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Attorneys for Plaintiffs and the Class

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

YANET GARCIA, individually, and on behalf
of other members of the general public
similarly situated; AUSTIN WILDER,
individually, and on behalf of other members
of the general public similarly situated and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act;

Plaintiffs,

vs.

JOHNSON MATTHEY, INC., an unknown
business entity; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 37-2019-00003740-CU-OE-CTL

Honorable Eddie C. Sturgeon
Department C-67

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 (Yanet Garcia and Austin
Wilder); Declaration of Settlement
Administrator (Jeremiah Kincannon); and
[Proposed] Final Approval Order and
Judgment filed concurrently herein]

Date: May 28, 2021
Time: 9:00 a.m.
Department: C-67

Complaint Filed: January 18, 2019
FAC Filed: January 11, 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 Yanet Garcia and Austin Wilder (together, “Plaintiffs”) and the Class. The facts set forth in this declaration are within my personal knowledge or based on information and belief, and, if called as a witness, I could and would competently testify as follows.

PRELIMINARY APPROVAL OF SETTLEMENT

2. On January 21, 2021, in Department C-67 of the above-entitled Court, the Honorable Eddie C. Sturgeon preliminarily approved the Joint Stipulation of Class Action and PAGA Settlement and Release (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiffs and Defendant Johnson Matthey, Inc. (“Defendant”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiffs Yanet Garcia and Austin Wilder 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 (“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 Payments, Settlement Administration Costs, or allocation for the penalties under the Private Attorneys General Act of 2004, California Labor Code section 2698, et seq. (“PAGA”).

WORK PERFORMED BY CLASS COUNSEL

4. I have been actively engaged in litigating this matter since prior to the commencement of the action on January 18, 2019, as have several other attorneys and members in our firm.

1 5. Lawyers *for* Justice, PC has actively participated in all phases of the litigation
2 process. Before initiating the action, Class Counsel investigated and researched the facts and
3 circumstances underlying the pertinent factual and legal issues and applicable law. This required
4 thorough discussions and interviews between attorneys at our firm and Plaintiffs, and research
5 into the various legal issues involved in the case, namely, the current state of the law as it applied
6 to certification, off-the-clock theory, meal and rest periods, wage-and-hour enforcement, the
7 claims of Plaintiffs, and potential defenses. After conducting initial investigation, our firm
8 determined that the claims of Plaintiff Garcia were well-suited for class-wide adjudication owing
9 to what appeared to be a common course of conduct affecting a similarly situated group of
10 current and former hourly-paid or non-exempt employees who worked for Defendant, who were
11 not properly compensated for, *inter alia*, all hours worked, and non-compliant meal and rest
12 periods.

13 6. Prior to reaching the Settlement, the parties used the pre-mediation time period to
14 investigate the veracity, strength, and scope of the claims, and also to prepare the matter for class
15 certification, representative adjudication, and trial. The parties conducted significant formal and
16 informal discovery and investigation into the facts of the case, and also informally exchanged
17 information and data in preparation for mediation. Class Counsel propounded multiple sets of
18 written discovery requests in various forms; worked with Plaintiff Garcia to provide responses to
19 discovery requests that were propounded by Defendant; and prepared and served numerous
20 deposition notices. Class Counsel also interviewed and obtained information from Plaintiffs and
21 other Class Members, including and not limited to the names of potential witnesses, and
22 reviewed and analyzed thousands of pages of documents and data produced by Defendant and
23 obtained through other sources. The documents and data reviewed and analyzed by Class
24 Counsel included, and were not limited to, employment records of Plaintiffs, a detailed sampling
25 of Class Members' time and pay data, company policy acknowledgements, agreements (such as
26 a confidentiality agreement), forms, notices, training records, internal memoranda, job
27 descriptions, and Defendant's operations and employment practices, procedures, and policies
28 (including, but not limited to, time and attendance policy and business integrity and ethics

1 policy), among 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 Plaintiffs 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 a formal, full-day
20 mediation conducted by Paul Grossman, Esq., a well-regarded mediator experienced in
21 mediating complex labor and employment matters. During all settlement discussions, the parties
22 conducted their negotiations at arm's length in an adversarial position. Prior to and during
23 mediation, the parties exchanged information and data, and discussed all aspects of the case,
24 including the risks and delays of further litigation, the risks to the parties of proceeding with
25 class certification and trial, the law relating to off-the-clock theory, meal and rest periods,
26 representative PAGA claims, and wage-and-hour enforcement, 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 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 case was well-suited for settlement given the legal issues relating to Plaintiffs' 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.

9. As set forth more fully in the accompanying Motion for Final Approval, Class Counsel seeks attorneys' fees in the amount of \$1,015,000.00, which is thirty-five percent (35%) of the Maximum Settlement Amount of \$2,900,000.00, as set forth in the Settlement Agreement and the Class Notice. Pursuant to the contingency-fee agreement entered into by and between Plaintiffs and Class Counsel, Plaintiffs have each agreed to contingency fees of at least thirty-five percent (35%) 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

1 lodestar analysis with a multiplier of 2.0. Class Counsel has spent a total of **723.3 hours**
2 performing tasks and obtaining recovery on behalf of Plaintiffs and the Class Members.
3 Attached hereto as “**EXHIBIT A**” is an Attorney Task and Time and Chart that sets forth in
4 detail the nature of the legal services provided by Class Counsel and the time incurred in
5 performing those services. These hours include work done by myself and several of the firm’s
6 other members. We also had litigation support personnel actively engaged in assisting with the
7 prosecution of this matter.

8 12. The work performed in this particular matter, the background of our firm, as well
9 as the individual backgrounds, training, and experience of the attorneys who worked on this
10 matter, in litigating complex wage-and-hour matters, and in particular, employment class actions,
11 support a reasonable hourly rate of compensation at the rate of \$700 for work performed by
12 Class Counsel. Lawyers for Justice, PC has been awarded attorneys’ fees, compensating the firm
13 at the rate of at least \$700 per hour for legal services performed, by courts granting final
14 approval in other cases: final approval of the class and representative action settlement in *Seth*
15 *Swan v. Pace Supply Corp.* (Sonoma County Superior Court Case No. SCV258764) was granted
16 on February 6, 2019, and the award of attorneys’ fees involved a higher hourly rate of \$855.96;
17 final approval of the class and representative action settlement in *Stanley Bland, et al. v. Telecare*
18 *Corporation* (Alameda County Superior Court Case No. RG16811450) was granted on
19 November 21, 2018, and the award of attorneys’ fees involved a higher hourly rate of \$831.38;
20 final approval of the class and representative action settlement in *Maryjo Ungerbuhler Anderson*
21 *v. Boyett Petroleum* (Stanislaus County Superior Court Case No. 2020582) was granted on May
22 15, 2018, and the award of attorney’s fees involved a higher hourly rate of \$780.77; and final
23 approval of the class and representative action settlement in *Demetrius Camarillo v. Blue*
24 *Diamond Growers* (Sacramento County Superior Court Case No. 34-2015-00175871) was
25 granted on June 30, 2017, and the award of attorneys’ fees involved a higher hourly rate of
26 \$845.64.

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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

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

EXAMPLES OF CLASS ACTION RESULTS

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

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

b) 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 “Assistant Store Manager” position. On October 28, 2010, the court granted final approval of the class action settlement. The Los Angeles County Superior Court Case Number is BC413498.

c) Our firm, in association with co-counsel, represented the plaintiffs in a wage-and-hour class and representative action against a national property management company involving allegations of misclassification of the “Property Manager” position. On May 23, 2012, 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

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 Plaintiffs and the Class Members.
9 Lawyers for Justice, PC has incurred **\$13,180.13** 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 PAYMENTS TO PLAINTIFFS**

15 20. In recognition of their efforts and work serving as the Class Representatives, the
16 Settlement provides for Enhancement Payments in the amount of \$10,000.00 each to Plaintiffs
17 Yanet Garcia and Austin Wilder to compensate Plaintiffs for the time and effort that they
18 expended on behalf of the Class. The requested Enhancement Payments are fair and appropriate.
19 Plaintiffs spent a substantial amount of time and effort in producing relevant documents and past
20 employment records and provided the facts and evidence necessary to attempt to prove the
21 allegations, including and not limited to, by way of working with Class Counsel to provide
22 responses to discovery requests that were propounded by Defendant. Plaintiffs were available
23 whenever Class Counsel needed them and actively tried to obtain information that would benefit
24 the Class. Plaintiffs spent numerous hours speaking with Class Counsel about their claims,
25 describing their work experience with Defendant, and gathering and reviewing documents.
26 Accordingly, it is appropriate for Plaintiffs Yanet Garcia and Austin Wilder to each receive
27 \$10,000.00 as reasonable Enhancement Payments, in addition to their Individual Settlement
28 Payments, for their 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 Plaintiffs 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 6th day of May 2021, at Glendale, California.

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7
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Edwin Aiwarzian

EXHIBIT A

GARCIA V. JOHNSON MATTHEY
(SAN DIEGO COUNTY SUPERIOR COURT CASE NO. 37-2019-00003740)
ATTORNEY TASK AND TIME CHART

TASK	LAWYERS FOR JUSTICE, PC
Investigation and Research / Due Diligence	
Investigation of the Key Facts with a Focus on Class Certification Elements, Including Adequacy, Typicality, Superiority, Commonality, and Manageability	17
Investigation of the Merits of Plaintiff Yanet Garcia’s Claims and the Merits of the Claims of the Putative Class Members	14.25
Investigation of Potential Exposure of Defendant Johnson Matthey, Inc. (“Defendant”) with Respect to the Damages Sustained by Plaintiff Yanet Garcia and the Putative Class Members	12.50
Legal Research & Analysis of Latest Off-the-Clock, Meal and Rest Break, and Certification Decisions in California, including all New Relevant DLSE Materials	10.25
Investigation of Potential Civil Penalties Exposure of Defendant with Respect to Plaintiff Austin Wilder and Aggrieved Employees	9
Investigation of Defendant, Defendant’s Business Relationships and Customers, and the Industry in which Defendant Operates	11
Investigation of Defendant’s and Parent Company’s Organizational and Corporate Structure, and Executive Reporting Structure as It Relates to the Employment and Management of the Putative Class Members	7

Investigation of Defendant's Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	5.50
Investigation of Defendant's Financial Assets in the United States	9
Investigation of Defendant's Licenses and Registrations	7.50
Investigation, Research, and Analysis Regarding Quality Management and Environmental Management Standards and Requirements for Medical, Aerospace, Automotive, and Consumer Products, and Related Complaints and Investigations	8
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	9.50
Research and Investigation Re: Locations Owned, Managed or Operated by Defendant in California During the Class Period, Including Differences Between Locations to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	7.50
Research and Investigation Re: Staffing Models and Staffing Levels at Defendant's Locations at Which Putative Class Members Worked Throughout California	5.75
Research and Investigation Re: Defendant's Written and Unwritten Policies, Practices, and Procedures Relating to Bonuses/Incentive/Shift Differential Pay, Retro Pay, Timekeeping, Rounding, Meal/Rest Breaks, Premiums, On-Premises Breaks, On-Duty Meal Periods, Overtime Compensation, Security and Body/Clothing Searches, Dress Code, Uniforms, Cell Phone Use, and Reimbursement of Business-Related Expenses	39
Research and Investigation Re: Software Programs Defendant Uses to Conduct Its Everyday Business, Including Timekeeping Software and System (e.g., Kronos Timekeeper System and Badges), with a Focus on What Documents (Both Paper and Electronic) Are Created in the Normal Course of Business Relating	11

to Loss of Wages Due to Rounding, Overtime Worked, Off-the-Clock Time Worked Pre/Post Shift, and During Meal Breaks	
Research and Analysis of Potential Defenses Defendant May Raise, Including De Minimis Work, Non-Compensable Off-the-Clock Work, Waiver, and Compliant Policies	7.50
Research and Investigation Re: <i>Post-Duran vs. U.S. Bank</i> Trial Manageability Issues, including Research Regarding Which Experts to Retain and For What Purpose	6.75
Research and Analysis of Defendant's Litigation and Government Agency Proceedings History, With Emphasis on Matters Involving Wage-and-Hour Issues and Other Related Employment Issues	5.50
Prepare a Discovery Strategy Plan of Action, including Topics of Inquiry Important to Certification, Liability, and Damages/Civil Penalties	14
Research, Analyze, Plan, Outline, and Draft Briefing of Certification Issues and Theories in Anticipation of Moving to Certify Class	15.50
Research and Analysis of Impact of COVID-19 Pandemic on Defendant's Locations, Putative Class Members, and Defendant's Operations and Employment Practices	9
Investigation and Research Regarding Press Coverage Regarding Defendant	6.75
Meet and Communicate with Plaintiff Yanet Garcia Throughout the Pendency of the Case	51
Meet and Communicate with Plaintiff Austin Wilder Throughout the Pendency of the Case	26
Investigate Potential Putative Class Member Witnesses and Meet and Communicate with Putative Class Members	22.50
Pleadings and Court Filings	

Research and Draft Plaintiff Yanet Garcia's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on January 18, 2019)	10.25
Review Court's Case Initiation Form (January 22, 2019)	0.10
Review and Analyze Defendant's Answer to Class Action Complaint for Damages and Research Affirmative Defenses in Defendant's Answer (served on April 22, 2019)	3.25
Drafted Plaintiff Yanet Garcia's Notice of Posting Jury Fees (filed on April 22, 2019)	0.25
Draft Notice Regarding July 5, 2019, Initial Case Management Conference (filed July 5, 2019)	0.50
Review Court's Minute Order Regarding Case Management Conference (July 5, 2019)	0.10
Draft Plaintiff Yanet Garcia's Case Management Statement (filed September 5, 2019)	1.50
Review Defendant's Case Management Statement (served on September 5, 2019)	0.75
Review Court's Notice of Hearing – Civil Case Management Conference for December 13, 2019 and Court's Minutes for Civil Case Management Conference (filed September 20, 2019)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation and [Proposed] Order to Continue Case Management Conference (filed on November 25, 2019)	1.75
Review Court's Joint Stipulation and Order to Continue Case Management Conference for March 13, 2020 at 2:45pm in C-67 with Judge Eddie C. Sturgeon (filed on December 2, 2019)	0.25
Draft Notice of Entry of Order on Joint Stipulation to Continue Case Management Conference (filed December 5, 2019)	0.25
Review Court's Notice of Rescheduled Hearing – Civil Case Management Conference for March 13, 2020 at 2:45pm in C-67 with Judge Eddie C. Sturgeon (filed February 14, 2020)	0.10

Meet and Confer with Defendant's Counsel, and Draft Joint Notice of Class Action Settlement (filed March 4, 2020)	1.25
Review Court's Minute Order (filed March 13, 2020)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Status Conference Report (filed June 11, 2020)	1
Review Court's Minute Order Regarding Status Conference – MPA scheduled for November 20, 2020 (June 26, 2020)	0.10
Draft Notice Regarding June 26, 2020 Status Conference (filed June 30, 2020)	0.25
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation Regarding Protective Order; [Proposed] Order (served July 23, 2020)	4.50
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation to Deem the Filing of Plaintiff Yanet Garcia's Motion for Preliminary Approval of Class Action Settlement Timely; [Proposed] Order Thereon (filed November 16, 2020)	1.25
Review Court's Order to Deem the Filing of Plaintiff Yanet Garcia's Motion for Preliminary Approval of Class Action Settlement Timely (filed November 18, 2020)	0.25
Review Court's Minute Order and Tentative Ruling Regarding Motion Hearing for Preliminary Approval of Class Action Settlement (filed November 20, 2020)	0.25
Research and Draft Plaintiffs Yanet Garcia and Austin Wilder'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 (filed on January 11, 2021)	7
Review Court's Tentative Ruling of Motion for Preliminary Approval of Class Action Settlement (filed January 13, 2021)	0.75

Review Court's Minute Order Regarding Motion for Preliminary Approval of Class Action Settlement (January 15, 2021)	0.10
Review Court's Order Granting Motion for Preliminary Approval of Class Action Settlement (filed January 21, 2021)	0.50
Draft Notice of Entry Regarding Order Granting Preliminary Approval of Class Action Settlement; LWDA Form Notice of Entry Regarding Order of Preliminary Approval of Class Action Settlement (filed January 27, 2021)	0.10
Appearances	
Prepare for and Telephonically Attend Initial Case Management Conference (July 5, 2019)	1.00
Prepare for and Telephonically Attend Case Management Conference (September 20, 2019)	0.75
Prepare for and Telephonically Attend Hearing Regarding Case Management Conference (March 13, 2020)	1.75
Prepare for and Telephonically Attend Hearing Regarding Status Conference – MPA scheduled for November 20, 2020 (June 26, 2020)	1
Prepare for and Telephonically Attend Hearing for Plaintiff's Motion for Preliminary Approval of Class Action Settlement (November 20, 2020)	2.25
Prepare for and Attend Hearing on Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (January 15, 2021)	1.75
Prepare for and Attend Hearing on Plaintiffs' Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Enhancement Award (filed on May 6, 2021) (Anticipated)	4
Discovery and Deposition	

Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Yanet Garcia (served on December 7, 2018)	1.50
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Yanet Garcia (served on January 4, 2019)	10.25
Review and Analyze Defendant's Notice of Deposition of Plaintiff Yanet Garcia (served on April 22, 2019)	0.75
Review and Analyze Defendant's Request for Production of Documents (Set One) (served on April 22, 2019)	2.75
Draft Plaintiff's Form Interrogatories - General (Set One), Special Interrogatories (Set One), Special Interrogatories (Set Two), Special Interrogatories (Set Three), Requests for Production of Documents (Set One), and Requests for Production of Documents (Set Two) to Defendant (served on April 29, 2019)	13.25
Draft Plaintiffs' Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (June 3, 2019; Organizational Structure) (served on April 29, 2019)	3.75
Draft Plaintiffs' Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (June 4, 2019; Job Duties) (served on April 29, 2019)	4.25
Draft Plaintiffs' Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (June 5, 2019; Affirmative Defenses) (served on April 29, 2019)	5.75
Draft Plaintiff Yanet Garcia's Objections and Responses to Defendant's Notice of Deposition of Plaintiff Yanet Garcia and Requests for Production of Documents (served on May 28, 2019)	8.75
Review and Analyze Defendant's Notice of Deposition of Plaintiff Yanet Garcia (served on June 6, 2019)	0.25
Review and Analyze Documents Produced by Defendant Regarding Personnel File, Pay Stubs, and Time Records for Plaintiff Austin Wilder (served on October 14, 2020)	11.50

Letters and Correspondence	
Draft Meet and Confer Letter to Defendant Regarding Defendant's Answer to Plaintiff's Complaint	2.50
Draft PAGA Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Austin Wilder for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on October 27, 2020)	3.75
Meet with Defendant's Counsel, and Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	22
Mediation/Settlement	
Review and Analyze Mediation Data and Documents Produced by Defendant • Employment and Operations Policies • Sampling of Employee Time Data • Sampling of Employee Pay Data • Earnings Code Descriptions	92.50
Prepare for Mediation, Including Researching Settlement-Related Issues and Merits of Claims, Drafting the Mediation Brief, Compiling the Mediation Exhibits in Support of Mediation Brief, and Performing Damages Analysis/Calculations (submitted on January 21, 2020)	32.75
Travel to/from and Attend Mediation Session (January 24, 2020; Los Angeles, California)	12
Review, Analyze, and Consider Mediator's Proposal	2
Draft, Review, Revise, Negotiate, and Finalize Joint Stipulation of Class Action and PAGA Settlement and Release (executed on November 12, 2020) and Draft Exhibits	26.50

Meet and Confer with Settlement Administrator, Review Weekly Reports, and Monitor Settlement Administration Process	6
Law and Motion	
Research and Draft Plaintiffs' Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, Declaration of Edwin Aiwasian in Support Thereof, Declaration of Yanet Garcia in Support Thereof, Declaration of Austin Wilder in Support Thereof, and [Proposed] Order Thereon (filed on November 13, 2020)	29.75
Review and Analyze Settlement Administrator's Declaration Regarding Settlement Notice Administration; and Research and Draft Plaintiffs' Motion for Final Approval of Class Settlement, Attorneys' Fees, Costs, and Enhancement Payments, and Declaration of Edwin Aiwasian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on May 6, 2021) (Anticipated)	33.50
Total Hours:	723.30

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Garcia v. Johnson Matthey, Inc.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
12/7/2018	U.S. Postmaster	Postage	6.70
1/23/2019	One Legal	Attorney Service	57.31
1/23/2019	Superior Court of California, San Diego County	Filing Fee	435.00
1/23/2019	Superior Court of California, San Diego County	Complex Fee	1,000.00
3/20/2019	ProLegal	Attorney Service	94.75
4/25/2019	One Legal	Attorney Service	14.90
4/25/2019	Superior Court of California, San Diego County	Jury Fee	150.00
4/29/2019	Golden State Overnight	Courier Service	18.73
5/28/2019	Golden State Overnight	Courier Service	17.69
5/30/2019	Golden State Overnight	Courier Service	13.63
5/30/2019	One Legal	Attorney Service	9.95
6/28/2019	CourtCall, LLC	Attorney Service	94.00
7/9/2019	One Legal	Attorney Service	9.95
9/5/2019	Golden State Overnight	Courier Service	11.95
9/5/2019	One Legal	Attorney Service	9.95
9/13/2019	CourtCall, LLC	Attorney Service	94.00
11/25/2019	Golden State Overnight	Courier Service	22.91
12/5/2019	Golden State Overnight	Courier Service	19.03
1/22/2020	Paul Hastings LLP	Mediation Fee	10,500.00
1/26/2020	Maryam Jafari	Travel Reimbursement	57.79
2/28/2020	CourtCall, LLC	Attorney Service	94.00
3/3/2020	One Legal	Attorney Service	9.95
3/5/2020	One Legal	Attorney Service	9.95
6/22/2020	CourtCall, LLC	Attorney Service	94.00
6/29/2020	Superior Court of California, San Diego County	Document Download Fee	7.50
7/2/2020	One Legal	Attorney Service	9.95
11/16/2020	CourtCall, LLC	Attorney Service	94.00
11/16/2020	One Legal	Attorney Service	11.93
11/16/2020	Superior Court of California, San Diego County	Filing Fee	60.00
11/18/2020	One Legal	Attorney Service	10.61
11/18/2020	Superior Court of California, San Diego County	Filing Fee	20.00
1/11/2021	CourtCall, LLC	Attorney Service	94.00
1/12/2021	One Legal	Attorney Service	12.00
1/14/2021	Superior Court of California, San Diego County	Document Download Fee	2.00
1/27/2021	One Legal	Attorney Service	12.00
Total:			13,180.13