determined that the claims of Plaintiff 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 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 also to prepare 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 written discovery requests in various forms; reviewed Defendant's responses thereto; worked with Plaintiff to provide responses to discovery requests that were propounded by Defendant; and prepared and served numerous deposition notices. Class Counsel prepared for and took the deposition of Defendant's Person Most Knowledgeable witness. Class Counsel also interviewed and obtained information from Plaintiff and other Class Members, including and not limited to the names of potential witnesses, and reviewed and analyzed thousands of pages of documents and data produced by Defendant and obtained through other sources. The documents and data reviewed and analyzed by Class Counsel included, and were not limited to, employment records of Plaintiff, a detailed sampling of Class Members' time and pay data, multiple iterations of Defendant's Employee Handbook, company policy acknowledgements, internal memoranda, job descriptions, new employee orientation and training checklist, operations and employment practices, forms (including but not limited to Receipt of Job Description), procedures, Defendant's mediation brief, Defendant's financial documents and data, and policies, among

1 other documents and data. Class Counsel researched applicable law, developed
2 damages/valuation models in preparation for mediation, and met and conferred with Defendant's
3 counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, case
4 management, discovery, and production of various documents and data prior to mediation. Other
5 work performed by Class Counsel included, and was not limited to, case strategy and analysis;
6 drafting, reviewing, and revising pleadings and mediation brief; preparing and appearing for
7 court proceedings; and preparing for and attending mediation and settlement negotiations.

8 7. As outlined herein, the parties have conducted significant formal and informal
9 discovery and investigation during the course of litigating the case. Class Counsel analyzed
10 thousands of pages of documents and data either produced by Plaintiff and Defendant or
11 obtained by Class Counsel through other sources. These documents and data provided a critical
12 understanding of the nature of the work performed by the Class Members, as well as Defendant's
13 operations and employment policies, practices, and procedures, and were used in analyzing
14 liability, damages, and valuation issues in connection with all phases of the litigation, and
15 ultimately with the mediation and settlement negotiation process. Class Counsel also performed
16 significant research into the law concerning Defendant's defenses.

17 8. After conducting significant investigation of the facts and law during the
18 prosecution of the case, counsel for the parties engaged in extensive settlement negotiations to
19 try to resolve the entire matter. These efforts included participating in two formal, full-day
20 mediations conducted by T. Warren Jackson, a well-regarded mediator experienced in mediating
21 complex labor and employment matters. During all settlement discussions, the parties conducted
22 their negotiations at arm's length in an adversarial position. Prior to and during mediation, the
23 parties exchanged information and data, and discussed all aspects of the case, including the risks
24 and delays of further litigation, the risks to the parties of proceeding with class certification and
25 trial, the law relating to off-the-clock theory, meal and rest periods, representative PAGA claims,
26 and wage-and-hour enforcement, Defendant's financial condition, the evidence produced and
27 analyzed, and the possibility of appeals, among other things. Arriving at a settlement that was
28 acceptable to the parties was not easy. Defendant also contended that individualized questions of

fact predominate over any common issues, and these issues would pose challenges to certification and representative adjudication. Defendant and its counsel felt very strongly about Defendant's ability to prevail on the merits and to obtain a denial of class certification, while Plaintiff 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 case was well-suited for settlement given the legal issues relating to Plaintiff's principal claims, as well as the costs and risks to the parties that would attend further litigation. These risks of further litigation include, and are not limited to, a determination that the claims are unsuitable for class treatment and/or representative adjudication, failure to obtain certification, class decertification after certification of a class, allowing a jury to decide the claims asserted in the **case**, and the real possibility of no recovery after years of litigation, especially in light of Defendant's financial condition.

9. As set forth more fully in the accompanying Motion for Final Approval, Class Counsel seeks attorneys' fees in the amount of \$702,000.00, which is twenty-nine point seven percent (29.7%) of the Final Gross Settlement Amount of \$2,363,415.70, as set forth in the Settlement Agreement and the Class Notice. Pursuant to the contingency-fee agreement entered into by and between Plaintiff and Class Counsel, Plaintiff has agreed to a contingency fee of at least thirty-nine percent (39%) of the recovery. The attorneys' fees sought are commensurate with: (1) the risk that Class Counsel took in commencing the case; (2) the time, effort, and expense that Class Counsel dedicated to the case; (3) the skill and determination that Class Counsel has shown; (4) the results that Class Counsel has achieved throughout the litigation; (5) the value of the settlement that Class Counsel has achieved for the Class Members; and (6) the other cases that Class Counsel has turned down in order to devote its time and efforts to this matter.

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

11. While not necessarily required to be demonstrated because the contingent fee is

proper for this settlement, Class Counsel has incurred many hours of work in connection with prosecuting the case such that the award of attorneys' fees is also justified under a simple lodestar analysis with a multiplier of 1.35. Class Counsel has spent a total of 775.20 hours performing tasks and obtaining recovery on behalf of Plaintiff and the Class Members. Attached hereto as "**EXHIBIT A**" is an Attorney Task and Time and Chart that sets forth in detail the nature of the legal services provided by Class Counsel and the time incurred in performing those services. These hours include work done by myself and several of the firm's other members. We also had litigation support personnel actively engaged in assisting with the prosecution of this matter.

12. The work performed in this particular matter, the background of our firm, as well as the individual backgrounds, training, and experience of the attorneys who worked on this matter, in litigating complex wage-and-hour matters, and in particular, employment class actions, support a reasonable hourly rate of compensation at the rate of \$675 for work performed by Class Counsel. Lawyers for Justice, PC has been awarded attorneys' fees, compensating the firm at the rate of at least \$675 per hour for legal services performed, by courts granting final approval in other cases: final approval of the class and representative action settlement in *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; and 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, our firm has almost exclusively focused on the prosecution of consumer and employment class actions, involving wage-and-hour claims, race discrimination, unfair business practices or consumer fraud. Currently, we are the

1 attorneys of record in over a dozen employment-related putative class actions in both state and
2 federal courts in the State of California. Our firm has successfully litigated cases involving the
3 executive, administrative, and other overtime exemptions to the State of California and federal
4 overtime compensation requirements. During this relatively short time, in association with other
5 law firms, we have obtained millions of dollars on behalf of thousands of individuals in
6 California.

7 ***EXAMPLES OF CLASS ACTION RESULTS***

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

10 a) Our firm, in association with co-counsel, represented the plaintiffs in a
11 wage-and-hour class and representative action against a major property management company
12 involving allegations of misclassification of various “manager” positions. On September 20,
13 2010, the court granted final approval of the class and representative action settlement. The Los
14 Angeles County Superior Court Case Number is BC400414.

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

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

25 d) Our firm, in association with co-counsel, represented the plaintiffs in a
26 wage-and-hour class action against a national retailer involving allegations of misclassification
27 of the “Store Manager” position. On June 10, 2011, the court granted plaintiffs’ motion for class
28

1 certification. On August 26, 2013, the court granted final approval of the class action settlement.
2 The Los Angeles County Superior Court Case Number is BC424012.

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

8 f) Our firm, in association with co-counsel, represented the plaintiffs in a
9 wage-and-hour class and representative action against a national wholesale distributor of
10 plumbing and builder supplies, involving allegations of misclassification of multiple salaried
11 “manager” positions. On May 22, 2014, the court granted final approval of the class and
12 representative action settlement. The Sacramento County Superior Court Case Number is 34-
13 2012-00136285.

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

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

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

27 j) Our firm, in association with co-counsel, represented the plaintiffs in a
28 wage-and-hour class and representative action against a national retailer of upscale hardware and

1 home furnishings, on behalf of non-exempt employees. On April 28, 2016, the court granted
2 final approval of the class and representative action settlement. The Los Angeles County
3 Superior Court Case Number is JCCP4794.

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

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

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

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

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

27 p) Our firm, on behalf of the plaintiff and respondent in a PAGA
28 representative action, successfully opposed in the trial court, and briefed and argued an appeal

1 with respect to the employer's motion to compel arbitration, which resulted in a published
2 opinion by the California Court of Appeal in favor of employees. *Roberto Betancourt v.*
3 *Prudential Overall Supply*, 9 Cal.App.5th 439 (Cal. App. 4th Dist., Mar. 7, 2017), review denied,
4 cert. denied (U.S. Supreme Court Docket No. 17-254).

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

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

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

19 t) Our firm represented the plaintiffs in a wage-and-hour class action and
20 representative action against a food company on behalf of non-exempt employees. On June 30,
21 2017, the court granted final approval of the class and representative action settlement. The
22 Sacramento County Superior Court Case Number is 34-2015-00175871.

23 u) Our firm represented the plaintiffs in a wage-and-hour class action and
24 representative action against a chocolate company on behalf of non-exempt employees. On July
25 19, 2017, the court granted final approval of the class and representative action settlement. The
26 Alameda County Superior Court Case Number is RG15764300.

27 v) Our firm represented the plaintiffs in a wage-and-hour class action and
28 representative action against a manufacturer of plastic containers on behalf of non-exempt

employees. On October 31, 2017, the court granted final approval of the class and representative action settlement. The Los Angeles County Superior Court Case Number is BC577233.

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

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

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

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

aa) Our firm, in association with co-counsel, represented the plaintiff in a representative action under the Private Attorneys General Act, against a global provider of 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

1 granted the plaintiff's motion for class certification and certified a class. The Santa Clara County
2 Superior Court Case Number is 16CV292208 and the Judicial Council Coordination Proceeding
3 Number is JCCP 4886.

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

10 dd) Our firm represented the plaintiffs in a wage-and-hour class and
11 representative action against a bank on behalf of non-exempt employees. On September 27,
12 2019, the court granted the plaintiffs' motion for class certification in part and certified a class.
13 The Alameda County Superior Court Case Number is RG15757606 and the Judicial Council
14 Coordination Proceeding Number is JCCP 4921.

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

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

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

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

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

7 19. To date, Class Counsel has borne all the risks and costs of litigation and will not
8 receive any compensation until recovery is obtained by Plaintiff and the Class Members.
9 Lawyers for Justice, PC has incurred \$35,943.85 in litigation costs and expenses as reflected in
10 **"EXHIBIT B"** attached hereto. These expenses were reasonable and necessary in the
11 prosecution of this matter and to obtain the Settlement. It should be noted that Class Counsel has
12 borne all of the risks and costs of litigation and will not receive any compensation until recovery
13 is obtained under the Settlement.

14 **ENHANCEMENT AWARD TO PLAINTIFF**

15 20. In recognition of her efforts and work serving as the Class Representative, the
16 Settlement provides for an Enhancement Award in the amount of \$15,000.00 to Plaintiff Ashley
17 Simpson to compensate Plaintiff for the time and effort that she expended on behalf of the Class.
18 The requested Enhancement Award is fair and appropriate. Plaintiff spent a substantial amount
19 of time and effort in producing relevant documents and past employment records and provided
20 the facts and evidence necessary to attempt to prove the allegations, including and not limited to,
21 by way of working with Class Counsel to provide responses to discovery requests that were
22 propounded on her by Defendant. Plaintiff was available whenever Class Counsel needed her
23 and actively tried to obtain information that would benefit the Class. Plaintiff spent numerous
24 hours speaking with Class Counsel about her claims, describing her work experience with
25 Defendant, and gathering and reviewing documents. Accordingly, it is appropriate for Plaintiff
26 Ashley Simpson to receive \$15,000.00 as a reasonable Enhancement Award, in addition to her
27 Individual Settlement Payment, for her services on behalf of the Class.

1 21. I submit that the Settlement is fair, reasonable, and adequate. In addition, the
2 Settlement is in the best interests of Plaintiff and other Class Members.

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

5 Executed this 2nd day of February 2022, at Glendale, California.

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Edwin Aiwanian

EXHIBIT A

SIMPSON V. CHOICE HOMECARE, INC
(LOS ANGELES COUNTY SUPERIOR COURT CASE NO. 19STCV20172)
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	15.40
Pre-Lawsuit Investigation of the Merits of Plaintiff Ashley Simpson’s (“Plaintiff”) Claims and the Merits of the Claims of the Putative Class Members	12.80
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendant Choice Homecare, Inc. (“Defendant”) with Respect to the Damages Sustained by Plaintiff and the Putative Class	14.30
Legal Research & Analysis of Latest Off-the-Clock, Meal and Rest Break, Certification, Wage Order, Exemption, Domestic Worker Bill of Rights, and Fair Labor Standards Act Law and Decisions in California, including all Relevant and New Guidance and DLSE Materials	16.50
Investigation of Defendant, Defendant’s Business Relationships, Clients, and the Industry in which Defendant Operates	8.10
Research and Investigation Re: Defendant’s Licenses, Registrations, Regional Center Contracts, and/or Government Service/Support Contracts	11.70
Investigation of Defendant’s Organizational and Corporate Structure, and Executive Reporting Structure as It Relates to the Employment and Management of the Putative Class Members	7.20

Investigation of Defendant's Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	7.90
Analysis of Competitors within Industry and 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	7.40
Research and Investigation Re: Location(s), Department(s), and/or Division(S) Owned, Managed, Staffed, Serviced and/or Operated by Defendant in California During the Class Period, Including Differences Between Location(s), Department(s), and/or Division(s) to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	8.50
Research and Investigation Re: Workforce, Staffing Models, and Staffing Levels for Putative Class Members Throughout Locations Serviced and/or Attended To in California	8.10
Research and Investigation Re: Defendant's Written and Unwritten Policies, Practices, and Procedures Relating to Caregiving, Personal Attending, Job Responsibilities and Tasks, Reporting Time, Timekeeping, Timesheets, Route Sheets, Scheduling/Attendance, Meal/Rest Breaks, Overtime Compensation, Personal Vehicle Use, Personal Cell Phone Use, Reimbursement of Business-Related Expenses, and Wage and Hour Compliance	44.60
Research and Investigation Re: Software Programs, Systems, and Other Technologies Defendant Uses to Conduct Its Everyday Business, Including Electronic Visit Verification, Client/Customer/Patient Management, Personnel and Human Resources, and Timekeeping 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 During Meal Breaks	8.30
Research and Analysis of Potential and Asserted Defenses by Defendant, Including De Minimis Work, Non-Compensable Off-the-Clock Work, Waiver, Personal Attendant/Domestic Worker Exemption, and Compliant Policies	18.40

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
Research and Investigation of Impact of COVID-19 Pandemic on Defendant, Its Operations, and Putative Class Members' Work	6.10
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	8.60
Research and Analysis of Defendant's Past and Recent History Involving Wage-and-Hour Issues and Other Related Employment Issues and Complaints in Court and/or Other Forums (e.g., Administrative Agencies)	6.30
Prepare a Discovery Strategy Plan of Action, including Topics of Inquiry Important to Certification, Liability, and Damages/Civil Penalties	11.30
Research, Brief, and Outline Class Certification Issues, Trial Plan, and Post-Certification Discovery Plan	12.10
Meet and Communicate with Plaintiff Ashley Simpson Throughout the Pendency of the Case	51.90
Meet and Communicate with Putative Class Members	35.40
Pleadings and Court Filings	
Draft Plaintiffs' Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on June 11, 2019)	9.50
Review Court's Notice of Case Assignment (filed on June 11, 2019)	0.10
Review Court Minute Order re Newly Filed Class Action and Initial Status Conference Order (filed on June 24, 2019)	0.50

Review Defendant's Notice of Appearance (served on July 11, 2019)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Initial Status Conference Statement (submitted on August 22, 2019)	1.80
Review Court's Notice re Continuance of Hearing and Order (filed on August 28, 2019)	0.10
Review Court's Minute Order re Initial Status Conference, Case Management Order, and Order Authorizing Electronic Service (filed on September 20, 2019)	0.50
Draft Plaintiff's Notice of Posting Jury Fees (filed on September 30, 2019)	0.20
Draft's Plaintiff's First Amended Class Action Complaint for Damages (filed on October 11, 2019) and Legal Research and Analysis of All Claims Involved	5.10
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation and [Proposed] Order Striking Portion of Plaintiff's First Amended Complaint without Prejudice (submitted on November 25, 2019)	1.10
Review Court's Order Granting Joint Stipulation and Order Striking Portion of Plaintiff's First Amended Complaint without Prejudice (filed on November 26, 2019)	0.10
Review Defendant's Notice of Entry of Judgment or Order (served on December 2, 2019)	0.10
Draft Plaintiff's Second Amended Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on December 30, 2019)	4.60
Review and Analyze Defendant's Answer to Plaintiff's Unverified Second Amended Complaint and Research Affirmative Defenses in Defendant's Answer (served on January 30, 2020)	4.80
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation to Vacate Deadline to File Motion for Class Certification and Notice of Settlement; [Proposed] Order Thereon (submitted on October 5, 2020)	1.50

Review Court's Minute Order re Non-Appearance Case Review re Filing of Motion for Class Certification (filed on October 16, 2020)	0.10
Review Court's Order Granting Joint Stipulation to Vacate Deadline to File Motion for Class Certification and Notice of Settlement (filed on November 2, 2020)	0.10
Draft Plaintiff's Third Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. and Legal Research and Analysis of All Claims Involved (filed on April 6, 2021)	4.10
Draft Plaintiff's Notice of Entry of Judgment or Order (filed on July 23, 2021)	0.20
Appearances	
Prepare for and Telephonically Attend Initial Status Conference (September 20, 2019)	0.90
Prepare for Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (July 20, 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 (March 1, 2022) (Anticipated)	2.50
Discovery and Deposition	
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Ashley Simpson (served on January 28, 2019)	1.90
Draft Follow-Up Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Ashley Simpson (served on March 20, 2019)	1.70
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Ashley Simpson (served on March 27, 2019)	1.40

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 23, 2019)	9.40
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (December 5, 2019; Regarding Business Operations, Business Activities, Organizational Structure, Document Retention, Document Destruction, Employer, Locations, and Staffing Levels) (served on September 23, 2019)	5.10
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (December 6, 2019; Regarding Job Titles, Job Positions, Job Duties, Wage-and-Hour Policies and Practices, Compensation, and Pay Structure) (served on September 23, 2019)	6.70
Review and Analyze Defendant's Special Interrogatories (Set One) and Request for Documents (Set One) to Plaintiff (served March 9, 2020)	3.10
Draft Plaintiff's Responses to Defendant's Special Interrogatories (Set One) and Request for Documents (Set One) (served on May 12, 2020)	10.50
Draft Plaintiff's Re-Notice of Video Conference Deposition of Person Most Knowledgeable at Defendant and Requests for Production (June 4, 2020; Regarding Business Operations, Business Activities, Organizational Structure, Document Retention, Document Destruction, Employer, Locations, and Staffing Levels) (served on May 21, 2020)	2.20
Draft Plaintiff's Re-Notice of Video Conference Deposition of Person Most Knowledgeable at Defendant and Requests for Production (June 4, 2020; Regarding Job Titles, Job Positions, Job Duties, Wage-and-Hour Policies and Practices, Compensation, and Pay Structure) (served on May 21, 2020)	2.40
Review and Analyze Defendant's Objections and Responses to Plaintiff's Notice of Deposition of Person Most Qualified and for Production of Documents (served on May 22, 2020)	3.80

Review Defendant's Notice of Deposition of Plaintiff Ashley Simpson (served on May 28, 2020)	0.60
Review and Analyze Documents Produced by Defendant in Response to Requests for Production of Documents [Bates CH05557-CH05640] (served on March 9, 2020)	4.40
Review and Analyze Documents Produced by Defendant in Response to Requests for Production of Documents [Bates CH05641-CH05739] (served on May 26, 2020)	5.20
Gather Exhibits and Prepare for and Take the Deposition of Person Most Knowledgeable Tayo Ogunnaike (May 27, 2020; Remote Deposition via Zoom) and Review Deposition Transcript and Deposition Errata Sheet and Declaration Under Penalty of Perjury of Tayo Ogunnaike	14.70
Letters and Correspondence	
Research and Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Ashley Simpson for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on August 4, 2020)	4.50
Meet with, Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	29.50
Mediation/Settlement	
Review and Analyze Mediation Data and Documents Produced by Defendant (Served on December 23, 2019, January 2, 2020, and January 30, 2020) • Sampling of Employee Payroll Reports • Sampling of Employee Time Sheets • Employee Handbooks and Policies	88.30
Review and Analyze Defendant's Mediation Brief and Accompanying Exhibits and Research and Analyze Contentions Therein (received January 27, 2020)	9.60

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/Penalties Analysis and Calculations (submitted on February 5, 2020)	31.40
Travel to/from and Attend Mediation Session (February 7, 2020; Los Angeles, California)	9.50
Review and Analyze Mediation Data and Documents Produced by Defendant in Advance of Second Mediation Session (Served on June 17, 2020) • Notices and Bulletins • Profit & Loss Statements • S Corporation Tax Return and Related Schedules and Summaries	9.80
Prepare for Second Mediation, Including Researching Settlement-Related Issues, Defendant's Financial Condition (and PPP Loan Status), and Merits of Claims, Performing Updated Damages/Penalties Analysis and Calculations, and Confer with Expert (submitted on June 16, 2020)	14.20
Attend Mediation Session (Via Zoom on June 17, 2020)	7.50
Draft, Review, Revise, Negotiate, and Finalize Class Action and PAGA Settlement Agreement (executed on December 15, 2020) and Draft Exhibits	30.60
Draft, Review, Revise, Negotiate, and Finalize Amended Class Action and PAGA Settlement Agreement (executed on June 18, 2021) and Draft Exhibits	13.90
Meet and Confer Regarding Qualifying Workweeks Count, Escalator Clause, and Installment Payment Plan; Coordinate Settlement Administration with Settlement Administrator; Ongoing Monitoring of Settlement Administration; and Responding to Class Inquiries	10.70
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 Ashley Simpson in Support Thereof, and [Proposed] Order Thereon (filed on December 18, 2020)	27.30
Review and Analyze Court's Checklist for Preliminary Approval of Class Action Settlement and Meet and Confer with Defendant's Counsel (filed on March 29, 2021)	1.80
Draft Plaintiff's Supplemental Brief in Support of Motion for Preliminary Approval of Class Action Settlement, Declaration of Edwin Aiwasian in Support Thereof, and [Revised] Proposed Order Thereon and Review Declaration of Tayo Ogunnaike in Support Thereof (filed on June 18, 2021)	16.50
Review Court's Minute Order re Motion for Preliminary Approval of Settlement (filed on July 19, 2021)	0.20
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation to Amend Preliminary Approval Order; [Proposed] Order Thereon (submitted on September 8, 2021)	2.30
Review Court's Order Granting Joint Stipulation to Amend Preliminary Approval Order (filed on September 20, 2021)	0.10
Review and Analyze Settlement Administrator's Declaration Regarding Settlement Notice Administration; and Research and Draft Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Award, and Declaration of Edwin Aiwasian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on February 1, 2022) (Anticipated)	26.50
Total Hours:	775.20

EXHIBIT B

LAWYERS for JUSTICE, P.C. CASE COST DETAIL
Simpson v. Choice Homecare, Inc.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
6/11/2019	Legal Document Server, Inc.	Attorney Service	140.22
6/11/2019	Los Angeles Superior Court	Complex Fee	1,000.00
6/11/2019	Los Angeles Superior Court	Filing Fee	435.00
6/13/2019	Legal Document Server, Inc.	Attorney Service	85.00
6/27/2019	Pure Legal, Inc.	Attorney Service	195.90
7/2/2019	Pure Legal, Inc.	Attorney Service	195.60
8/22/2019	Pure Legal, Inc.	Attorney Service	197.70
9/20/2019	Benjamin Haber	Travel Reimbursement	20.69
9/24/2019	Golden State Overnight	Courier Service	24.85
9/27/2019	Los Angeles Superior Court	Jury Fee	150.00
9/30/2019	Pure Legal, Inc.	Attorney Service	195.90
10/11/2019	Pure Legal, Inc.	Attorney Service	203.70
10/11/2019	Golden State Overnight	Courier Service	40.82
1/3/2020	Signature Resolution LLC	Mediation Fee	5,450.00
1/8/2020	Case Anywhere LLC	Attorney Service	116.40
2/7/2020	Arby Aiwarzian	Travel Reimbursement	324.24
2/8/2020	Arby Aiwarzian	Travel Reimbursement	324.24
3/10/2020	General Logistics Systems US, Inc.	Courier Service	17.39
3/25/2020	FedEx Express	Courier Service	24.55
4/9/2020	Case Anywhere LLC	Attorney Service	120.00
4/17/2020	Stats Company	Analysis of Sampling of Time Records	330.00
5/27/2020	Esquire Deposition Solutions, LLC	Court Reporter	2,171.35
5/27/2020	Esquire Deposition Solutions, LLC	Remote Videography Service	475.00
5/27/2020	Signature Resolution LLC	Mediation Fee	6,000.00
6/19/2020	Signature Resolution LLC	Mediation Fee	7,000.00
7/8/2020	Case Anywhere LLC	Attorney Service	150.00
8/4/2020	Labor & Workforce Development Agency	Filing Fee	75.00
8/20/2020	ASC Legal	Damages Consulting Expert	8,750.00
10/5/2020	Legal Document Server, Inc.	Attorney Service	145.70
10/5/2020	Los Angeles Superior Court	Filing Fee	20.00
10/7/2020	Case Anywhere LLC	Attorney Service	120.00
12/18/2020	Legal Document Server, Inc.	Attorney Service	294.10
12/18/2020	Los Angeles Superior Court	Filing Fee	60.00
1/8/2021	Case Anywhere LLC	Attorney Service	156.00
4/3/2021	Case Anywhere LLC	Attorney Service	120.00
4/6/2021	Legal Document Server, Inc.	Attorney Service	130.00
4/7/2021	Legal Document Server, Inc.	Attorney Service	115.00
6/18/2021	Legal Document Server, Inc.	Attorney Service	238.50
7/2/2021	Case Anywhere LLC	Attorney Service	156.00
7/23/2021	Legal Document Server, Inc.	Attorney Service	175.00

LAWYERS for JUSTICE, P.C. CASE COST DETAIL
Simpson v. Choice Homecare, Inc.

Total: 35,943.85