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Attorneys for Plaintiffs Antony M. Smith, 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 FINAL APPROVAL OF
CLASS ACTION SETTLEMENT AND
ENTERING JUDGMENT**

Hearing Set By Court Order (ROA #31&32)

Date: November 4, 2022

Time: 1:30 p.m.

Dept: N-28

Judge: Hon. Earl H. Maas, III

Filed: October 7, 2020

Trial date: Not set

LAW OFFICES OF SAHAG MAJARIAN II

Sahag Majarian, II (SBN 146621)

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I, SAHAG MAJARIAN II, hereby declare:

1. I am an attorney duly licensed to practice in the State of California and am the principal of the Law Offices of Sahag Majarian II, one of the attorneys of record for Plaintiff Omar Ayala in this action against Defendants. I have personal knowledge of the following, and if called and sworn as a witness, I could and would competently testify thereto. This declaration is made in support of final approval of the class action settlement in this case.

2. I graduated from Loyola Law School in 1990. Since my graduation, I have been in private practice primarily representing consumers against insurance companies and workers against their employers. I have devoted a significant portion of my practice to employment law and class actions, and have been appointed co-class counsel for the plaintiffs in no less than 300 wage and hour class actions. A sample of these cases are: *Ayvazi v. Ralph Grocery Company*, LASC Case No. BC 382980; *Sandoval vs. Chevron Stations, Inc.*, MCSC Case No. CV 061690; *Nieves v. Roy's Worldwide, Inc.*, OCSC Case No. 06CC0076; *Corado v. Good Year Rubber Corp.*, SBSC Case No. RCV095476; *Pleitez v. Johnson Controls*, LASC Case No. BC353315; *Serrano v. BCI Coca Cola Bottling Co. of L.A.*, LASC Case No. BC349904; *Urbina v. Valley Crest Co.*, LASC Case No. BC356023; *Moraza v. OK International*, OCSC Case No. 06CC0148; *DeLuna v. Target*, LASC Case No. BC353080; *Daglian v. Staples, Inc.*, LASC Case No. BC375325; *McCoy v. Kimko*, OCSC Case No. 07CC00007; *Ayvazi v. Ralphs Grocery Company*, LASC Case No. BC382980; *Razo v. C & D Zodiac, Inc.*, OCSC Case No 07-CC01373; *Sandoval v. Chevron Stations, Inc.* MCSC Case No. CV061690; and *Gomez v. Spenuzza, Inc.* et al, RCSC Case No RIC524075.

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

1 37-2009-00092416-CU-MT-CTI; *Aguirre v. California Drop Forge, Inc.*, LASC Case No.
2 BC374521; *Marroquin v. Swissport North America, Inc.*, LASC Case No. BC390001; and
3 *Romero v. Hydraulics International, Inc.*, LASC Case No. 19STCV04463.

4 4. Throughout my thirty-two year career in law, my practice has been exclusively
5 contingent fee work. Within the class action arena, I have been designated co-class counsel in
6 no less than 30 class actions that have settled for over \$1 million each. Given my success and
7 experience, in my contingent fee practice I have averaged over \$795 per hour worked.
8 Therefore, I believe it is appropriate to set my lodestar at no less than \$795 per hour in this
9 case. This request is fair in view of the much higher rate per hour that can be justified by the
10 broadly accepted Laffey Matrix which shows hourly rate of \$997 for attorneys out of law
11 school for more than 20 years.

12 5. My involvement in this case has included legal research, extensive preparation,
13 development of a thorough knowledge of the legal issues related to certification and liability,
14 and full immersion and preparation for the mediation against Defendant. The settlement in this
15 case was reached after extensive negotiations with an experienced and well-respected mediator
16 and former Los Angeles County Superior Court Judge, the Honorable Michael A. Latin. Based
17 upon the totality of circumstances, I believe that the result achieved in this case is an extremely
18 good outcome for all class members.

19 6. Based on my experience as Class counsel in other employment cases and given
20 the legal and factual realities presented in this case, I believe the proposed settlement is fair,
21 reasonable and adequate for the class. As a result of my prior experience as class counsel in
22 other employment class actions, I am fully aware of the responsibilities I would owe as Class
23 counsel in this action.

24 7. I was approached by Plaintiff Omar Ayala in January of 2020 in connection with
25 potential employment law claims he believed he had against Defendants. After conducting an
26 investigation of the facts and records, my co-counsels at Cohelan, Khoury & Singer and I
27 proceeded with the filing of a class action against Defendants.
28

1 8. Throughout the past thirty-three months, I have been involved in the handling of
2 this case in this action against Defendants. My work on this case includes but is not limited to
3 pre-litigation research and investigation regarding the Labor Code violations, communication
4 with client, analysis of policies and procedures of Defendant and participation in the mediation
5 with Judge Michael A. Latin.

6 9. My law office undertook this matter on a purely contingent fee basis with no
7 guarantee that the time expended would result in any recovery or recoupment of costs.
8 Throughout my 33 months of involvement in this case, I have spent a total of 24.70 hours in
9 this case (See Exhibit "A"). Based on my rate of \$795 per hour, my unadjusted lodestar
10 amount would be \$19,636.50. As detailed in the attached Exhibit "B", I have incurred costs in
11 the amount of \$225.00.

12 10. Based on my experience in class action litigation, as well as my experience with
13 similar class cases involving similar claims, the settlement amount provides the class with a
14 real and significant benefit. My endorsement of the settlement is without reservation.

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16 Executed on October 24, 2022 at Tarzana, California.

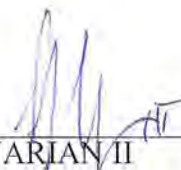
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20 SAHAG MAJARIAN II
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EXHIBIT A

LAW OFFICES OF

SAHAG MAJARIAN II
A PROFESSIONAL CORPORATION

18250 VENTURA BOULEVARD
TARZANA, CALIFORNIA 91356
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October 22, 2022

LEGAL SERVICES
Re: AYAL V. ZODIAC

1/6/20	Client intake	1.20 hours
1/7/20	TC with client	0.20 hours
1/8/20	Draft letter to Zodiac	0.20 hours
1/9/21	Analyze records from client	0.40 hours
2/1/20	Investigate company status and review records from client	0.80 hours
2/2/20	Analyze records from Zodiac	2.40 hours
2/3/20	Draft email to client; Draft email to expert; Draft email to co-counsel	0.90 hours
2/5/20	Review expert report	0.70 hours
2/6/20	Draft email to co-counsel	0.10 hours
2/26/20	TC with client	0.30 hours
3/20/20	Review PAGA notice	0.40 hours
6/10/20	Review complaint	0.50 hours
1/28/21	Review draft JPA	0.20 hours
2/15/21	Review email from Signature Resolution; Draft email to staff	0.20 hours
4/28/21	Prepare for mediation; Emails to and from co-counsel	4.70 hours
4/29/21	Analyze time records and draft email to co-counsel	1.30 hours

5/1/21	Review mediation brief; Email to co-counsel	0.50 hours
5/4/21	Attend mediation; TC with client; Draft email to co-counsel	7.10 hours
9/22/21	Review draft settlement agreement	1.10 hours
1/27/22	Draft declaration for preliminary approval	0.60 hours
10/22/22	Draft declaration for final approval	0.90 hours

Total Hours:	24.70
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Hourly Rate:	\$ 795.00
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Total Costs:	\$ 225.00
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EXHIBIT B

Law Office of Sahag Majarian II Ayala v. Zodiack Pool								
Type	Payment Method	Date	Num	Source Name	Invoice	Invoice Date	Memo	Amount
Consulting	Check	2/10/2020	2492	Sean Berger Consulting	2937	2/5/2020	Rounding Analysis	\$225.00
TOTAL COSTS								\$225.00