

Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
Joanna Ghosh (SBN 272479)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

MARCO RODRIGUEZ, individually, and on
behalf of other members of the general public
similarly situated;

Plaintiff,

vs.

NEW PENN FINANCIAL, LLC, a Delaware
corporation; and DOES 1 through 100,
inclusive,

Defendant.

Case No.: 34-2018-00233729

Honorable Shama H. Mesiwala
Department 53

CLASS ACTION

**DECLARATION OF MARCO
RODRIGUEZ IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

[Notice of Motion and Motion for
Preliminary Approval of Class Action
Settlement; Declaration of Proposed Class
Counsel (Edwin Aiwazian); and [Proposed]
Order filed concurrently herewith.]

Reservation No.: 2550625
Date: March 8, 2021
Time: 1:30 p.m.
Department: 53

Complaint Filed: May 25, 2018
FAC Filed: September 26, 2018
Jury Trial: None Set

DECLARATION OF MARCO RODRIGUEZ

I, **Marco Rodriguez**, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am the named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by Defendant New Penn Financial, LLC ("New Penn") in an hourly-paid, non-exempt position from approximately April 2015 to August 2015. I decided to seek legal advice about my work experiences with New Penn and about pursuing my grievances. I contacted Lawyers *for* Justice, PC and spoke with attorneys there. I wanted to do whatever I could to make sure New Penn paid me and other employees what was owed to us for all hours worked and non-compliant meal and rest breaks. After speaking with the attorneys, I investigated complex wage-and-hour lawsuits on my own and did some research into the leading class action and employment law firms in California for approximately 8 hours. Thereafter, I consulted with the attorneys at Lawyers *for* Justice, PC for 7 hours to discuss my situation, complex wage-and-hour class actions in general, and what it meant to be a named plaintiff and class representative, and eventually, a PAGA representative.

3. I have spent over 25 hours meeting with my attorneys and fulfilling my responsibilities as a class representative in this case, which included gathering documents concerning my employment with New Penn, reviewing documents with my attorneys and answering their questions, answering questions and providing guidance regarding the work performed by non-exempt employees, and helping develop a strategy as to what documents and information to obtain from New Penn. I frequently checked in with my attorneys and their staff to make sure that they had my most current information and any additional information that I had obtained.

4. Throughout the case, I was available to answer any questions my attorneys had, and available to speak and meet with them whenever they needed me. I responded to my attorneys as quickly as possible and gave them as much information and identified as many documents as I could. I spent about 15 hours speaking with my attorneys about the case,

1 identifying potential witnesses, providing my attorneys with documents and information
2 concerning the case, and also describing policies, practices, and procedures of New Penn. During
3 the discovery phase of the litigation, I spent at least 10 additional hours reviewing New Penn's
4 discovery requests, locating documents, and providing responses and documents to my attorneys.

5 5. On July 9, 2019, I attended a full day of deposition that lasted approximately 7
6 hours. I spent at least 4 hours preparing for the deposition and approximately 2 additional hours
7 traveling to and from the deposition. After the deposition, I spent at least 2 hours reviewing my
8 testimony and discussing the contents of the deposition transcript with my attorneys.

9 6. As far as the settlement is concerned, I was available to review documents and
10 answer any questions my attorneys had. I spent about 3 hours reviewing the settlement
11 documents and about 2 hours asking questions and discussing the potential settlement with my
12 attorneys before signing the settlement papers.

13 7. I believe that I have done everything that my attorneys have asked of me and have
14 tried, to the best of my ability, to represent the class. I think my efforts helped to get the result
15 obtained in this case, and as a class and eventual PAGA representative, I respectfully request that
16 the Court award me a Service Payment in the amount of \$15,000.00 for my active participation
17 in this case. Taking into consideration the time that I have dedicated to this case, I believe that
18 this amount is reasonable.

19 8. I am not related to anyone associated with Lawyers *for* Justice, PC.

20 9. I have not entered into any undisclosed agreements, nor have I received any
21 undisclosed compensation in this case. The only compensation I will receive is whatever amount
22 the Court awards as a service payment, as well as my share of the settlement as a class member.

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

25 Executed on January 21, 2021, at Walnut Creek, California.

26 
27 Electronically Signed: 2021-01-21 18:04:10 UTC - 98.35.238.28
28 Adobe Sign® 3ee51a84-bc31-48b2-ae6d-acb7012971b2

Marco Rodriguez