

Edwin Aiwarzian (SBN 232943)
Arby Aiwarzian (SBN 269827)
Joanna Ghosh (SBN 272479)
Brian J. St. John (SBN 304112)
Selena Matavosian (SBN 348044)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

JUAN JUAREZ PEREZ, 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.

JUPITER, LLC, an unknown business
entity; and DOES 1 through 100, inclusive,

Defendants.

Case No.: RG20084193

Honorable Brad Seligman
Department 23

CLASS ACTION

**DECLARATION OF EDWIN AIWAZIAN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, CLASS
COUNSEL FEES PAYMENT AND
LITIGATION EXPENSES PAYMENT,
AND SERVICE PAYMENT**

[Notice of Motion and Motion for Final
Approval of Class Action Settlement, Class
Counsel Fees Payment and Litigation
Expenses Payment, and Service Payment;
Declaration of Class Representative (Juan
Juarez Perez); Declaration of Settlement
Administrator (Lluvia Islas); and [Proposed]
Final Approval Order and Judgment filed
concurrently herein]

Reservation: A-20084193-001
Date: October 10, 2023
Time: 3:00 p.m.
Department: 23

Complaint Filed: December 17, 2020
FAC Filed: January 12, 2021
Trial Date: None Set

DECLARATION OF EDWIN AIWAZIAN

I, Edwin Aiwarzian, 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 Juan Juarez Perez (“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 25, 2023, in Department 23 of the above-entitled Court, the Honorable Brad Seligman preliminarily approved the Class Action and PAGA Settlement Agreement (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff and Defendant Jupiter, LLC (“Defendant”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiff Juan Juarez Perez to represent the Class (“Class Representative”). 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 Class Action Administration Solutions (“Phoenix” or “Settlement Administrator”) as the third-party administrator, 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, Class Counsel Fees Payment and Litigation Expenses Payment, and Service Payment (“Motion for Final Approval”), no Class Members have objected to the Class Settlement or the contemplated request for Class Counsel Fees Payment and Litigation Expenses Payment, Service Payment, Settlement Administration Expenses, 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 have been actively engaged in litigating the above-captioned putative class and PAGA action since prior to its commencement on December 17, 2020.

5. 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 class certification, off-the-clock theory, meal and rest periods, wage-and-hour law and enforcement, PAGA representative claims, Plaintiff's claims and allegations, and potential defenses. After conducting initial investigation, our firm determined that the claims of Plaintiff were well-suited for class-wide 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 of Defendant within the State of 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 investigation and formal and informal discovery regarding the facts of the case, exchanging a large volume of documents, information, and data in the course of litigation and in connection with mediation and settlement negotiations. Class Counsel served multiple sets of written discovery requests in various forms (specifically, Requests for Production of Documents (Set One), Special Interrogatories (Sets One and Two), and Form Interrogatories – General (Set One)) and noticed the depositions of Defendant's Person Most Knowledgeable designees, along with accompanying requests for production of documents. Class Counsel also reviewed and analyzed a large volume of information, documents, and data obtained from Plaintiff, Defendant, and other sources. The information, documents, and data reviewed and analyzed by Class Counsel included, and were not limited to, employment records of Plaintiff, a

1 detailed sampling of Class Members' time and pay records, multiple iterations of Defendant's
2 Employee Handbook, company policy acknowledgments and forms (including, but not limited
3 to, Defendant's Handbook/Policy Employee Acknowledgment, Employee Acknowledgement of
4 Receipt of the Meal Periods Policy and Rest Periods Policy, Employee Acknowledgement of
5 Receipt of the Jupiter Timekeeping Policy, First Meal Period Waiver Form, Second Meal Period
6 Waiver Form, and Meal Break Offer Acknowledgment), employment policies, practices, and
7 procedures documents (including, but not limited to, Defendant's California Meal Periods Policy
8 and Rest Periods Policy, Overtime Policy, Dress Code Policy, Expenses Policy, and Timekeeping
9 Policy), among other information and documents. Plaintiff's Counsel interviewed Plaintiff and
10 conducted investigations to gather facts and circumstances surrounding Plaintiff and putative
11 class members' employment and to identify potential witnesses. Class Counsel researched
12 applicable law, developed liability, damages, and penalties valuation models in connection with
13 mediation and settlement negotiations, and met and conferred with Defendant's counsel on
14 numerous occasions, e.g., to discuss issues relating to the pleadings, case management, discovery,
15 and the production of information, documents, and data in the course of litigation as well as
16 mediation and settlement negotiations. Other work performed by Class Counsel included, and
17 was not limited to, case strategy and analysis; drafting, reviewing, and revising pleadings and the
18 mediation brief; drafting formal discovery; preparing and appearing for court proceedings; and
19 preparing for and attending mediation and settlement negotiations.

20 7. The parties have conducted significant investigation and discovery during the
21 course of litigating the case and in connection with mediation and settlement negotiations, and
22 Class Counsel analyzed a volume of information, documents, and data obtained from Plaintiff,
23 Defendant, and other sources. The information, documents, and data provided a critical
24 understanding of the nature of the work performed by the Class Members and PAGA Group
25 Members, as well as Defendant's operations and employment policies, practices, and procedures,
26 and were used in analyzing liability, damages, and penalties valuation issues in connection with
27 all phases of the litigation, and ultimately in connection with the mediation and settlement
28 negotiation process. Class Counsel also performed research regarding applicable law which is

1 evolving as it relates to class certification, off-the-clock theory, meal and rest periods, PAGA
2 representative claims, wage-and-hour law and enforcement, Plaintiff's claims and damages, and
3 Defendant's defenses thereto.

4 8. After conducting significant investigation of the facts and law during the
5 prosecution of the case, counsel for the parties engaged in extensive settlement negotiations to
6 try to resolve the entire matter. These efforts included participating in a formal, full-day
7 mediation and extensive follow-up negotiations conducted by Jeffrey Krivis, Esq. (the
8 "Mediator"), a well-regarded mediator experienced in mediating complex labor and employment
9 matters. During all settlement discussions, the parties conducted their negotiations at arm's
10 length in an adversarial position. In the course of mediation and settlement negotiations, the
11 parties exchanged information and data, and discussed all aspects of the case, including and not
12 limited to, the risks and delays of further litigation; the risks to the parties of proceeding with
13 class certification and trial; the law relating to class certification, off-the-clock theory, meal and
14 rest periods, waivers, representative PAGA claims and manageability, and wage-and-hour law
15 and enforcement; Defendant's financial condition; the evidence produced and analyzed; and the
16 possibility of appeals, among other things. Arriving at a settlement that was acceptable to the
17 parties was not easy. Defendant contended that individualized questions of fact predominate over
18 any common issues and that these issues would pose challenges to certification and representative
19 adjudication. Defendant and its counsel felt very strongly about Defendant's ability to prevail on
20 the merits and to avoid class certification and representative adjudication. Meanwhile, Plaintiff
21 and Class Counsel disagreed with these contentions and believed that they would be able to obtain
22 class certification and prevail at trial. With the aid of the Mediator's evaluation, the parties agreed
23 that the case was well-suited for settlement given the legal issues relating to Plaintiff's principal
24 claims, as well as the costs and risks to the parties that would attend further litigation. These risks
25 of further litigation include, and are not limited to, a determination that the claims are unsuitable
26 for class treatment and/or representative adjudication, class de-certification after certification of
27 a class, allowing a jury to decide the claims asserted in the case, and the real possibility of no
28 monetary recovery after years of litigation, especially in light of Defendant's financial condition.

9. By way of the accompanying Motion for Final Approval, Class Counsel seeks attorneys' fees in the amount of \$105,000.00, which is thirty-five percent (35%) of the Gross Settlement Amount of \$300,000.00, as set forth in the Settlement Agreement and the Class Notice. Pursuant to the contingency-fee agreement entered into by and between Plaintiff and Class Counsel, Plaintiff has agreed to contingency fees 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; and (6) the other cases that Class Counsel has turned down in order to devote its time and efforts to this matter.

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

11. While not necessarily required to be demonstrated because the percentage 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 **337.70 hours** performing tasks and obtaining recovery in this matter. 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 attorneys at Lawyers for Justice, PC and the time incurred in performing those services. These hours include work done by myself and several other attorneys at Lawyers for Justice, PC. Additionally, separate from the hours referenced herein, 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 case, the background of our firm, as well as the individual backgrounds, training, and experience of the attorneys who worked on this case, in litigating complex wage-and-hour actions, and in particular, employment class and representative actions, support a reasonable blended hourly rate of compensation at the rate of at least \$650 for work performed by Lawyers for Justice, PC. Lawyers for Justice, PC has been awarded attorneys'

1 fees, compensating the firm at the rate of at least \$650 per hour for legal services performed, by
2 courts granting approval of settlements in other wage-and-hour cases: final approval of the class
3 action settlement in *Thereasa Carrozzella v. Basalite Concrete Products, LLC* (Sacramento
4 County Superior Court Case No. 34-2017-00220214-CU-OE-GDS) was granted on February 21,
5 2020, and the award of attorneys' fees involved an hourly rate of \$766.05; final approval of the
6 class and representative action settlement in *Alice Rutledge, et al. v. Healthport Technologies,*
7 *LLC* (Alameda County Superior Court Case No. RG16835813) was granted on June 11, 2019,
8 and the award of attorneys' fees involved compensation at the rate of \$764.82 per hour; final
9 approval of the class and representative action settlement in *Seth Swan v. Pace Supply Corp.*
10 (Sonoma County Superior Court Case No. SCV258764) was granted on February 6, 2019, and
11 the award of attorneys' fees involved compensation at the rate of \$855.96 per hour; final approval
12 of the class and representative action settlement in *Stanley Bland, et al. v. Telecare Corporation*
13 (Alameda County Superior Court Case No. RG16811450) was granted on November 21, 2018,
14 and the award of attorneys' fees involved compensation at the rate of \$831.38 per hour; final
15 approval of the class and representative action settlement in *Luis Carlos Deluna v. Amerit Fleet*
16 *Solutions, Inc., et al.* (San Bernardino County Superior Court Case No. CIVDS1721564) was
17 granted on October 19, 2018, and the award of attorneys' fees involved compensation at the rate
18 of \$671.72 per hour; final approval of the class and representative action settlement in *Maryjo*
19 *Ungerbuhler Anderson v. Boyett Petroleum* (Stanislaus County Superior Court Case No.
20 2020582) was granted on May 15, 2018, and the award of attorney's fees involved compensation
21 at the rate of \$780.77 per hour; and final approval of the class and representative action settlement
22 in *Demetrius Camarillo v. Blue Diamond Growers* (Sacramento County Superior Court Case No.
23 34-2015-00175871) was granted on June 30, 2017, and the award of attorneys' fees involved
24 compensation at the rate of \$845.64.

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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 education and 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*.

LITIGATION AND CLASS ACTION EXPERIENCE

15. In December of 2004, I obtained a license to practice law from the California State Bar.

16. 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

1 in California.

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

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

6 a) LFJ, in association with co-counsel therein, represented the plaintiffs in a
7 wage-and-hour class action against a major property management company involving allegations
8 of misclassification of various “manager” positions. On September 20, 2010, the court granted
9 final approval of the class action settlement. The Los Angeles County Superior Court Case
10 Number is BC400414.

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

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

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

26 e) LFJ, in association with co-counsel therein, represented the plaintiff in a
27 wage-and-hour class and PAGA representative action against a bank, involving allegations of
28 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 County
18 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.

1 The Sacramento County Superior Court Case Number is 34-2015-00175871.

2 v) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
3 representative action against a chocolate company on behalf of non-exempt employees. On July
4 19, 2017, the court granted final approval of the class and PAGA representative action settlement.
5 The Alameda County Superior Court Case Number is RG15764300.

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

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

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

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

26 aa) LFJ, in association with co-counsel therein, represented the plaintiffs in a
27 wage-and-hour class and PAGA representative action against a global provider of flexible office
28 space solutions. On February 15, 2018, the court granted final approval of the class and PAGA

1 representative action settlement. The Los Angeles County Superior Court Case Number is
2 BC498401.

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

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

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

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

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

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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

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

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

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

nn) LFJ represents the plaintiffs in a wage-and-hour class action against a manufacturer and distributor of commercial dish and glass cleaning machines and supplies for the restaurant and hospitality industries, on behalf of hourly-paid or non-exempt employees. On July 13, 2023, the court granted the plaintiffs' motion for class certification and certified a class. The Los Angeles County Superior Court Case Number is BC707670.

LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL

18. To date, Class Counsel has borne all the risks and costs of litigation and will not receive any compensation until recovery is obtained in this matter. Lawyers *for* Justice, PC seeks reimbursement of \$14,999.92 in litigation costs and expenses incurred in this case, as reflected in **"EXHIBIT B"** attached hereto. These expenses were reasonable and necessary in the prosecution of this matter and to obtain the Settlement.

SERVICE PAYMENT TO PLAINTIFF

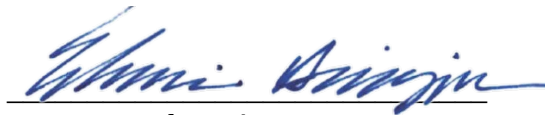
19. In recognition of his efforts and work in the case and his serving as the Class Representative, the Settlement provides for a Service Payment in the amount of \$7,500.00 to Plaintiff. The requested Service Payment is fair and appropriate. Plaintiff spent a substantial amount of time and effort in producing relevant documents and information, and provided the

1 facts and evidence necessary to attempt to prove the allegations. Plaintiff was available whenever
2 his attorneys needed him and actively tried to obtain and provide information that would facilitate
3 the pursuit of the class and PAGA claims. Plaintiff spent numerous hours speaking with his
4 attorneys about his claims, describing his work experience with Defendant, and gathering and
5 reviewing documents. Accordingly, it is appropriate for Plaintiff to receive \$7,500.00 as a
6 reasonable Service Payment for his services on behalf of the Class, PAGA Group Members, and
7 the State of California, in addition to his individual settlement payment.

8 20. I submit that the Settlement is fair, reasonable, and adequate. In addition, the
9 Settlement is in the best interests of Plaintiff, other Class Members and PAGA Group Members,
10 and the State of California.

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

13 Executed this 15th day of September 2023, at Glendale, California.

14
15 
16

Edwin Aiwasian

EXHIBIT A

JUAN JUAREZ PEREZ V. JUPITER, LLC.
(Alameda County Superior Court Case No. RG20084193)

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, and Commonality	7.50
Pre-Lawsuit Investigation of the Merits of Plaintiff Juan Juarez Perez’s (“Plaintiff”) Claims and the Merits of the Claims of the Putative Class Members	7.10
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendant Jupiter, LLC (“Defendant”) with Respect to the Damages Sustained by Plaintiff and the Putative Class Members	6.50
Pre-Notice Investigation of 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	6.30
Pre-Notice Investigation of Potential Civil Penalties Exposure of Defendant with Respect to Plaintiff and the Aggrieved Employees	5.90
Legal Research and Analysis of Latest Off-the-Clock, Meal and Rest Break, Representative PAGA, and Class Certification Decisions in California, Including all New and Relevant DLSE Materials	7.10
Investigation of Defendant, Their Business Relationships, Their Financial Condition, and the Industry in which They Operate	8.50

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	2.50
Investigation of Defendant's Executives, Officers, and Leadership, with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity, and Defendant's Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues	2.50
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	3.10
Research and Investigation Re: Location(s), Department(s), and/or Division(s) Owned, Managed, Serviced, and/or Operated by Defendant in California During the Class Period, Including Any Differences Between Them to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	3.40
Comparative Analysis and Cross-Checking of All Available Job Postings, Job Reviews, and Customer 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	4.10
Research and Investigation Re: Staffing Models and Staffing Levels at Locations at Which Putative Class Members Worked Throughout California	3.50
Research and Investigation Re: Defendant's Written and Non-Written Policies, Practices, and Procedures Relating to Timekeeping, Customer Service, Health and Safety, Meal/Rest Breaks, Overtime Compensation, Bonus/Incentive/Performance/Production/Shift Differential Pay, Uniforms, PPE, Donning and Doffing, Use of Personal Cell Phone, and Reimbursement of Business-Related Expenses	13.50
Research and Investigation Re: Various Systems, Software Programs, and Other Technology that Defendant Uses to Conduct Its Everyday Business, Including Timekeeping, Scheduling, Point of Sale, Customer Relations Management, Communication, and Information and Document Management Systems,	3.40

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	
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	6.80
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	3.90
Meet and Communicate with Plaintiff Juan Juarez Perez Throughout the Pendency of the Case	35.50
Investigate, Meet, and Communicate with Putative Class Members and Percipient Witnesses.	14.50
Pleadings and Court Filings	
Draft Plaintiff's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on December 17, 2020)	7.10
Review Court's Notice of Hearing Re: Complex Determination (filed on January 20, 2021)	0.10
Draft Plaintiff's First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. and Legal Research and Analysis of All Claims Involved (filed on January 12, 2021)	5.10
Review Court's Tentative Ruling Re: Complex Determination (issued on February 10, 2021)	0.10
Review Court's Order Re: Complex Determination (filed on February 16, 2021)	0.10
Review Court's Notice of Assignment of Judge for all Purposes (filed on February 24, 2021)	0.10
Draft Plaintiff's Notice of Posting Jury Fees (filed on February 26, 2021)	0.10

Draft Plaintiff's Case Management Conference Statement (filed on March 10, 2021)	0.90
Review Court's Minute Order Re: Case Management Conference and Case Management Order (filed on March 16, 2021)	0.10
Review and Analyze Defendant's Answer to First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. and Research Affirmative Defenses in Defendant's Answer (served on April 7, 2021)	1.50
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on April 21, 2021)	1.10
Review Court's Case Management Order (filed on April 27, 2021)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on June 22, 2021)	0.90
Review Court's Case Management Order (filed on June 29, 2021)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation and [Proposed] Order to Continue Case Management Conference (submitted on February 17, 2022)	0.70
Review Court's Order Granting Stipulation to Continue Case Management Conference (filed on February 18, 2022)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation and [Proposed] Order to Continue Case Management Conference (submitted on April 25, 2022)	0.70
Review Court's Order Granting Stipulation to Continue Case Management Conference (filed on May 2, 2022)	0.10

Review Court's Minute Order Re: Case Management Conference and Case Management Conference Order (filed on May 3, 2022)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Statement and Notice of Settlement (submitted on July 21, 2022)	0.80
Review Court's Tentative Ruling Re: Case Management Conference (issued on August 8, 2022)	0.10
Review Court's Minute Order Re: Case Management Conference and Case Management Conference Order (filed on August 9, 2022)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation and [Proposed] Order to Continue Case Management Conference (submitted on December 5, 2022)	0.70
Review Court's Order Granting Stipulation to Continue Case Management Conference (filed on December 7, 2022)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on January 23, 2023)	0.70
Review Court's Tentative Ruling Re: Case Management Conference (issued on January 29, 2023)	0.10
Review Court's Minute Order Re: Case Management Conference and Case Management Conference Order (filed on January 31, 2023)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on February 21, 2023)	0.80
Review Court's Tentative Ruling Re: Case Management Conference (issued on February 23, 2023)	0.10
Review Court's Minute Order Re: Case Management Conference and Case Management Conference Order (filed on February 28, 2023)	0.10

Review Court's Minute Order Re: Case Management Conference (filed on March 28, 2023)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on April 20, 2023)	0.70
Review Court's Tentative Ruling Re: Case Management Conference (issued on April 28, 2023)	0.10
Review Court's Minute Order Re: Case Management Conference and Case Management Conference Order (filed on May 2, 2023)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Case Management Conference Statement (submitted on May 25, 2023)	0.80
Appearances	
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (May 30, 2023)	0.50
Prepare for and Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Class Counsel Fees Payment and Litigation Expenses Payment, and Service Payment (October 10, 2023) (Anticipated)	1.50
Discovery and Deposition	
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Juan Juarez Perez (served on July 1, 2020)	1.90
Draft Follow Up Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Juan Juarez Perez (served on September 25, 2020)	2.10
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Juan Juarez Perez (served on October 13, 2020)	3.50

Draft Plaintiff's Form Interrogatories - General (Set One), Special Interrogatories (Set One), Special Interrogatories (Set Two), and Requests for Production of Documents (Set One) to Defendant (served on July 22, 2021)	6.50
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for October 21, 2021; Organizational Structure) (served on July 22, 2021)	2.10
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for October 22, 2021; Wage and Hour Practices) (served on July 22, 2021)	2.50
Letters and Correspondence	
Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Juan Juarez Perez for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on November 5, 2020)	4.20
Meet with Defendant's Counsel, Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	19.50
Mediation/Settlement	
Review and Analyze Information, Data, and Documents Obtained from Plaintiff, Defendant, and Other Sources Prior to Mediation (served on January 6, 2022, January 14, 2022, January 28, 022, and February 4, 2022) • Employee Handbooks and Employment and Operations Policies, Practices, and Procedures Documents • Sampling of Employee Time Records • Sampling of Employee Payroll Records • Sampling of Meal Period Waivers and Meal Period Acknowledgment Forms	29.50

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, 2022)	24.50
Attend Mediation Session (February 8, 2022; Zoom Video Conference)	11.50
Draft, Review, Revise, Negotiate, and Finalize Class Action and PAGA Settlement Agreement (executed on April 10, 2023) and Draft Exhibits	16.50
Law and Motion	
Research and Draft Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement; Memorandum of Points and Authorities, Declaration of Selena Matavosain in Support Thereof, Declaration of Juan Juarez Perez in Support Thereof, Declaration of David Rowe in Conjunction Thereof, and [Proposed] Order Thereon (filed on April 10, 2023)	18.50
Review Court's Tentative Ruling Re: Motion for Preliminary Approval of Class Action Settlement (issued on April 28, 2023)	0.10
Review Court's Minute Order and Order on the Hearing Re: Motion for Preliminary Approval of Class Action Settlement (filed on May 2, 2023)	0.10
Draft Plaintiff's [Revised Proposed] Order Granting Preliminary Approval of Class Action Settlement (field on May 15, 2023)	0.80
Review Court's Tentative Ruling Re: Motion for Preliminary Approval of Class Action Settlement (issued on May 24, 2023)	0.10
Draft Plaintiff's [Further Revised Proposed] Order Granting Preliminary Approval of Class Action Settlement (field on May 25, 2023)	0.50
Review Court's Order Granting Preliminary Approval of Class Action Settlement (field on May 25, 2023)	0.10

Review Court's Minute Order Re: Motion for Preliminary Approval of Class Action Settlement and Order Re: Hearing on Motion- Other Motion for Preliminary Approval of Class Action Settlement (filed on May 30, 2023)	0.10
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, Class Counsel Fees Payment and Litigation Expenses Payment, and Service Payment, Declaration of Edwin Aiwasian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on September 15, 2023) (Anticipated)	20.50
Total Hours:	337.30

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Perez v. Jupiter, LLC (Class and PAGA)

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
7/1/2020	U.S. Postmaster	Postage	7.00
9/25/2020	U.S. Postmaster	Postage	7.00
11/5/2020	Labor & Workforce Development Agency	PAGA Filing Fee	75.00
11/5/2020	U.S. Postmaster	Postage	15.00
12/17/2020	Legal Document Server	Attorney Service	150.00
12/17/2020	Alameda Superior Court	Complaint Filing Fee	435.00
12/17/2020	Alameda Superior Court	Complex Filig Fee	1,000.00
1/11/2021	Legal Document Server	Attorney Service	150.00
1/15/2021	Legal Document Server	Attorney Service	280.00
2/11/2021	Legal Document Server	Attorney Service	325.00
2/26/2021	Legal Document Server	Attorney Service	135.25
2/26/2021	Alameda Superior Court	Jury Fee	150.00
3/10/2021	Legal Document Server	Attorney Service	130.00
3/16/2021	Legal Document Server	Attorney Service	130.00
4/21/2021	Legal Document Server	Attorney Service	130.00
6/22/2021	Legal Document Server	Attorney Service	130.00
2/8/2022	First Mediation Corporation	Mediation Fee	8,000.00
6/13/2022	First Mediation Corporation	Mediator's Supplemental Fee	3,500.00
7/22/2022	Legal Document Server	Attorney Service	18.70
1/24/2023	Legal Document Server	Attorney Service	18.70
2/21/2023	Legal Document Server	Attorney Service	18.70
3/16/2023	Alameda Superior Court	Document Download Fee	2.00
4/11/2023	Legal Document Server	Attorney Service	23.07
4/11/2023	Alameda Superior Court	Motion Fee	60.00
4/20/2023	Legal Document Server	Attorney Service	18.90
5/2/2023	Alameda Superior Court	Document Download Fee	1.00
5/16/2023	Legal Document Server	Attorney Service	18.90
5/25/2023	Legal Document Server	Attorney Service	37.80
5/30/2023	Legal Document Server	Attorney Service	18.90
5/30/2023	Alameda Superior Court	Document Download Fee	10.00
6/2/2023	Alameda Superior Court	Document Download Fee	4.00
Total:			<u>14,999.92</u>