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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

EDUARDO LEE, individually, and on
behalf of other members of the general
public similarly situated and on behalf of
other aggrieved employees pursuant to the
California Private Attorneys General Act,

Plaintiff,

vs.

DEL MONACO FOODS, INC., an unknown
business entity; DEL MONACO
SPECIALTY FOODS, INC., an unknown
business entity; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 19CV347471

Honorable Sunil R. Kulkarni
Department 1

CLASS ACTION

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

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Class
Representative Service Award; Declaration of
Class Representative (Edwardo Lee);
Declaration of Settlement Administrator
(Christina Fowler); and [Proposed] Final
Approval Order and Judgment filed
concurrently herein]

Date: September 29, 2022
Time: 1:30 p.m.
Department: 1

Complaint Filed: May 3, 2019
FAC Filed: November 12, 2019
SAC Filed: March 1, 2021
Trial Date: None Set

DECLARATION OF EDWIN AIWAZIAN

I, Edwin Aiwazian, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am a member of Lawyers *for* Justice, PC, attorneys of record for Plaintiff Edwardo Lee (“Plaintiff”) and the Class. The facts set forth in this declaration are within my personal knowledge or based on information and belief, and, if called as a witness, I could and would competently testify as follows.

PRELIMINARY APPROVAL OF SETTLEMENT

2. On May 4, 2022, in Department 1 of the above-entitled Court, the Honorable Sunil R. Kulkarni preliminarily approved the First Amended Joint Stipulation of Class Action and PAGA Settlement Agreement (together, “Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff and Defendants Del Monaco Foods, Inc. and Del Monaco Specialty Foods, Inc. (together, “Defendants”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiff Edwardo Lee to represent the Class (“Class Representative”). The Court also preliminarily appointed and designated Lawyers *for* Justice, PC to represent the Class (“Class Counsel”). The Court approved and ordered the mailing of the Notice of Class Action and PAGA Settlement (“Notice”), adopted the notice, opt-out, and objection procedures, and ordered their implementation. The Court appointed Simpluris, Inc. (“Simpluris” or “Settlement Administrator”) to serve as the third-party settlement administrator and handle 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 contemplated request for Class Counsel Award, Class Representative Service Award, 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 have been actively engaged in litigating this matter since the commencement of the above-captioned action on May 3, 2019, as have several other attorneys at Lawyers for Justice, PC.

5. Lawyers for Justice, PC has actively participated in all phases of the litigation process. Before initiating the action, 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, and research into the various legal issues involved in the case, namely, the current state of the law as it applied to certification, Private Attorney General Act (“PAGA”) claims, off-the-clock theory, meal and rest periods, wage-and-hour enforcement, Plaintiff’s claims, and potential defenses. After conducting initial investigation, our firm determined that Plaintiff’s claims were well-suited for class action treatment and representative adjudication owing to what appeared to be a common course of conduct affecting a similarly situated group of current and former hourly-paid or non-exempt employees who worked for Defendants, who were not properly compensated for, *inter alia*, all hours worked, non-compliant meal and rest periods, and business expenses.

6. Prior to reaching the Settlement, the parties investigated the veracity, strength, and scope of the claims, and were preparing for class certification and trial. The parties conducted significant investigation into the facts of the case, and informally exchanged information and data in preparation for mediation. The documents and data reviewed and analyzed by Class Counsel included, and were not limited to, Plaintiff’s employment records, a detailed sampling of Class Members’ time and pay data, multiple iterations of Defendants’ Team Member Guidebook, company policy acknowledgements and agreements (e.g., Meal Break Waiver, Meal Break Coaching Acknowledgement, Final Paycheck Acknowledgement, New Hire Receipt Acknowledgement, Harassment Training Acknowledgment), internal memoranda, new hire orientation materials and checklists, and Defendants’ operations and employment practices, procedures, and policies (including but not limited to, Wage and Hour Rules form, Expense

Report, Meal Break Waiver form, Meal and Rest Period Policy, and Business Expense Reimbursement Policy), among other information, documents, and data. Class Counsel researched applicable law, developed damages/valuation models in preparation for mediation, and met and conferred with Defendants' counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, case management, and discovery and production of various documents and data prior to mediation. Other work performed by Class Counsel included, and was not limited to, case strategy and analysis; drafting, reviewing, and revising pleadings, mediation brief, and settlement approval motion papers; preparing and appearing for court proceedings; and preparing for and attending mediation and settlement negotiations, among other tasks.

7. As outlined herein, the parties have conducted significant investigation and informal discovery during the course of litigating the case. Class Counsel analyzed a large volume of documents and data either produced by Plaintiff, Defendants, and other sources. These documents and data provided a critical understanding of the nature of the work performed by the Class Members, as well as Defendants' operations and employment policies, practices, and procedures, and were used in analyzing liability, damages, and valuation issues in connection with all phases of the litigation, and ultimately with the mediation and settlement negotiation process. Class Counsel also performed significant research into the law concerning Defendants' defenses.

8. After conducting significant investigation of the facts and law during the prosecution of the case, counsel for the parties engaged in extensive settlement negotiations to try to resolve the entire matter. These efforts included participating in a formal, full-day mediation conducted by Jeffrey Krivis, Esq., a well-regarded mediator experienced in mediating complex labor and employment matters. During all settlement discussions, the parties conducted their negotiations at arm's length in an adversarial position. Prior to and during mediation, the parties exchanged information and data, and discussed all aspects of the case, including the risks and delays of further litigation, the risks to the parties of proceeding with class certification and trial, the law relating to off-the-clock theory, meal and rest periods, representative PAGA claims, and wage-and-hour enforcement, the evidence produced and analyzed, and the possibility of

appeals, among other things. Arriving at a settlement that was acceptable to the parties was not easy. Defendants also contended that individualized questions of fact predominate over any common issues, and these issues would pose challenges to class certification and representative adjudication. Defendants and their counsel felt very strongly about Defendants' ability to prevail on the merits and to obtain a denial of class certification, while Plaintiff and Class Counsel believed that class certification would be obtained and that they would prevail at trial. With the aid of the mediator's evaluation, the parties agreed that the case was well-suited for settlement given the legal issues relating to Plaintiff's principal claims, as well as the costs and risks to the parties that would attend further litigation. These risks of further litigation include, and are not limited to, a determination that the claims are unsuitable for class treatment and/or representative adjudication, class de-certification after certification of a class, allowing a jury to decide the claims asserted in the case, and the real possibility of no monetary 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 \$245,000.00, which is thirty-five percent (35%) of the Maximum Settlement Amount of \$700,000.00, as set forth in the Settlement Agreement and the Notice. Pursuant to the contingency-fee agreement entered into by and between Plaintiff and Class Counsel, Plaintiff has agreed to a contingency fee of at least thirty-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 in the case; and (6) the other cases that Class Counsel has turned down in order to devote their time and efforts to this case.

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

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

proper for this settlement, Class Counsel has incurred many hours of work in connection with prosecuting the case such that the award of attorneys' fees is also justified under a simple lodestar analysis. Attorneys at Lawyers *for* Justice, PC have spent a total of **421.90 hours** performing tasks and obtaining recovery in the case. Attached hereto as "**EXHIBIT A**" is an Attorney Task and Time Chart that sets forth in detail the nature of the legal services provided by Lawyers *for* Justice, PC and the time incurred in performing those services. These hours include work done by myself and several other attorneys at the firm. Additionally, Lawyers *for* Justice, PC had litigation support personnel actively engaged in assisting with the prosecution of this matter.

12. The work performed in this particular matter, the background of our firm, as well as the individual backgrounds, training, and experience of the attorneys who worked on this matter, in litigating complex wage-and-hour matters, and in particular, employment class actions, support a reasonable hourly rate of compensation at the rate of \$650 for work performed by Class Counsel. Lawyers *for* Justice, PC has been awarded attorneys' fees, compensating the firm at the rate of at least \$650 per hour for legal services performed, by courts granting approval of wage and hour settlements in other cases: final approval of the class and representative action settlement in *David Dugan v. TEC Equipment, Inc., et al.* (Los 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 a higher hourly rate of \$845.64.

ADEQUACY OF LAWYERS *for* JUSTICE, PC

EDUCATION

13. In May of 2004, I graduated from *Pepperdine University School of Law* with a Juris Doctor degree. I have extensive formal training in dispute resolution and negotiation from the Straus Institute for Dispute Resolution as part of its Masters in Dispute Resolution degree program. In addition, I have previously served as a *pro bono* mediator for the Los Angeles County Superior Court. In October of 2000, I obtained a Litigation Paralegal Certificate from the *UCLA Extension Program*. During the summer of 2000, I studied Legal Writing at *Harvard University*. In April of 1999, I obtained a Bachelor of Arts degree in Communication with a concentration in Natural Sciences from *Pepperdine University*.

JUDICIAL EXTERNSHIPS

14. From approximately September 2002 to approximately December 2002, I served as a Judicial Extern to the Honorable Kim McLane Wardlaw of the *United States Court of Appeals for the Ninth Circuit*. From approximately June 2002 to approximately August 2002, I served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the *California Court of Appeal for the Second Appellate District*.

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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, *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, 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 recovered millions of dollars on behalf of thousands of individuals in California.

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

18. 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.

1 b) LFJ, in association with co-counsel therein, represented the plaintiffs in a
2 wage-and-hour class action against a national retailer of household items involving allegations of
3 misclassification of the “Assistant Store Manager” position. On October 28, 2010, the court
4 granted final approval of the class action settlement. The Los Angeles County Superior Court
5 Case Number is BC413498.

6 c) LFJ, in association with co-counsel therein, represented the plaintiffs in a
7 wage-and-hour class action against a national property management company involving
8 allegations of misclassification of the “Property Manager” position. On May 23, 2012, the court
9 granted final approval of the class action settlement. The Los Angeles County Superior Court
10 Case Number is BC430918.

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

16 e) LFJ, in association with co-counsel therein, represented the plaintiff in a
17 wage-and-hour class and PAGA representative action against a bank, involving allegations of
18 misclassification of the “Assistant Branch Manager” position. On August 27, 2013, the court
19 granted final approval of the class and PAGA representative action settlement. The Kern County
20 Superior Court Case Number is S-1500-CV-273194-LHB.

21 f) LFJ, in association with co-counsel therein, represented the plaintiff in a
22 wage-and-hour class and PAGA representative action against a national wholesale distributor of
23 plumbing and builder supplies, involving allegations of misclassification of multiple salaried
24 “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA
25 representative action settlement. The Sacramento County Superior Court Case Number is 34-
26 2012-00136285.

27 g) LFJ, in association with co-counsel therein, represented the plaintiff in a
28 wage-and-hour class action against a multinational corporation that provides global workplace

1 solutions, involving allegations of misclassification of the “Operations Manager” position. On
2 September 16, 2014, the court granted plaintiff’s motion for class certification. The Los Angeles
3 County Superior Court Case Number is BC478769.

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

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

15 j) LFJ, in association with co-counsel therein, represented the plaintiffs in a
16 wage-and-hour class and PAGA representative action against a national retailer of upscale
17 hardware and home furnishings, on behalf of non-exempt employees. On April 28, 2016, the
18 court granted final approval of the class and PAGA representative action settlement. The Los
19 Angeles County Superior Court Case Numbers are BC516795 and JCCP4794, and the Judicial
20 Council Coordination Proceeding Number is 4794.

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

25 l) LFJ, in association with co-counsel therein, represented the plaintiffs in a
26 wage-and-hour class action against a national retailer of apparel, accessories, and home products,
27 involving allegations of misclassification of the “Department Manager” position. On August 12,
28 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 California Court of Appeal in favor of employees. *Roberto Betancourt v. Prudential Overall Supply* (Cal. App. 4th Dist., Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S. Supreme Court Docket No. 17-254). The Riverside County Superior Court Case Numbers are RIC1503952 and RICJCCP5046, and the Judicial Council Coordination Proceeding Number is 5046.

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

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

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

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

16 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
17 representative action against a food company on behalf of non-exempt employees. On June 30,
18 2017, the court granted final approval of the class and PAGA representative action settlement.
19 The Sacramento County Superior Court Case Number is 34-2015-00175871.

20 v) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
21 representative action against a chocolate company on behalf of non-exempt employees. On July
22 19, 2017, the court granted final approval of the class and PAGA representative action
23 settlement. The Alameda County Superior Court Case Number is RG15764300.

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

1 x) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
2 representative action against a manufacturer of plastic containers on behalf of non-exempt
3 employees. On October 31, 2017, the court granted final approval of the class and PAGA
4 representative action settlement. The Los Angeles County Superior Court Case Number is
5 BC577233.

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

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

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

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

26 cc) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
27 representative action against a behavioral health service provider on behalf of non-exempt
28 employees. On November 13, 2018, the court granted final approval of the class and PAGA

1 representative action settlement. The Alameda County Superior Court Case Number is
2 RG16811450.

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

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

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

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

24 hh) LFJ, in association with co-counsel therein, on behalf of the plaintiff and
25 respondent in a PAGA representative action, successfully opposed in the trial court, and briefed
26 and argued an appeal with respect to the employer's motion to compel arbitration, resulting in a
27 notable decision from the California Supreme Court clarifying the law regarding PAGA claims,
28 *ZB, N.A. v. Superior Court* (2019) 8 Cal.5th 175. On February 21, 2020, the court granted

1 approval of the PAGA representative action settlement. The San Diego County Superior Court
2 Case Number is 34-2015-00175330.

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

8 jj) LFJ, in association with co-counsel therein, represents the plaintiff in a
9 wage-and-hour class and PAGA representative action against a large national drug testing
10 laboratory on behalf of non-exempt employees. On February 21, 2020, the court granted the
11 plaintiff's motion for class certification and certified a class. The San Diego County Superior
12 Court Case Number is 37-2018-00019611-CU-OE-CTL.

13 kk) LFJ, in association with co-counsel therein, represents the plaintiffs in a
14 wage-and-hour class and PAGA representative action against a national retailer of sportswear,
15 footwear, and camping equipment on behalf of non-exempt employees. On March 16, 2020, the
16 court granted in part the plaintiff's motion for class certification and certified a class. The
17 Riverside County Superior Court Case Numbers are RIC1507504 and RICJCCP4930, and the
18 Judicial Council Coordination Proceeding Number is 4930.

19 ll) LFJ, in association with co-counsel therein, represents the plaintiffs in a
20 wage-and-hour class action against manufacturer and supplier of power products and services on
21 behalf of non-exempt employees. On July 31, 2020, the court granted in part the plaintiffs'
22 motion for class certification and certified a class. The San Diego County Superior Court Case
23 Number is 37-2015-00025968-CU-OE-CTL.

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

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LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL

19. To date, Class Counsel has borne all the risks and costs of litigation and will not receive any compensation until recovery is obtained in the above-captioned action. Lawyers for Justice, PC has incurred **\$16,045.29** in litigation costs and expenses as reflected in “**EXHIBIT B**” attached hereto. These expenses were reasonable and necessary in the prosecution of this case and to obtain the Settlement.

CLASS REPRESENTATIVE SERVICE AWARD TO PLAINTIFF

20. In recognition of his efforts and work serving as the Class Representative, the Settlement provides for a Class Representative Service Award in the amount of \$10,000.00 to Plaintiff Edwardo Lee to compensate Plaintiff for the time and effort that he expended in the case. The requested Class Representative Service Award is fair and appropriate. Plaintiff spent a substantial amount of time and effort in producing relevant documents and information and provided the facts and evidence necessary to attempt to prove the allegations. Plaintiff was available whenever Class Counsel needed him and actively tried to obtain information that would benefit the pursuit of the class and PAGA claims. Plaintiff spent numerous hours speaking with Class Counsel about his claims, describing his work experience with Defendants, and gathering and reviewing documents. Accordingly, it is appropriate for Plaintiff Edwardo Lee to receive \$10,000.00 as a reasonable Class Representative Service Award for his services in the case, in addition to his Individual Settlement Payment.

21. I submit that the Settlement is fair, reasonable, and adequate. In addition, the Settlement is in the best interests of Plaintiff, other Class 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 6th day of September 2022, at Glendale, California.



Edwin Aiwasian

EXHIBIT A

LEE V. DEL MONACO FOODS, LLC, ET AL.
(SANTA CLARA COUNTY SUPERIOR COURT CASE NO. 19CV347471)

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, and Commonality	9.80
Investigation of the Merits of Plaintiff Edwardo Lee’s (“Plaintiff”) Claims and the Merits of the Claims of the Putative Class Members	10.50
Investigation of Potential Damages and Penalties Exposure of Defendants Del Monaco Foods, LLC. and Del Monaco Specialty Foods, Inc. (collectively, “Defendants”) with Respect to Plaintiff and the Putative Class Members	9.40
Investigation of the Key Facts with a Focus on the Merits of the Private Attorneys General Act (“PAGA”) Claim on Behalf of the State of California with Respect to Plaintiff and the Aggrieved Employees	8.70
Investigation of Potential Civil Penalties Exposure of Defendants with respect to Alleged Labor Code and IWC Wage Order Violations with Respect to Plaintiff and the Aggrieved Employees	6.20
Legal Research and Analysis of Latest Off-the-Clock, Meal and Rest Break, Representative PAGA, and Certification Decisions in California, Including all New and Relevant DLSE Materials	8.10
Investigation of Defendants, Defendants’ Business Relationships, and the Industry in which Defendants Operate	3.80

Investigation of Defendants' Organizational and Corporate Structure, and Executive Reporting Structure as It Relates to the Employment and Management of the Putative Class Members	3.10
Investigation of Defendants' Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	3.20
Analysis of Competitors in Various Relevant Geographic Areas within which Defendants Operate, and Comparing and Contrasting Defendants' Policies, Practices, and Procedures with the Policies, Practices, and Procedures of Defendants' Competitors	3.60
Research and Investigation Re: Location(s), Department(s), and/or Division(s) Owned, Managed, Serviced and/or Operated by Defendants in California During the Class Period, Including Differences Between Them to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	5.80
Research and Investigation Re: Workforce, Staffing Models, and Staffing Levels at Location(s) at Which Putative Class Members Worked Throughout California	5.20
Research and Investigation Re: Defendants' Policies, Practices, and Procedures Relating to Timekeeping, Scheduling, Opening and Closing Procedures, Orders and Deliveries, Meal/Rest Breaks, Meal Waiver, On-Premises Rest Breaks, Overtime Compensation, Bonuses/Incentive/Shift Differential Pay, Health/Safety/Sanitation, Dress Code, Personal Cell Phone Use, PPE, and Reimbursement of Business-Related Expenses	19.70
Research and Investigation Re: Various Software Programs and Other Technology Defendants Use to Conduct Everyday Business, Including Inventory, CRM, Sales, Logistics, Production, Secured Access, and Timekeeping Systems, with a Focus on What Documents (Both Paper and Electronic) Are Created in the Normal Course of Business Relating to Overtime Worked, Off-the-Clock Time Worked Pre/Post-Shift, and Time Worked During Meal Breaks	4.50
Research and Analysis of Potential Defenses Defendants May Raise, Including <i>De Minimis</i> Work, Non-Compensable Off-the-Clock Work, Waiver, and Compliant Policies	8.20

Research and Investigation Re: Post- <i>Duran vs. U.S. Bank</i> Trial Manageability Issues, including Research Regarding Which Experts to Retain and For What Purpose	6.10
Research and Analysis of Defendants' Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues	2.70
Research and Investigation of Impact of COVID-19 Pandemic on Defendants, Their Operations, and Putative Class Members' Work	7.30
Prepare a Discovery Strategy and Plan of Action, Including Topics of Inquiry Important to Certification, Liability, and Damages/Civil Penalties	7.10
Meet and Communicate with Plaintiff Edwardo Lee Throughout the Pendency of the Case	41.50
Meet and Communicate with Putative Class Members and Percipient Witnesses	14.50
Pleadings and Court Filings	
Research and Draft Plaintiff's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on May 3, 2019)	8.50
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Conference Statement (submitted on July 16, 2019)	1.60
Review Court's Minute Order Re: Case Management Conference (filed on August 13, 2019)	0.10
Draft Plaintiff's Notice of Posting Jury Fees (filed on September 25, 2019)	0.20
Review Court's Notice of Further Case Management Conference Statement (filed November 5, 2019)	0.10
Research and Draft Plaintiff's First Amended Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on November 12, 2019)	5.70

Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Conference Statement (submitted on December 4, 2019)	1.50
Review Court's Minute Order Re: Further Case Management Conference (filed on December 10, 2019)	0.10
Review and Analyze Defendants' Answer to First Amended Class Action Complaint for Damages and Research Affirmative Defenses in Defendants' Answer (served on December 16, 2019)	2.10
Review Court's Order and Notice of Reassignment of Case (filed on December 18, 2019)	0.10
Review Court's Order Deeming Case Complex (filed on December 20, 2019)	0.20
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Conference Statement (submitted on April 9, 2020)	1.50
Review Court's Notice of Rescheduled Case Management Conference (filed on May 1, 2020)	0.10
Review Court's General Order Re: COVID-19 Emergency Order Regarding Complex Civil Actions (filed on May 6, 2020)	0.20
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Conference Statement (submitted on August 7, 2020)	1.50
Review Court's Notice Review Court's Notice of Rescheduled Case Management Conference (filed on August 10, 2020)	0.10
Review Court's Notice of Rescheduled Case Management Conference (filed on August 26, 2020)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Conference Statement (submitted on November 25, 2020)	1.50
Review Court's Notice of Rescheduled Case Management Conference (filed on December 1, 2020)	0.10

Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Statement (submitted on January 15, 2021)	1.50
Review Court's Notice of Rescheduled Case Management Conference (filed on January 19, 2021)	0.10
Research and Draft Plaintiff's Second Amended Class Action Complaint & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. for Damages and Legal Research and Analysis of All Claims Involved; Meet and Confer with Defendants' Counsel, and Draft Joint Stipulation Granting Plaintiff Leave to File Second Amended Complaint; [Proposed] Order Thereon (submitted on January 27, 2021)	5.30
Review Court's Order Granting Plaintiff Leave to File Second Amended Complaint (filed on January 27, 2021)	0.10
Review and Analyze Defendants' Answer to Second Amended Class Action Complaint for Damages and Research Affirmative Defenses in Defendants' Answer (served on March 5, 2021)	1.70
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Statement (submitted on March 23, 2021)	1.50
Review Court's Notice of Rescheduled Case Management Conference (filed on March 24, 2021)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Statement (submitted on June 3, 2021)	1.50
Review Court's Notice of Rescheduled Case Management Conference (filed on June 4, 2021)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Statement (submitted on August 6, 2021)	1.50
Review Court's Notice of Rescheduled Case Management Conference (filed on August 6, 2021)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Statement (submitted on November 24, 2021)	1.50

Review Court's Notice of Rescheduled Case Management Conference (filed on November 29, 2021)	0.10
Review Court's Notice of Rescheduled Case Management Conference (filed on December 16, 2021)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Statement (submitted on February 2, 2022)	1.50
Review Court's Notice of Rescheduled Case Management Conference (filed on February 9, 2022)	0.10
Appearances	
Prepare for and Telephonically Attend Case Management Conference (August 13, 2019)	1.10
Prepare for and Telephonically Attend Case Management Conference (December 10, 2019)	0.50
Prepare for and Telephonically Attend Case Management Conference (June 10, 2021)	2.80
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (March 10, 2022)	0.50
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Award (September 29, 2022) (Anticipated)	1.50
Discovery and Deposition	
Draft Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Edwardo Lee (served on February 28, 2019)	1.90
Review and Analyze Documents Produced by Defendants in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Edwardo Lee (served on April 12, 2019)	4.50

Letters and Correspondence	
Research and Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Edwardo Lee for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on November 17, 2020)	4.50
Meet with, Draft Correspondence to, and Respond to Correspondence from, Defendants' Counsel	25.50
Mediation/Settlement	
Review and Analyze Mediation Data and Documents Produced by Defendants • Employee Handbooks, Policies, Memoranda, and Training Materials • Sampling of Employee Time Data • Sampling of Employee Pay Data • Meal Break Waiver	39.80
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/Calculations (submitted on July 22, 2020)	28.50
Remotely Attend Mediation Session (July 28, 2020; Zoom Video Conference)	8.50
Review, Revise, Negotiate, and Finalize Joint Stipulation of Class Action and PAGA Settlement Agreement (executed on December 2, 2021) and Exhibits	16.20
Draft, Review, Revise, Negotiate, and Finalize First Amended Joint Stipulation of Class Action and PAGA Settlement Agreement (executed on April 15, 2022) and Exhibits	5.40
Review and Monitor Settlement Administration Process and Weekly Reports	5.50

Law and Motion	
Research and Draft Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, Declaration of Edwin Aiwazian in Support Thereof, Declaration of Edwardo Lee in Support Thereof, and [Proposed] Order Thereon (filed on February 15, 2022)	17.10
Review Court's Minute Order Re: Motion for Preliminary Approval of Class Action Settlement (filed on March 10, 2022)	0.10
Draft Plaintiff's Supplemental Brief in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement, Declaration of Joanna Ghosh in Support Thereof, and [Revised Proposed] Order Thereon (filed on April 14, 2022)	7.50
Draft Plaintiff's Supplemental Declaration of Joanna Ghosh in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement (filed on April 18, 2022)	0.50
Review Court's Minute Order Re: Motion for Preliminary Approval of Class Action Settlement (filed on April 28, 2022)	0.10
Review Court's Order Granting Preliminary Approval of Class Action Settlement (filed on May 4, 2022)	0.30
Review and Analyze Settlement Administrator's Declaration Regarding Settlement Notice Administration; and Research and Draft Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Award, and Declaration of Edwin Aiwazian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on September 6, 2022) (Anticipated)	18.50
Total Hours:	421.90

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Lee v. Del Monaco Foods, Inc.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
5/14/2019	One Legal	Attorney Service	30.11
5/14/2019	Santa Clara County Superior Court	Court Filing Fee	435.00
6/3/2019	Legal Documenter Server, Inc.	Attorney Service	300.00
6/23/2019	Legal Documenter Server, Inc.	Attorney Service	15.72
6/25/2019	Legal Documenter Server, Inc.	Attorney Service	15.72
8/14/2019	CourtCall, LLC	Attorney Service	94.00
9/25/2019	Legal Documenter Server, Inc.	Attorney Service	21.05
9/25/2019	Santa Clara County Superior Court	Jury Fee	150.00
11/12/2019	Golden State Overnight	Courier Service	19.23
11/15/2019	Legal Documenter Server, Inc.	Attorney Service	15.72
12/11/2019	CourtCall, LLC	Attorney Service	94.00
7/16/2020	First Mediation Corporation	Mediation Fee	7,500.00
7/28/2020	Robert A. Parris	Damages Consulting Expert	6,600.00
1/15/2021	CourtCall, LLC	Attorney Service	94.00
1/27/2021	Legal Documenter Server, Inc.	Attorney Service	17.50
1/27/2021	Santa Clara County Superior Court	Court Filing Fee	20.00
3/1/2021	Legal Documenter Server, Inc.	Attorney Service	16.72
3/19/2021	CourtCall, LLC	Attorney Service	94.00
3/23/2021	Legal Documenter Server, Inc.	Attorney Service	16.87
6/7/2021	CourtCall, LLC	Attorney Service	94.00
6/14/2021	Legal Documenter Server, Inc.	Attorney Service	16.80
11/24/2021	Legal Documenter Server, Inc.	Attorney Service	66.80
2/2/2022	Legal Documenter Server, Inc.	Attorney Service	16.80
2/15/2022	Legal Documenter Server, Inc.	Attorney Service	19.65
2/15/2022	Santa Clara County Superior Court	Court Filing Fee	60.00
3/9/2022	CourtCall, LLC	Attorney Service	94.00
4/1/2022	CourtCall, LLC	Attorney Service	94.00
4/15/2022	Legal Documenter Server, Inc.	Attorney Service	16.80
4/18/2022	Legal Documenter Server, Inc.	Attorney Service	16.80
Total:			16,045.29