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Attorneys for Plaintiffs Antony M. Smith and Omar Ayala, and the Proposed Class

[Additional Counsel, next Page]

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO – NORTH COUNTY

ANTONY M. SMITH and OMAR AYALA,
individuals, on behalf of themselves, and on
behalf of all persons similarly situated and
aggrieved

Plaintiffs,

v.

ZODIAC POOL SYSTEMS, LLC, a
Delaware limited liability company doing
business in California; and Does 1 through
50, Inclusive

Defendants.

Case No. 37-2020-00036431-CU-OE-NC
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Earl H. Maas, III, Dept. N-28

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF SAHAG MAJARIAN
II IN SUPPORT OF MOTION FOR
ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: June 10, 2022

Time: 1:30 p.m.

Dept: N-28

Judge: Hon. Earl H. Maas, III

Reservation: 2488941

Filed: October 7, 2020

Trial date: Not set

1 **LAW OFFICES OF SAHAG MAJARIAN II**

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7 Attorneys for Plaintiffs Antony M. Smith and Omar Ayala, and the Proposed Class

1 I, SAHAG MAJARIAN II, hereby declare:

2 1. I am an attorney duly licensed to practice in the State of California and am the
3 principal of the Law Offices of Sahag Majarian II, one of the attorneys of record for Plaintiff
4 Omar Ayala in this action against Defendants Zodiac Pool Systems LLC and Fluidra USA
5 LLC. I have personal knowledge of the following, and if called and sworn as a witness, I could
6 and would competently testify thereto. This declaration is made in support of preliminary
7 approval of the settlement of class action settlement and PAGA settlement in this case.

8 2. I graduated from Loyola Law School in 1990. Since my graduation, I have been
9 in private practice primarily representing consumers against insurance companies and workers
10 against their employers. I have devoted a significant portion of my practice to employment law
11 and class actions, and have been appointed co-class counsel for the plaintiffs in no less than 50
12 wage and hour class actions. A sample of these cases are: *Ayvazi v. Ralph Grocery Company*,
13 LASC Case No. BC 382980; *Sandoval vs. Chevron Stations, Inc.*, MCSC Case No. CV
14 061690; *Nieves v. Roy's Worldwide, Inc.*, OCSC Case No. 06CC0076; *Corado v. Good Year*
15 *Rubber Corp.*, SBSC Case No. RCV095476; *Pleitez v. Johnson Controls*, LASC Case No.
16 BC353315; *Serrano v. BCI Coca Cola Bottling Co. of L.A.*, LASC Case No. BC349904;
17 *Urbina v. Valley Crest Co.*, LASC Case No. BC356023; *Moraza v. OK International*, OCSC
18 Case No. 06CC0148; *DeLuna v. Target*, LASC Case No. BC353080; *Daglian v. Staples, Inc.*,
19 LASC Case No. BC375325; *McCoy v. Kimko*, OCSC Case No. 07CC00007; *Ayvazi v. Ralphs*
20 *Grocery Company*, LASC Case No. BC382980; *Razo v. C & D Zodiac, Inc.*, OCSC Case No
21 07-CC01373; *Sandoval v. Chevron Stations, Inc.* MCSC Case No. CV061690; and *Gomez v.*
22 *Spenuzza, Inc. et al*, RCSC Case No RIC524075.

23 3. In the employment class action arena, I have participated in over 300 class
24 action mediations. My participation has included extensive preparation, development of
25 thorough knowledge of the legal issues related to certification and liability, and full immersion
26 and participation in the mediation and negotiation process. I have also been designated co-
27 class counsel in various cases where we prevailed in contested class certification motions.
28 These cases include *Herrera v. Mountain Meadow Mushroom Farms, Inc.*, SDCSC Case No.

DECLARATION OF SAHAG MAJARIAN II IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL

1 37-2009-00092416-CU-MT-CTI; *Aguirre v. California Drop Forge, Inc.*, LASC Case No.
2 BC374521; and *Marroquin v. Swissport North America, Inc.*, LASC Case No. BC390001;
3 *Gutierrez v. Save Mart Supermarkets*, SMSC Case No. 530955.

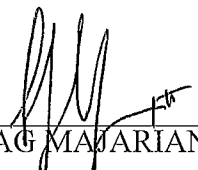
4 4. My participation in this case has included extensive preparation, development of
5 a thorough knowledge of the legal issues related to certification and liability, investigation of
6 the claims and Labor Code violations, and preparation of exposure analysis for the violations
7 asserted against Defendants. The settlement in this case was reached after extensive
8 negotiations following a full day mediation with an experienced and well respected mediator
9 the Honorable Michael Latin. Based upon the totality of circumstances, I believe that the result
10 achieved in this case is an extremely good outcome for all class members and aggrieved
11 employees.

12 5. Based on my experience as Class Counsel, and given the legal and factual
13 realities presented in this case, I believe the proposed settlement is fair, reasonable and
14 adequate for the class. As a result of my prior experience as class counsel in other class
15 actions, I am fully aware of the responsibilities I would owe as Class Counsel to the Class in
16 this action.

17 6. Finally, I am not aware of any conflict of interest between myself and
18 Plaintiffs or any other Class Member, on the other hand, which would interfere with my duties
19 as Class Counsel or impede my representation of the proposed Class and aggrieved employees.
20

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

23 Executed on January 27, 2022 at Tarzana, California.

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25 
26 SAHAG MAJARIAN II
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