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Attorneys for Plaintiffs and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

JENNY GARRIDO, individually, and on behalf of other members of the general public similarly situated; and JUAN RIVAS, FRANKIE BETANCOURT, JESSE ORTIZ, 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.

ACORN ENGINEERING COMPANY, a California corporation; MORRIS GROUP INTERNATIONAL, an unknown business entity; and DOES 1 through 100, inclusive,

Defendants.

Case No.: 19STCV36680

Honorable Carolyn B. Kuhl
Department SSC12

CLASS ACTION

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

[Notice of Motion and Motion for Final Approval of Class Action Settlement, Attorney Fees and Costs, and Service Awards; Declarations of Class Representatives (Jenny Garrido, Juan Rivas, Frankie Betancourt, and Jesse Ortiz); Declaration of Settlement Administrator (Jarrod Salinas); and [Proposed] Final Approval Order and Judgment filed concurrently herein]

Date: June 27, 2023
Time: 10:30 a.m.
Department: SSC12

Complaint Filed: October 15, 2019
FAC Filed: February 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 Jenny Garrido, Juan Rivas, Frankie Betancourt, and Jesse Ortiz (“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 31, 2023, in Department 12 of the above-entitled Court, the Honorable Carolyn B. Kuhl preliminarily approved the Class and Representative Action Settlement Agreement (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiffs and Defendant Acorn Engineering Company (“Defendant”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiffs Jenny Garrido, Juan Rivas, Frankie Betancourt, and Jesse Ortiz as the representatives of the Class (collectively, “Class Representatives”). The Court also preliminarily appointed and designated Lawyers *for* Justice, PC as counsel for the Class (“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 Phoenix Settlement Administrators (“Phoenix” or “Settlement Administrator” and also referred to as “Phoenix Class Action Administration Solutions”) to serve as the third-party settlement administrator and to handle the notice and settlement administration process.

3. As of the date of filing the accompanying Motion for Final Approval of Class Action Settlement, Attorney Fees and Costs, and Service Awards (“Motion for Final Approval”), no Class Members have objected to the Class Settlement or the request for Attorney Fees and Costs, Service Awards, Settlement Administration Costs, or allocation for the penalties under the Private Attorneys General Act of 2004, California Labor Code section 2698, *et seq.* (“PAGA”).

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WORK PERFORMED BY CLASS COUNSEL

4. I and several other attorneys at Lawyers *for* Justice, PC actively engaged in litigating the above-captioned action since prior to its commencement on October 15, 2019.

5. Before initiating the case, Lawyers *for* Justice, PC 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 Garrido 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 law and enforcement, Plaintiff Garrido's claims, and Defendant's potential defenses. After conducting initial investigation, our firm determined that the claims of Plaintiff Garrido 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 non-exempt, hourly-paid employees who worked for Defendant in California, who were not properly compensated for, *inter alia*, all hours worked, non-compliant meal and rest periods, and business expenses.

6. Class Counsel investigated the veracity, strength, and scope of the claims, and was preparing the matter for class certification and trial prior to reaching the Settlement. The parties conducted significant formal and informal discovery and investigation into the facts of the case, and formally and informally exchanged a large volume of documents, information, and data throughout the course of litigation and in connection with mediation and settlement negotiations. Class Counsel had the opportunity to interview and obtain information from Plaintiffs and other Class Members and reviewed and analyzed a large volume of information, documents, and data obtained from Plaintiffs, Defendant, and other sources. The information, documents, and data reviewed and analyzed by Class Counsel included, and was not limited to, employment records of Plaintiffs and other Class Members, a detailed sampling of Class Members' time and pay data, payroll legend, company policy acknowledgements and agreements (e.g., Acknowledgement of At-Will Employment, Acknowledgement of Receipt for Alcohol and Drug Policy, Receipt of Transitional Return to Work Program Policy, Receipt of Pamphlets, Photo Agreement, Pre-Employment Medical Physical Agreement, Confidentiality

Agreement,), and Defendant's employee handbook and operations and employment practices, policies, and procedures documents (including, and not limited to, regarding Procedures for Injuries on the Job, Overtime, Time Keeping, Hours of Work, Meal and Rest Periods, Non-Disclosure of Confidential Information/Trade Secrets, Attendance and Punctuality, Paid Sick Leave, Workplace Accidents, Software Code of Ethics, Absence and Incident Guidelines, Company Voicemail Policy, Company Email and Internet Policy, Cellphone and Electronic Device Policy, Vendor Gratuity Policy, and Company Policy Update), among other information and documents. Class Counsel researched applicable law, developed liability, damages, and penalties valuation models in connection with mediation and settlement negotiations, and met and conferred with Defendant's counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, case management, discovery, and the production of information, documents, and data in the course of litigation as well as mediation and settlement negotiations. Other work performed by Class Counsel included, and was not limited to, case strategy and analysis; drafting, reviewing, and revising the pleadings, mediation brief, and settlement-related motions; preparing for and attending court proceedings; and preparing for and participating in mediation and settlement negotiations, among other tasks.

7. The parties have conducted significant formal and informal discovery and investigation during the course of litigating the case and mediation and settlement negotiations, and Class Counsel analyzed a large volume of information, documents, and data obtained from Plaintiffs, Defendant, and other sources. The information, documents, and data considered provided a critical understanding of the nature of the work performed by the Class Members, as well as Defendant's operations and employment policies, practices, and procedures, and were used in analyzing liability, damages, and penalties valuation issues in connection with all phases of the litigation, and ultimately in connection with the mediation and settlement negotiation process. Class Counsel also performed research regarding applicable law, which is evolving as it relates to class certification, off-the-clock theory, meal and rest periods, PAGA representative claims, wage-and-hour law and enforcement, Plaintiffs' claims and allegations, and Defendant's defenses thereto, as well as facts discovered.

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

23 **ATTORNEYS' FEES TO CLASS COUNSEL**

24 9. As set forth more fully in the accompanying Motion for Final Approval, Class
25 Counsel seeks attorneys' fees in the amount of \$1,225,000.00, which is thirty-five percent (35%)
26 of the Maximum Settlement Amount of \$3,500,000.00, as set forth in the Settlement Agreement
27 and the Class Notice. Pursuant to the contingency-fee agreement entered into by and between
28 each of the Plaintiffs and Class Counsel, Plaintiffs have each agreed to contingency fees of at

1 least thirty-five percent (35%) of the recovery. The attorneys' fees sought are commensurate
2 with: (1) the risk that Class Counsel took in commencing the case; (2) the time, effort, and
3 expense that Class Counsel dedicated to the case; (3) the skill and determination that Class
4 Counsel has shown; (4) the results that Class Counsel has achieved throughout the litigation; (5)
5 the value of the settlement that Class Counsel has achieved in the case; and (6) the other cases
6 that Class Counsel has turned down in order to devote its time and efforts to this matter.

7 10. I am aware that common and acceptable rates for contingency representation in
8 wage and hour class action litigation are normally in the range of 33.3% to 50%.

9 11. While not necessarily required to be demonstrated because the percentage fee is
10 proper for this settlement, Class Counsel has incurred many hours of work in connection with
11 prosecuting the case such that the award of attorneys' fees is also justified under a lodestar
12 analysis with a multiplier of 2.3. Attorneys at Lawyers for Justice, PC have spent a total of
13 710.90 hours performing tasks and obtaining recovery in this matter. Attached hereto as
14 "EXHIBIT A" is an Attorney Task and Time Chart that sets forth in detail the nature of the
15 legal services provided by attorneys at Lawyers for Justice, PC and the time incurred in
16 performing those services. These hours include work done by myself and several other attorneys
17 at Lawyers for Justice, PC. Additionally, separate from the hours referenced herein, Lawyers for
18 Justice, PC had litigation support personnel actively engaged in assisting with the prosecution of
19 this matter.

20 12. The work performed in this particular case, the background of our firm, as well as
21 the individual backgrounds, training, and experience of the attorneys who worked on this case, in
22 litigating complex wage-and-hour actions, and in particular, employment class and representative
23 actions, support a reasonable blended hourly rate of compensation of at least \$750.00 for work
24 performed by Lawyers for Justice, PC. Lawyers for Justice, PC has been awarded Attorney
25 Fees, compensating the firm at the rate of at least \$750.00 per hour for legal services performed,
26 by courts granting approval of settlements in other wage-and-hour cases: final approval of the
27 class and representative action settlement in *David Dugan v. TEC Equipment, Inc., et al.* (Los
28 Angeles Superior Court Case No. 19STCV01591) was granted on July 8, 2021, and the award of

attorneys' fees involved an hourly rate of \$936.47; final approval of the class and representative action settlement in *Larry Greenwood, et al. v. Scan Health Plan* (Los Angeles Superior Court Case No. BC715157) was granted on April 20, 2021, and the award of attorneys' fees involved an hourly rate of \$919.57; final approval of the class action settlement in *Thereasa Carrozzella v. Basalite Concrete Products, LLC* (Sacramento County Superior Court Case No. 34-2017-00220214-CU-OE-GDS) was granted on February 21, 2020, and the award of attorneys' fees involved an hourly rate of \$766.05; final approval of the class and representative action settlement in *Alice Rutledge, et al. v. Healthport Technologies, LLC* (Alameda County Superior Court Case No. RG16835813) was granted on June 11, 2019, and the award of attorneys' fees involved an hourly rate of \$764.82; 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 an 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 an 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 an 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 an hourly rate of \$845.64.

ESTIMATE OF THE VALUE OF CLAIMS

13. By way of the above-captioned action, Plaintiffs action allege that Defendant has violated the California Labor Code and Industrial Welfare Commission Wage Orders by engaging in a uniform policy and systematic scheme of wage abuse against Plaintiff and the Class Members, including *inter alia*, failing to properly compensate overtime and minimum wages, failing to provide compliant meal and rest periods and associated premium pay, failing to timely pay wages during employment, failing to timely pay wages upon termination and

1 associated waiting-time penalties, failing to provide compliant wage statements, failing to
2 maintain requisite payroll records, and failing to reimburse necessary business expenses.
3 Plaintiffs further contend that Defendant's aforementioned conduct constitutes unfair business
4 practices under the California Business and Professions Code ("UCL") and gives rise to civil
5 penalties recoverable under PAGA.

6 14. Class Counsel has considered multiple sets of datapoints provided by Defendant
7 before, during, and after mediation, and in the course of working on this case, and has performed
8 multiple calculations of the value of the claims in this matter that are now being resolved by way
9 of the Settlement. The valuation of claims discussed herein is for the exact temporal scope of
10 claims being settled, based on data provided by Defendant and confirmed by the Settlement
11 Administrator for the Class Period and PAGA Period. Based on data provided by Defendant and
12 confirmed by the Settlement Administrator, the total number of Class Members during the period
13 from October 15, 2015 to January 31, 2023 ("Class Period") is six hundred thirty (630)
14 individuals and their total Workweeks during the same period are one hundred two thousand,
15 three hundred eleven (102,311). Also based on data provided by Defendant and confirmed by
16 the Settlement Administrator, the total number of Class Members during the period from
17 December 8, 2019 to January 31, 2023 ("PAGA Period") is four hundred eighty-one (481)
18 individuals and their total Workweeks during the same period are forty-one thousand, two
19 hundred forty-nine (41,249).

20 15. Plaintiffs contended that Defendant required Class Members to perform work off-
21 the-clock before clocking-in and after clocking-out of their scheduled shifts and during meal
22 periods, discouraged the recordation of overtime hours, engaged in auto-deduction of time for
23 purported meals, and engaged in rounding of start and end times clocked by Class Members, and
24 thereby failed to pay all wages due. Plaintiffs contended that Defendant failed to include non-
25 discretionary bonus, incentive, performance, and shift differential pay in the calculation of the
26 regular rate when paying overtime wages. Plaintiffs also contended that meal and rest periods
27 were regularly missed, late, shortened, and/or interrupted, that Plaintiffs and Class Members
28 were required to remain on premises during rest breaks, readily available to assist with work

1 tasks, and that Defendant failed to properly pay premiums for all non-compliant rest periods and
2 all non-compliant meal periods. Additionally, Plaintiffs alleged that Defendant intentionally and
3 willfully failed to pay Plaintiffs and Class Members all wages due to them while they were
4 employed by Defendant, within the time period permissible under California law, and that
5 Defendant failed to pay all wages due upon termination, within the time period permissible under
6 California law, thereby triggering waiting-time penalties under California Labor Code section
7 203. Plaintiffs contended that, based on the violations described herein, the wage statements
8 provided by Defendant and the payroll records kept by Defendant were inaccurate. Finally,
9 Plaintiffs contended that Defendant failed to reimburse Plaintiffs and the other Class Members
10 for necessary business expenses (e.g., costs to purchase and maintain work clothing and footwear
11 that complied with Defendant's dress and footwear requirements, costs to purchase and maintain
12 PPE, equipment, supplies, and tools, costs for use of personal cell phones, and costs for use of
13 personal vehicles (i.e., mileage/gas)).

14 16. Class Counsel considered defense arguments, e.g., that the employer's practices,
15 policies, and procedures complied with the law, that Defendant paid Class Members over the
16 California minimum wage for all hours worked, that Defendant correctly paid overtime for all
17 overtime hours worked, that no waiting-time penalties were due because waiting-time penalties
18 only arise from "willful" failure to pay wages due and owing at the time of termination or
19 resignation, that Plaintiffs and Class Members suffered no actual injury from the alleged wage
20 statement violations and that this alleged violation, and the alleged recordkeeping violation, are
21 entirely derivative of the other causes of action, and that a policy and practice of reimbursing
22 employees for necessary business-related expenses exists. Class Counsel considered Defendant's
23 contentions that, and many Class Members' confirmation, that Class Members were afforded 45-
24 minute or 1-hour meal periods, and that if such meal periods were shortened or interrupted, Class
25 Members were often still receiving a meal period of at least 30 minutes in length. Class Counsel
26 also considered the likelihood of Plaintiffs' success in establishing that any of provisions of the
27 California Labor Code, on which the PAGA and the UCL claim are predicated, were violated
28 and that such violations were injurious and/or warranted imposition of civil penalties. Class

Counsel also considered that trial courts have wide discretion when assessing penalties under PAGA, and that it could be determined that individual liability issues predominate (e.g., due to purported variation in shifts, locations, job duties, and other circumstances which could raise individualized questions of fact) and could pose challenges to certification, manageability, and the merits of Plaintiffs' claims.

17. Class Counsel considered information obtained through investigations and from Plaintiffs, as well as class data and information obtained from Defendant and other sources, and created violation, damages, and penalties valuations and models prior to reaching the Settlement. Based thereon, Class Counsel calculated the potential value of the claims. However, the potential value of each claim assumed an exposure based on the case having been certified and Plaintiffs having proven all elements of the claims and entitlement to monetary recovery, despite risks associated with obtaining and maintaining class certification, demonstrating manageability, and establishing liability, and any underlying California Labor Code violations and damages, and significant additional costs that would have to be incurred in order to certify the case and establish liability and damages. Plaintiffs also faced the risk of the Court finding that individualized issues predominate, such that the action is not suitable for class treatment or representative adjudication. While Class Counsel disagree with defense arguments and factual contentions, Plaintiffs have considered and recognize the circumstances and realities of the case, applicable case law and regulations, the costs and expenses of further litigation and certification, and risks to recovery, and believe that it is appropriate to apply discounts for them. Class Counsel has calculated the potential and realistic values of the claims as follows:

- a. Failure to Pay Overtime Wages: The potential value of this claim is estimated to be \$2,814,575.61 (102,311 Workweeks x 1 hour of unpaid overtime wages x overtime hourly rate of \$27.51, which is based on the average hourly rate of \$18.34). Apply a discount of 40% to account for the risks associated with obtaining and maintaining class certification brings the value of this claim closer to \$1,688,745.37, applying a discount of 50% to account for the risks associated with succeeding on the merits and establishing liability brings the value of this

claim closer to \$844,372.69), and applying a discount of 60% to account for the risks associated with proving the extent of damages and obtaining an award thereof brings the value of this claim closer to \$337,749.08.

b. Failure to Pay Minimum Wages: The potential value of this claim is estimated to be \$1,876,383.74 (102,311 Workweeks x 1 hour of unpaid minimum wages x average hourly rate of \$18.34). Applying a discount of 40% to account for the risks associated with obtaining and maintaining class certification brings the value of this claim closer to \$1,125,830.24, applying a discount of 50% to account for the risks associated with succeeding on the merits and establishing liability brings the value of this claim closer to \$562,915.12, and applying a discount of 60% to account for the risks associated with proving the extent of damages and obtaining an award thereof brings the value of this claim closer to \$225,166.05.

c. Failure to Provide Compliant Meal Periods and Associated Premiums: The potential value of this claim is estimated to be \$7,505,534.96 (102,311 Workweeks x 4 meal period premiums x average hourly rate of \$18.34). Applying a discount of 40% to account for the risks associated with obtaining and maintaining class certification brings the value of this claim closer to \$4,503,320.98, applying a discount of 50% to account for the risks associated with succeeding on the merits and establishing liability brings the value of this claim closer to \$2,251,660.49, and applying a discount of 60% to account for the risks associated with proving the extent of damages and obtaining an award thereof brings the value of this claim closer to \$900,664.20.

d. Failure to Provide Compliant Rest Periods and Associated Premiums: The potential value of this claim is estimated to be \$3,752,767.48 (102,311 Workweeks x 2 rest period premiums x average hourly rate of \$18.34). Applying a discount of 50% to account for the risks associated with obtaining and maintaining class certification brings the value of this claim closer to \$1,876,383.74, applying a discount of 60% to account for the risks associated

with succeeding on the merits and establishing liability brings the value of this claim closer to \$750,553.50, and applying a discount of 60% to account for the risks associated with proving the extent of damages and obtaining an award thereof brings the value of this claim closer to \$300,221.40.

e. Failure to Timely Pay Wages During Employment and After Termination:

Plaintiffs contended that Defendant intentionally and willfully failed to pay Plaintiffs and Class Members all wages due to them during employment, under California Labor Code sections 204 and 210, however, this allegation is considered and valued as a part of the PAGA claim discussed below. Based on information and data provided by Defendant and extrapolation therefrom, it is estimated that, three hundred fifty-five (355) Class Members had been terminated during the three-year statute of limitations (i.e., from October 15, 2016 to January 31, 2023). Assuming that these individuals were not timely paid all wages due to them upon termination, the potential value of waiting-time penalties is estimated to be \$1,562,568.00 collectively (355 individuals x [30 days x hourly rate of \$18.34 x 8 hours]), or approximately \$4,401.60 per individual. Applying a discount of 50% to account for the risks associated with obtaining and maintaining class certification brings the value of this claim closer to \$781,284.00, applying a discount of 60% to account for the risks associated with succeeding on the merits and establishing liability brings the value of this claim closer to \$312,513.60, and applying a discount of 70% to account for the risks associated with proving the extent of damages and obtaining an award thereof brings the value of this claim closer to \$93,754.08.

f. Failure to Provide Compliant Wage Statements: The potential value of this claim is calculated to be \$2,436,000.00 (using the statutorily-delineated penalty amounts for each alleged initial violations, 609 in total, and each subsequent violation, 57,307 in total, and then reducing to comport with the statutorily-delineated \$4,000 maximum penalty per person [\$4000 maximum penalty x 609

individuals]). Applying a discount of 50% to account for the risks associated with obtaining and maintaining class certification brings the value of this claim closer to \$1,218,000.00, applying a discount of 60% to account for the risks associated with succeeding on the merits and establishing liability brings the value of this claim closer to \$487,200.00 , and applying a discount of 75% to account for the risks associated with proving the extent of damages and obtaining an award thereof brings the value of this claim closer to \$121,800.00 .

- g. Failure to Maintain Payroll Records: Arguably, civil penalties would only be recoverable by the Labor Commissioner, therefore, the value of this claim is considered as a part of the valuation of the PAGA claim contained *infra*.
- h. Failure to Reimburse Necessary Business Expenses: The potential value of this claim is estimated to be \$542,248.30 (102,311 Workweeks x \$5.30 unreimbursed business expenses). Applying a discount of 50% to account for the risks associated with obtaining and maintaining class certification brings the value of this claim closer to \$271,124.15, applying a discount of 70% to account for the risks associated with succeeding on the merits and establishing liability brings the value of this claim closer to \$81,337.25, and applying a discount of 70% to account for the risks associated with proving the extent of damages and obtaining an award thereof brings the value of this claim closer to \$24,401.18.
- i. PAGA Penalties: The amount of civil penalties at issue, which the Court could determine whether or not to assess and whether or not to reduce based on the facts and circumstances of the case (to avoid an award that is unjust, arbitrary and oppressive, or confiscatory, pursuant to California Labor Code section 2699(e)(2)), were estimated to be approximately \$841,750.00 (481 PAGA Group Members x \$1,750 civil penalties). Applying a discount of 30% to account for the risks associated with demonstrating manageability brings the value of this claim closer to \$589,225.00, applying a discount of 60% to account for the risks associated with succeeding on the merits and establishing liability brings the

value of this claim closer to \$235,690.00, and applying a discount of 60% to account for the risks associated with the Court's discretion to reduce civil penalties and obtaining an award of civil penalties brings the value of this claim closer to \$94,276.00.

18. This Settlement involves highly disputed claims and is the product of compromise. The foregoing discussion confirms that the amount of the Settlement is adequate in light of Plaintiffs' allegations and causes of action, the evidence at issue with respect to those allegations and causes of action, and legal and factual arguments and circumstances which pose challenges to class certification, manageability, merits, and monetary recovery. The conclusion to be drawn from the foregoing analysis is that neither class certification, manageability, liability, nor the ability to adjudicate and/or recover monetary relief on a class-wide or representative basis is clear-cut, which is why the Parties elected to settle this matter. Class Counsel has considered and recognizes the significant costs and expenses associated with further litigation and the present value of obtaining a settlement now as opposed to a potential monetary recovery that may be obtained in the future after further litigation. Class Counsel has considered and recognizes the circumstances and realities of the case, applicable case law and regulations, and risks to recovery, and has applied appropriate discounts for them.

ADEQUACY OF LAWYERS *for* JUSTICE, PC

EDUCATION

18. 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*.

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JUDICIAL EXTERNSHIPS

19. 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

20. 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 a prominent plaintiffs-side law firm.

21. At the prominent plaintiffs-side law firm, 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 the prominent plaintiffs-side law firm, I argued approximately 100 motions, took or defended approximately 150 depositions, and prepared dozens of expert witnesses for deposition or trial.

22. Since its inception, in or around October of 2008, Lawyers *for* Justice, PC has almost exclusively focused on the prosecution of consumer and employment class actions, involving wage-and-hour claims, race discrimination, unfair business practices or consumer fraud. Currently, Lawyers *for* Justice, PC is the attorney of record in well over a dozen employment-related putative class actions in both state and federal courts in the State of California. Lawyers *for* Justice, PC 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, Lawyers *for* Justice, PC has recovered millions of dollars on behalf of thousands of individuals in California.

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

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

a) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class 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 action settlement. The Los Angeles County Superior Court Case Number is BC400414.

b) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class action against a national retailer of household items 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) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class 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 action settlement. The Los Angeles County Superior Court Case Number is BC430918.

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

e) LFJ, in association with co-counsel therein, represented the plaintiff in a wage-and-hour class and PAGA representative action against a bank, involving allegations of misclassification of the “Assistant Branch Manager” position. On August 27, 2013, the court

1 granted final approval of the class and PAGA representative action settlement. The Kern County
2 Superior Court Case Number is S-1500-CV-273194-LHB.

3 f) LFJ, in association with co-counsel therein, represented the plaintiff in a
4 wage-and-hour class and PAGA representative action against a national wholesale distributor of
5 plumbing and builder supplies, involving allegations of misclassification of multiple salaried
6 “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA
7 representative action settlement. The Sacramento County Superior Court Case Number is 34-
8 2012-00136285.

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

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

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

25 j) LFJ, in association with co-counsel therein, represented the plaintiffs in a
26 wage-and-hour class and PAGA representative action against a national retailer of upscale
27 hardware and home furnishings, on behalf of non-exempt employees. On April 28, 2016, the
28 court granted final approval of the class and PAGA representative action settlement. The Los

Angeles County Superior Court Case Numbers are BC516795 and JCCP4794, and the Judicial Council Coordination Proceeding Number is 4794.

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

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

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

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

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

p) LFJ, on behalf of the plaintiff and respondent in a PAGA representative action, successfully opposed in the trial court, and briefed and argued an appeal with respect to the employer’s motion to compel arbitration, which resulted in a published opinion by the

1 California Court of Appeal in favor of employees. *Roberto Betancourt v. Prudential Overall*
2 *Supply* (Cal. App. 4th Dist., Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S.
3 Supreme Court Docket No. 17-254). The Riverside County Superior Court Case Numbers are
4 RIC1503952 and RICJCCP5046, and the Judicial Council Coordination Proceeding Number is
5 5046.

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

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

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

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

26 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
27 representative action against a food company on behalf of non-exempt employees. On June 30,
28

2017, the court granted final approval of the class and PAGA representative action settlement. The Sacramento County Superior Court Case Number is 34-2015-00175871.

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

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

x) LFJ represented the plaintiffs in a wage-and-hour class and PAGA 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 PAGA representative action settlement. The Los Angeles County Superior Court Case Number is BC577233.

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

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

aa) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class and PAGA representative action against a global provider of flexible office

1 space solutions. On February 15, 2018, the court granted final approval of the class and PAGA
2 representative action settlement. The Los Angeles County Superior Court Case Number is
3 BC498401.

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

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

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

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

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

1 gg) LFJ, in association with co-counsel therein, represented the plaintiffs in a
2 wage-and-hour class and PAGA representative action against a national retailer of apparel and
3 fashion accessories, on behalf of non-exempt employees. On October 9, 2019, the court granted
4 the plaintiffs' motion for class certification in part and certified a class. On May 14, 2021, the
5 court granted final approval of the class and PAGA representative action settlement. The
6 Sacramento County Superior Court Case Number is 34-2015-00175330-CU-OE-GDS.

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

12 ii) LFJ, in association with co-counsel therein, on behalf of the plaintiff and
13 respondent in a PAGA representative action, successfully opposed in the trial court, and briefed
14 and argued an appeal with respect to the employer's motion to compel arbitration, resulting in a
15 notable decision from the California Supreme Court clarifying the law regarding PAGA claims,
16 *ZB, N.A. v. Superior Court* (2019) 8 Cal.5th 175. On February 21, 2020, the court granted
17 approval of the PAGA representative action settlement. The San Diego County Superior Court
18 Case Number is 34-2015-00175330.

19 jj) LFJ, in association with co-counsel therein, represented the plaintiff in a
20 wage-and-hour class and PAGA representative action against a large national drug testing
21 laboratory on behalf of non-exempt employees. On February 21, 2020, the court granted the
22 plaintiff's motion for class certification and certified a class. On October 28, 2022, the court
23 granted final approval of the class and PAGA representative action settlement. The San Diego
24 County Superior Court Case Number is 37-2018-00019611-CU-OE-CTL.

25 kk) LFJ, in association with co-counsel therein, represents the plaintiffs in a
26 wage-and-hour class and PAGA representative action against a national retailer of sportswear,
27 footwear, and camping equipment on behalf of non-exempt employees. On March 16, 2020, the
28 court granted in part the plaintiff's motion for class certification and certified a class. The

1 Riverside County Superior Court Case Numbers are RIC1507504 and RICJCCP4930, and the
2 Judicial Council Coordination Proceeding Number is 4930.

3 ll) LFJ, in association with co-counsel therein, represented the plaintiffs in a
4 wage-and-hour class action against manufacturer and supplier of power products and services on
5 behalf of non-exempt employees. On July 31, 2020, the court granted in part the plaintiffs'
6 motion for class certification and certified a class. On August 27, 2021, the court granted final
7 approval of the class action settlement. The San Diego County Superior Court Case Number is
8 37-2015-00025968-CU-OE-CTL.

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

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

14 24. To date, Class Counsel has borne all of the risks and costs of litigation and will
15 not receive any compensation until recovery is obtained in this case. Lawyers *for* Justice, PC
16 seeks reimbursement of \$13,889.77 in litigation costs and expenses incurred in this matter, as
17 reflected in "**EXHIBIT B**" attached hereto. These expenses were reasonable and necessary in
18 the prosecution of the case and to obtain the Settlement.

19 **SERVICE AWARDS TO PLAINTIFFS**

20 25. In recognition of their efforts and work serving as the Class Representatives, the
21 Settlement provides for Service Awards in the amount of \$10,000.00 each to Plaintiffs Jenny
22 Garrido, Juan Rivas, Frankie Betancourt, and Jesse Ortiz. The requested service awards are fair
23 and appropriate. Plaintiffs spent a substantial amount of time and effort in producing relevant
24 documents and past employment records and provided the facts and evidence necessary to
25 attempt to prove the allegations. Plaintiffs were available whenever Class Counsel needed them
26 and actively tried to obtain and provide information that would facilitate the pursuit of the class
27 and PAGA claims. Plaintiffs spent numerous hours speaking with Class Counsel about their
28 claims, describing their work experience with Defendant, and gathering and reviewing

documents. Accordingly, it is appropriate for Plaintiffs Jenny Garrido, Juan Rivas, Frankie Betancourt, and Jesse Ortiz to receive \$10,000.00 each as reasonable Service Awards for their services on behalf of the Class, PAGA Group Members, and the State of California, in addition to their individual settlement payments.

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

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

Executed this 2nd day of June 2023, at Glendale, California.



Edwin Aiwarzian

EXHIBIT A

JENNY GARRIDO, ET AL. V. ACORN ENGINEERING COMPANY, ET AL.
Los Angeles County Superior Court Case No. 19STCV36680

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, Commonality, and Manageability	11.50
Pre-Lawsuit Investigation of the Merits of Plaintiff Jenny Garrido’s (“Plaintiff Garrido”) Claims and the Merits of the Claims of the Putative Class Members	9.80
Pre-Notice Investigation of the Merits of Plaintiff Juan Rivas (“Plaintiff Rivas”), Frankie Betancourt, and Jesse Ortiz’s Claims, including their Private Attorneys General Act (“PAGA”) Claims on Behalf of the State of California with Respect to Aggrieved Employees	10.20
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendant Acorn Engineering Company (“Defendant”) and Morris Group International with Respect to Plaintiffs and Putative Class Members	7.90
Pre-Notice Investigation of Potential Civil Penalties Exposure of Defendant with Respect to Plaintiffs and Aggrieved Employees	7.30
Legal Research and Analysis of Latest Decisions Regarding Off-the-Clock, Meal and Rest Break, IWC Wage Orders, PAGA, and Class Certification in California, Including all New and Relevant DLSE Materials	8.50

Investigation of Defendant, Defendant's Business Relationships, Commercial and Other Contracts, and the Industries in which Defendant Operates	3.60
Investigation of Defendant's Organizational and Corporate Structure, and Executive Reporting Structure, as They Relate to the Employment and Management of the Putative Class Members and Aggrieved Employees	3.10
Investigation, Research, and Analysis Regarding Defendant's Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues, to Evaluate Willfulness and Uniformity	3.30
Analysis of Competitors in Various Relevant Geographic Areas within which Defendant Operates, and Comparing and Contrasting Defendant's Policies, Practices, and Procedures with the Policies, Practices, and Procedures of Defendant's Competitors	4.10
Research and Investigation Re: Location(s), Division(s), and/or Department(s) Owned, Managed, Serviced, and/or Operated by Defendant in California During the Class Period, Including Differences Between Them to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	4.80
Comparative Analysis and Cross-Checking of All Available Job Postings, Job Reviews, and Other Reviews Regarding 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	5.70
Research and Investigation Re: Workforce, Staffing Models, and Staffing Levels at Locations at Which Putative Class Members and Aggrieved Employees Worked Throughout California	5.20
Research and Investigation Re: Defendant's Written and Non-Written Policies, Practices, and Procedures Relating to Non-Discretionary Bonus/Incentive/Performance/Shift Differential Pay, Split Shift Premiums, Reporting Time Pay, Timekeeping, Rounding, Scheduling and Attendance, Auto-Deduction of Meals, Meal and Rest Breaks, On Premises Breaks, Bell System, Safety Briefings and Meetings, Donning and	27.50

Doffing, Overtime Compensation, Dress Code/Uniform, Footwear, PPE, Equipment/Supplies/Tools, Use of Personal Cell Phones, Use of Personal Vehicles (Mileage/Gas), and Reimbursement of Business-Related Expenses	
Research and Investigation Re: Various Software Programs, Systems, and Other Technology Defendant Used to Conduct Its Everyday Business, Including Timekeeping, Payroll, Customer Relations Management, Sales, Order Management, Logistics, Supply/Inventory Management, Resource Management, Data Management, Information and Document Sharing, Communications, Safety, and Security Systems, with a Focus on What Documents (Both Paper and Electronic) Are Created in the Normal Course of Business Relating to Overtime Worked, Off-the-Clock Time Worked Pre/Post-Shift, and Time Worked During Meal Breaks	5.10
Research and Analysis of Potential Defenses Defendant May Raise, Including <i>De Minimis</i> Work, Non-Compensable Off-the-Clock Work, Waiver, and Compliant Policies	9.20
Research and Investigation Re: Post- <i>Duran</i> vs. <i>U.S. Bank</i> Trial Manageability Issues, Including Research Regarding Which Experts to Retain and For What Purpose	5.60
Prepare a Discovery Strategy and Plan of Action, Including Topics of Inquiry Important to Class Certification, Liability, Damages, and Civil Penalties Issues	4.80
Review and Investigation of Impact of COVID-19 Pandemic on Defendant, Its Operations, and Putative Class Members' and Aggrieved Employees' Work	7.80
Research and Preliminarily Outline Issues Important to Class Certification and Trial Manageability	16.10
Meet and Communicate with Plaintiff Jenny Garrido Throughout the Pendency of the Case	47.50
Meet and Communicate with Plaintiff Juan Rivas Throughout the Pendency of the Case	48.50
Meet and Communicate with Plaintiff Frankie Betancourt Throughout the Pendency of the Case	47.50

Meet and Communicate with Plaintiff Jesse Ortiz Throughout the Pendency of the Case	48.50
Investigate, Meet and Communicate with, and/or Conduct Interviews of Putative Class Members and Percipient Witnesses	16.50
Pleadings and Court Filings	
Draft Plaintiff Jenny Garrido's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on October 15, 2019)	7.80
Review Court's Notice of Case Assignment (filed on October 15, 2019)	0.10
Review Court's Minute Order Re: Newly Filed Class Action (filed on October 21, 2019)	0.10
Review and Analyze Defendant Acorn Engineering Company's and Morris Group International's Answer to Plaintiff Garrido's Complaint and Research Affirmative Defenses in Defendant's and Morris Group International's Answer (served on December 6, 2019)	2.60
Meet and Confer with Defendants' Counsel, and Draft Joint Initial Status Conference Class Action Response and [Proposed] Order Authorizing Electronic Service (filed on January 3, 2020)	2.10
Draft Plaintiff Jenny Garrido's Notice of Posting Jury Fees (filed on January 3, 2020)	0.20
Review Court's Case Management Order, Minute Order Re Initial Status Conference and Order Authorizing Electronic Service (Case Anywhere) (filed on January 10, 2020)	0.20
Meet and Confer with Defendant's Counsel, and Draft Joint Status Report (filed on August 3, 2020)	1.40
Draft Plaintiffs Jenny Garrido, Juan Rivas, Frankie Betancourt, and Jesse Ortiz's (together, "Plaintiffs") First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code § 2698 Et Seq., and Legal Research and Analysis of All Claims Involved (filed on February 11, 2021); Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation and	6.10

[Proposed] Order Granting Plaintiff Leave to File [Proposed] First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, <i>Et Seq.</i> (submitted on January 15, 2021)	
Review Court's Minute Order Re: Stipulation and Order Granting Plaintiff Leave to File [Proposed] First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, <i>Et Seq.</i> (filed on January 26, 2021)	0.10
Review Court's Order Granting Plaintiff Leave to File [Proposed] First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, <i>Et Seq.</i> (filed on February 9, 2021)	0.10
Review and Analyze Defendant Acorn Engineering Company's and Morris Group International's Answer to Plaintiffs' First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code section 2698, <i>et seq.</i> (served on March 12, 2021)	2.10
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation to Continue Class Certification Filing Deadline; [Proposed] Order (filed on May 18, 2021)	1.10
Review Court's Order to Continue Class Certification Filing Deadline (filed May 21, 2021)	0.10
Review Defendant's Case Management Statement (filed on August 4, 2022)	0.20
Meet and Confer with Defendant's Counsel, and Draft Joint Notice of Settlement and Stipulation to Vacate Class Certification-Related Dates and Deadlines; [Proposed] Order (submitted on August 10, 2022)	0.90
Review Court's Order Vacating Class Certification-Related Dates and Deadlines (August 17, 2022)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Status Report (filed on September 30, 2022)	0.70
Review Court's Minute Order (filed on October 12, 2022)	0.10

Appearances	
Prepare for, Travel to/from, and Attend Initial Status Conference (January 10, 2020)	1.30
Prepare for and Telephonically Attend Further Status Conference (August 10, 2020)	0.80
Prepare for and Telephonically Attend Hearing on Plaintiffs' Motion for Preliminary Approval of Class Action Settlement (January 31, 2023)	2.70
Prepare for and Telephonically Attend Hearing on Plaintiffs' Motion for Final Approval of Class Action Settlement, Attorneys' Fees and Costs, and Service Awards (June 27, 2023) (Anticipated)	1.50
Discovery and Deposition	
Draft Letter to Defendant Acorn Engineering Company Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Jenny Garrido (served on May 13, 2019)	1.90
Draft Follow-Up Letter to Defendant Acorn Engineering Company Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Jenny Garrido (served on July 31, 2019)	2.10
Review and Analyze Documents Produced by Defendant Acorn Engineering Company in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Jenny Garrido (served on August 9, 2019)	4.50
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant Acorn Engineering Company and Requests for Production of Documents (noticed for June 22, 2020; Organizational Structure) (served on May 1, 2020)	2.50
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant Acorn Engineering Company and Requests for Production of Documents (noticed for June 23, 2020; Job Positions, Duties, and Wage and Hour Practices) (served on May 1, 2020)	2.80

Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant Acorn Engineering Company and Requests for Production of Documents (noticed for June 24, 2020; Affirmative Defenses) (served on May 1, 2020)	3.50
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Morris Group International and Requests for Production of Documents (noticed for June 25, 2020; Organizational Structure) (served on May 1, 2020)	2.10
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Morris Group International and Requests for Production of Documents (noticed for June 26, 2020; Job Positions, Duties, and Wage and Hour Practices) (served on May 1, 2020)	2.20
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Morris Group International and Requests for Production of Documents (noticed for June 29, 2020; Affirmative Defenses) (served on May 1, 2020)	2.30
Draft Plaintiff Jenny Garrido'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 Acorn Engineering Company (served on May 1, 2020)	7.10
Draft Plaintiff Jenny Garrido'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 Morris Group International (served on May 1, 2020)	2.40
Draft <i>Belaire-West</i> Notice and Postcard (provided to Defendant on June 1, 2020)	2.10
Draft Letter to Defendant Acorn Engineering Company Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Juan Rivas (served on June 2, 2020)	1.90

Draft Letter to Defendant Acorn Engineering Company Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Jesse Ortiz (served on June 2, 2020)	1.60
Review and Analyze Defendant Acorn Engineering Company's Objections to Notice of Deposition of the Person Most Knowledgeable of Acorn Engineering Company and Request for Production of Documents (noticed for June 22, 2020; Organizational Structure) (served on June 15, 2020)	1.50
Review and Analyze Defendant Acorn Engineering Company's Objections to Notice of Deposition of the Person Most Knowledgeable of Acorn Engineering Company and Request for Production of Documents (noticed for June 23, 2020; Job Positions, Duties, and Wage and Hour Practices) (served on June 15, 2020)	1.90
Review and Analyze Defendant Acorn Engineering Company's Objections to Notice of Deposition of the Person Most Knowledgeable of Acorn Engineering Company and Request for Production of Documents (noticed for June 24, 2020; Affirmative Defenses) (served on June 15, 2020)	3.70
Review and Analyze Morris Group International's Objections to Notice of Deposition of the Person Most Knowledgeable of Morris Group International and Request for Production of Documents (noticed for June 25, 2020; Organizational Structure) (served on June 15, 2020)	1.50
Review and Analyze Morris Group International's Objections to Notice of Deposition of the Person Most Knowledgeable of Morris Group International and Request for Production of Documents (noticed for June 26, 2020; Job Positions, Duties, and Wage and Hour Practices) (served on June 15, 2020)	1.90
Review and Analyze Morris Group International's Objections to Notice of Deposition of the Person Most Knowledgeable of Morris Group International and Request for Production of Documents (noticed for June 29, 2020; Affirmative Defense) (served on June 15, 2020)	3.60
Draft Follow-Up Letter to Defendant Acorn Engineering Company Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Juan Rivas (served on July 21, 2020)	2.10

Draft Follow-Up Letter to Defendant Acorn Engineering Company Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Jesse Ortiz (served on July 21, 2020)	1.80
Review and Analyze Defendant Acorn Engineering Company's Responses to 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) (served on August 14, 2020)	8.20
Review and Analyze Morris Group International's Responses to 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) (served on August 14, 2020)	8.40
Review and Analyze Documents Produced by Defendant Acorn Engineering Company in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Juan Rivas (served on September 2, 2020)	2.50
Review and Analyze Documents Produced by Defendant Acorn Engineering Company in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Jesse Ortiz (served on September 2, 2020)	1.80
Draft Letter to Defendant Acorn Engineering Company Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Frankie Betancourt (served on September 30, 2020)	1.90
Review and Analyze Documents Produced by Defendant Acorn Engineering Company in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Frankie Betancourt (served on October 30, 2020)	3.90
Draft Letter to Defendant Acorn Engineering Company Re: Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on November 12, 2020)	1.90

Draft Letter to Defendant Acorn Engineering Company Re: Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on November 12, 2020)	1.60
Draft Follow-Up Letter to Defendant Acorn Engineering Company Re: Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on December 7, 2020)	2.10
Draft Follow-Up Letter to Defendant Acorn Engineering Company Re: Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on December 7, 2020)	1.90
Review and Analyze Documents Produced by Defendant Acorn Engineering Company in Response to the Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on December 15, 2020)	0.80
Review and Analyze Documents Produced by Defendant Acorn Engineering Company in Response to the Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on December 15, 2020)	1.60
Review Defendant's Revisions and Propose Counter Revisions to Draft <i>Belaire-West</i> Notice (received on December 23, 2020; sent to Defendant on December 31, 2020)	0.80
Review and Analyze Documents Produced by Defendant Acorn Engineering Company in Response to the Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on January 6, 2021)	1.70
Review and Analyze Documents Produced by Defendant Acorn Engineering Company in Response to the Request for Personnel File, Pay Stubs, and Time Records for Putative Class Member (served on January 7, 2021)	2.80

Letters and Correspondence	
Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Juan Rivas for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on September 29, 2020)	4.50
Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Frankie Betancourt for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on September 29, 2020)	4.10
Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Jesse Ortiz for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on October 7, 2020)	4.20
Meet with, Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	25.50
Mediation/Settlement	
Review and Analyze Information, Data, and Documents Obtained from Plaintiffs, Defendants (served on January 10, 2022, January 14, 2022, and January 26, 2022), and Other Sources Prior to Mediation • Employee Handbook and Employment and Operations Policies, Practices, and Procedures Documents • Time Records Sampling • Pay Records Sampling, Payroll Legend	68.50
Prepare for Mediation, Including Researching Settlement-Related Issues and Merits of Claims, Drafting the Mediation Brief, Compiling the Mediation Exhibits in Support of Mediation Brief, and Performing Damages and Penalties Analysis and Calculations (submitted on February 1, 2020 for February 7, 2020 Mediation)	27.50
Remotely Attend Mediation Session (February 7, 2022; Zoom Video Conference)	8.50

Draft, Review, Revise, Negotiate, and Finalize Settlement Term Sheet (executed on February 7, 2022)	2.50
Draft, Review, Revise, Negotiate, and Finalize Class and Representative Action Settlement Agreement and Notice of Class Action Settlement (executed on November 30, 2022)	19.70
Coordinate Settlement Administration with Settlement Administrator, Ongoing Monitoring of Settlement Administration Process, Respond to Inquiries, and Review Weekly Reports	7.50
Law and Motion	
Research and Draft Plaintiffs' Notice of Motion and Motion for Preliminary Approval of Class Action Settlement; Memorandum of Points and Authorities, Declaration of Annabel Blanchard in Support Thereof, Declaration of Jenny Garrido in Support Thereof, Declaration of Juan Rivas in Support Thereof, Declaration of Frankie Betancourt in Support Thereof, Declaration of Jesse Ortiz in Support Thereof, and [Proposed] Order Thereon (filed on November 30, 2022)	17.50
Review Court's Minute Order Re: Motion for Preliminary Approval of Settlement (filed on January 31, 2023)	0.10
Review Court's Order Granting Preliminary Approval of Class Action Settlement (filed on January 31, 2023)	0.30
Review and Analyze Settlement Administrator's Declaration Regarding Settlement Notice Administration; and Research and Draft Plaintiffs' Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Awards, Declaration of Edwin Aiwasian in Support Thereof, and [Proposed] Order Thereon (anticipated to be filed on June 2, 2023)	19.60
Total Hours:	710.90

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL

Garrido v Acorn Engineering Company

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
10/15/2019	Los Angeles Superior Court	Complex Court Filing Fee	1,000.00
10/15/2019	Los Angeles Superior Court	Court Filing Fee	435.00
10/23/2019	Legal Document Server, Inc	Attorney Service	220.00
1/3/2020	Los Angeles Superior Court	Jury Fee	150.00
1/3/2020	General Logistics Systems US, Inc.	Courier Service	14.20
1/10/2020	Kelly Odabashian	Travel Reimbursement	18.02
1/15/2020	Los Angeles Superior Court	Court Filing Fee	20.00
4/8/2020	CaseAnywhere, LLC	Attorney Service	91.20
6/2/2020	U.S. Postmaster	Postage	13.90
7/7/2020	CaseAnywhere, LLC	Attorney Service	252.00
7/21/2020	U.S. Postmaster	Postage	7.10
8/3/2020	Legal Document Server, Inc	Attorney Service	215.00
8/15/2020	Los Angeles Superior Court	Remote Hearing Fee	15.00
9/10/2020	U.S. Postmaster	Postage	7.10
9/28/2020	U.S. Postmaster	Postage	27.80
9/30/2020	U.S. Postmaster	Postage	6.95
10/6/2020	CaseAnywhere, LLC	Attorney Service	120.00
10/7/2020	Labor & Workforce Development Agency	Filing Fee	75.00
10/7/2020	U.S. Postmaster	Postage	13.90
11/23/2020	U.S. Postmaster	Postage	6.95
1/6/2021	CaseAnywhere, LLC	Attorney Service	120.00
1/15/2021	Legal Document Server, Inc	Attorney Service	195.70
2/11/2021	Legal Document Server, Inc	Attorney Service	245.00
4/2/2021	CaseAnywhere, LLC	Attorney Service	132.00
5/18/2021	Legal Document Server, Inc	Attorney Service	110.00
5/19/2021	Legal Document Server, Inc	Attorney Service	65.00
7/1/2021	CaseAnywhere, LLC	Attorney Service	126.00
7/6/2021	Steve J. Rottman, LLC	Mediation Fee	9,000.00
8/20/2021	Legal Document Server, Inc	Attorney Service	175.70
8/20/2021	Los Angeles Superior Court	Filing Fee	20.00
10/4/2021	CaseAnywhere, LLC	Attorney Service	132.00
1/4/2022	CaseAnywhere, LLC	Attorney Service	120.00
4/8/2022	CaseAnywhere, LLC	Attorney Service	120.00
7/5/2022	CaseAnywhere, LLC	Attorney Service	120.00
8/11/2022	Legal Document Server, Inc	Attorney Service	17.30
8/11/2022	Los Angeles Superior Court	Stipulation Fee	20.00
10/3/2022	Legal Document Server, Inc	Attorney Service	15.95
10/5/2022	CaseAnywhere, LLC	Attorney Service	126.00
12/1/2022	Legal Document Server, Inc	Attorney Service	20.00
12/1/2022	Los Angeles Superior Court	Motion Fee	60.00

LAWYERS for JUSTICE PC CASE COST DETAIL
Garrido v Acorn Engineering Company

1/5/2023	CaseAnywhere, LLC	Attorney Service	120.00
4/15/2023	CaseAnywhere, LLC	Attorney Service	120.00
Total:			13,889.77