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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

REVERIANO DIAZ, 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.

101 PHOENIX, INC., a California
corporation; and DOES 1 through 100,
inclusive,
Defendants.

Case No.: 20STCV36090

Honorable Carolyn B. Kuhl
Department SSC-12

CLASS ACTION

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

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Enhancement
Payment; Declaration of Class Representative
(Reveriano Diaz); Declaration of Settlement
Administrator (Simpluris, Inc.); and
[Proposed] Final Approval Order and
Judgment filed concurrently herein]

Date: October 6, 2022
Time: 10:30 a.m.
Department: SSC-12

Complaint Filed: September 22, 2020
FAC Filed: January 11, 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 Reveriano Diaz (“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 thereto.

PRELIMINARY APPROVAL OF SETTLEMENT

2. On May 2, 2022, the Court entered an order preliminarily approving the First Amended Stipulation and Settlement of Class Action and Private Attorneys General Act Representative Claims (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff and Defendant 101 Phoenix, Inc. (“Defendant”) (collectively, with Plaintiff, the “Parties”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiff Reveriano Diaz 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 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 request for Attorneys’ Fees and Costs, Class Representative Enhancement Payment, Settlement Administration Costs, or allocation for the penalties under the Private Attorneys General Act of 2004, California Labor Code section 2698, et seq. (“PAGA Settlement Amount”).

WORK PERFORMED BY CLASS COUNSEL

4. I have been actively engaged in litigating this matter since prior to the commencement of the above-captioned action on September 22, 2020, as have several other attorneys and members in our firm.

1 5. Before initiating the case, Lawyers for Justice, PC investigated and researched the
2 facts and circumstances underlying the pertinent factual and legal issues and applicable law. This
3 required thorough discussions and interviews between attorneys at our firm and Plaintiff, and
4 research into the various legal issues involved in the case, namely, the current state of the law as
5 it applied to certification, off-the-clock theory, meal and rest periods, wage-and-hour enforcement,
6 Private Attorney General Act (PAGA) claims, the claims of Plaintiff, and potential defenses. After
7 conducting initial investigation, our firm determined that the claims of Plaintiff were well-suited
8 for class action and representative adjudication owing to what appeared to be a common course of
9 conduct affecting a similarly situated group of current and former hourly-paid or non-exempt
10 employees who were employed by Defendant within the State of California, who were not properly
11 compensated for, *inter alia*, all hours worked, non-compliant meal and rest periods, and
12 unreimbursed business expenses.

13 6. Prior to reaching the Settlement, the Parties investigated the veracity, strength, and
14 scope of the claims, and were preparing for class certification, representative adjudication, and
15 trial. The Parties conducted significant formal and informal discovery and investigation into the
16 facts of the case, and also informally exchanged a large volume of documents, information, and
17 data in preparation for mediation. Class Counsel propounded multiple sets of formal written
18 discovery requests onto Defendant (specifically, Requests for Production of Documents (Set One);
19 Special Interrogatories (Sets One & Two); and Form Interrogatories (Set One)), prepared and
20 served numerous notices of deposition of Defendant's Person(s) Most Knowledgeable along with
21 requests for production of documents, and worked with Plaintiff to review discovery requests and
22 a notice of deposition that were served by Defendant. Class Counsel interviewed and obtained
23 information from Plaintiff and other Class Members, including and not limited to the names of
24 potential witnesses, and reviewed and analyzed a large volume of documents and data obtained
25 from Plaintiff, Defendant, and other sources. The documents and data reviewed and analyzed by
26 Class Counsel included, and were not limited to: Plaintiff's employment records, a detailed
27 sampling of Class Members' time and pay data, internal memoranda, and Defendant's operations
28 and employment practices, forms, procedures, and policies, among other information and

documents. Class Counsel researched applicable law, developed violation, damages, and penalties valuation models in preparation for mediation, and met and conferred with Defendant's counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, 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, motion-related papers, and the mediation brief; and preparing and appearing for court proceedings, mediation, and settlement negotiations, among other tasks.

7. As outlined herein, the Parties have conducted significant formal and informal discovery and investigation during the course of litigating the case. Class Counsel analyzed a large volume of documents and data obtained from Plaintiff, Defendant, 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 Defendant's 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 Defendant's 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 case. 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/or representative adjudication 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. Defendant also contended that individualized questions of fact predominate over any common issues, and these issues would pose challenges to class certification and representative

1 adjudication. Defendant and its counsel felt very strongly about Defendant's ability to prevail on
2 the merits and to obtain a denial of class certification, while Plaintiff and Class Counsel believed
3 that class certification would be obtained and that they would prevail at trial. With the aid of the
4 mediator's evaluation, the Parties agreed that the case was well-suited for settlement given the
5 legal issues relating to Plaintiff's principal claims, as well as the costs and risks to the Parties that
6 would attend further litigation. These risks of further litigation include, and are not limited to, a
7 determination that the claims are unsuitable for class treatment and/or representative adjudication,
8 class de-certification after certification of a class, allowing a jury to decide the claims asserted in
9 the case, and the real possibility of no recovery after years of litigation.

10 9. As set forth more fully in the accompanying Motion for Final Approval, Class
11 Counsel seek attorneys' fees in the amount of \$91,413.00, which is thirty-five percent (35%) of
12 the Gross Settlement Amount of \$261,180.00, as set forth in the Settlement Agreement and the
13 Class Notice. Pursuant to the contingency-fee agreement entered into by and between Plaintiff
14 and Class Counsel, Plaintiff has agreed to a contingency fee of at least thirty-five percent (35%)
15 of the recovery. The attorneys' fees sought are commensurate with: (1) the risk that Class Counsel
16 took in commencing the case; (2) the time, effort, and expense that Class Counsel dedicated to the
17 case; (3) the skill and determination that Class Counsel has shown; (4) the results that Class
18 Counsel has achieved throughout the litigation; (5) the value of the settlement that Class Counsel
19 has achieved in the case; and (6) the other cases that Class Counsel has turned down in order to
20 devote their time and efforts to this matter.

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

24 11. While not necessarily required to be demonstrated because the percentage fee is
25 proper for this settlement, Class Counsel has incurred many hours of work in connection with
26 prosecuting the case such that the award of attorneys' fees is also justified under a simple lodestar
27 analysis. Attorneys at Lawyers for Justice, PC have spent a total of **384.80 hours** performing tasks
28 and obtaining recovery in the case. Attached hereto as "**EXHIBIT A**" is an Attorney Task and

1 Time Chart that sets forth in detail the nature of the legal services provided by attorneys at Lawyers
2 *for Justice, PC* and the time incurred in performing those services. These hours include work done
3 by myself and several other attorneys at the firm. Additionally, Lawyers *for Justice, PC* had
4 litigation support personnel actively engaged in assisting with the prosecution of this matter.

5 12. The work performed in this particular matter, the background of our firm, as well as
6 the individual backgrounds, training, and experience of the attorneys who worked on this matter,
7 in litigating complex wage-and-hour actions, and in particular, employment class actions, support
8 a reasonable hourly rate of compensation at the blended rate of \$600 for work performed by Class
9 Counsel. Lawyers *for Justice, PC* has been awarded attorneys' fees, compensating the firm at the
10 blended rate of at least \$600 per hour for legal services performed, by courts granting approval of
11 settlements in other wage and hour cases: final approval of the class and representative action
12 settlement in *David Dugan v. TEC Equipment, Inc., et al.* (Los Angeles Superior Court Case No.
13 19STCV01591) was granted on July 8, 2021, and the award of attorneys' fees involved an hourly
14 rate of \$936.47; final approval of the class and representative action settlement in *Larry*
15 *Greenwood, et al. v. Scan Health Plan* (Los Angeles Superior Court Case No. BC715157) was
16 granted on April 20, 2021, and the award of attorneys' fees involved an hourly rate of \$919.57;
17 final approval of the class action settlement in *Thereasa Carrozzella v. Basalite Concrete*
18 *Products, LLC* (Sacramento County Superior Court Case No. 34-2017-00220214-CU-OE-GDS)
19 was granted on February 21, 2020, and the award of attorneys' fees involved an hourly rate of
20 \$766.05; final approval of the class and representative action settlement in *Alice Rutledge, et al.*
21 *v. Healthport Technologies, LLC* (Alameda County Superior Court Case No. RG16835813) was
22 granted on June 11, 2019, and the award of attorneys' fees involved an hourly rate of \$764.82;
23 final approval of the class and representative action settlement in *Seth Swan v. Pace Supply Corp.*
24 (Sonoma County Superior Court Case No. SCV258764) was granted on February 6, 2019, and the
25 award of attorneys' fees involved an hourly rate of \$855.96; final approval of the class and
26 representative action settlement in *Stanley Bland, et al. v. Telecare Corporation* (Alameda County
27 Superior Court Case No. RG16811450) was granted on November 21, 2018, and the award of
28 attorneys' fees involved an hourly rate of \$831.38; final approval of the class and representative

1 action settlement in *Maryjo Ungerbuhler Anderson v. Boyett Petroleum* (Stanislaus County
2 Superior Court Case No. 2020582) was granted on May 15, 2018, and the award of attorney's fees
3 involved an hourly rate of \$780.77; and final approval of the class and representative action
4 settlement in *Demetrius Camarillo v. Blue Diamond Growers* (Sacramento County Superior Court
5 Case No. 34-2015-00175871) was granted on June 30, 2017, and the award of attorneys' fees
6 involved an hourly rate of \$845.64.

7 ADEQUACY OF LAWYERS for JUSTICE, PC

8 EDUCATION

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

17 JUDICIAL EXTERNSHIPS

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

23 LITIGATION AND CLASS ACTION EXPERIENCE

24 15. In December of 2004, I obtained a license to practice law from the California State
25 Bar. From approximately December 2004 to approximately August 2008, I was employed by
26 *Girardi & Keese*.

27 16. At *Girardi & Keese*, my practice focused on class actions and other complex cases
28 involving toxic torts and products liability. In addition, I gained substantial experience on cases

1 involving insurance bad faith, premises liability, and medical negligence. While employed by
2 *Girardi & Keese*, I argued approximately 100 motions, took or defended approximately 150
3 depositions, and prepared dozens of expert witnesses for deposition or trial.

4 17. Since its inception, in or around October of 2008, *Lawyers for Justice, PC* has almost
5 exclusively focused on the prosecution of consumer and employment class actions, involving
6 wage-and-hour claims, race discrimination, unfair business practices or consumer fraud.
7 Currently, we are the attorneys of record in over a dozen employment-related putative class actions
8 in both state and federal courts in the State of California. *Lawyers for Justice, PC* has successfully
9 litigated cases involving the executive, administrative, and other overtime exemptions to the State
10 of California and federal overtime compensation requirements. During this relatively short time,
11 in association with other law firms, *Lawyers for Justice, PC* has recovered millions of dollars on
12 behalf of thousands of individuals in California.

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

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

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

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

27 c) LFJ, in association with co-counsel therein, represented the plaintiffs in a
28 wage-and-hour class action against a national property management company involving

1 allegations of misclassification of the “Property Manager” position. On May 23, 2012, the court
2 granted final approval of the class action settlement. The Los Angeles County Superior Court
3 Case Number is BC430918.

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

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

14 f) LFJ, in association with co-counsel therein, represented the plaintiff in a
15 wage-and-hour class and PAGA representative action against a national wholesale distributor of
16 plumbing and builder supplies, involving allegations of misclassification of multiple salaried
17 “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA
18 representative action settlement. The Sacramento County Superior Court Case Number is 34-
19 2012-00136285.

20 g) LFJ, in association with co-counsel therein, represented the plaintiff in a
21 wage-and-hour class action against a multinational corporation that provides global workplace
22 solutions, involving allegations of misclassification of the “Operations Manager” position. On
23 September 16, 2014, the court granted plaintiff’s motion for class certification. The Los Angeles
24 County Superior Court Case Number is BC478769.

25 h) LFJ, in association with co-counsel therein, represented the plaintiff in a
26 wage-and-hour class and PAGA representative action against a national retailer of household
27 items, on behalf of hourly-paid or non-exempt employees. On May 27, 2015, the court granted
28

1 final approval of the class and PAGA representative action settlement. The San Francisco County
2 Superior Court Case Number is CGC-13-532344.

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

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

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

19 l) LFJ, in association with co-counsel therein, represented the plaintiffs in a
20 wage-and-hour class action against a national retailer of apparel, accessories, and home products,
21 involving allegations of misclassification of the “Department Manager” position. On August 12,
22 2016, the court granted the plaintiffs’ motion for class certification in part and certified a class. On
23 August 6, 2019, the court granted final approval of the class action settlement. The Alameda
24 County Superior Court Case Number is RG13680477.

25 m) LFJ represented the plaintiff in a PAGA representative action against a real
26 estate and property management company, on behalf of non-exempt employees. On November 4,
27 2016, the court granted approval of the PAGA representative action settlement. The Orange
28 County Superior Court Case Number is 30-2015-00775439-CU-OE-CXC.

1 n) LFJ, in association with co-counsel therein, represented the plaintiffs in a
2 wage-and-hour class and PAGA representative action against a full-service bank, on behalf of non-
3 exempt employees. On November 18, 2016, the court granted final approval of the class and
4 PAGA representative action settlement. The San Francisco County Superior Court Case Number
5 is CJC-13-004839 and the Judicial Council Coordination Proceeding Number is 4839.

6 o) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
7 representative action against a foodservice distributor, on behalf of non-exempt employees. On
8 January 26, 2017, the court granted final approval of the class and PAGA representative action
9 settlement. The San Bernardino County Superior Court Case Number is CIVDS1507260.

10 p) LFJ, on behalf of the plaintiff and respondent in a PAGA representative
11 action, successfully opposed in the trial court, and briefed and argued an appeal with respect to the
12 employer's motion to compel arbitration, which resulted in a published opinion by the California
13 Court of Appeal in favor of employees. *Roberto Betancourt v. Prudential Overall Supply* (Cal.
14 App. 4th Dist., Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S. Supreme Court
15 Docket No. 17-254). The Riverside County Superior Court Case Numbers are RIC1503952 and
16 RICJCCP5046, and the Judicial Council Coordination Proceeding Number is 5046.

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

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

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1 s) LFJ in association with co-counsel, represented the plaintiffs in a wage-and-
2 hour class and PAGA representative action against a lumber and hardware company on behalf of
3 non-exempt employees. On April 26, 2017, the court granted final approval of the class and PAGA
4 representative action settlement. The Orange County Superior Court Case Number is 30-2014-
5 00747750-CU-OE-CXC.

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

11 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
12 representative action against a food company on behalf of non-exempt employees. On June 30,
13 2017, the court granted final approval of the class and PAGA representative action settlement. The
14 Sacramento County Superior Court Case Number is 34-2015-00175871.

15 v) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
16 representative action against a chocolate company on behalf of non-exempt employees. On July
17 19, 2017, the court granted final approval of the class and PAGA representative action settlement.
18 The Alameda County Superior Court Case Number is RG15764300.

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

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

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1 y) LFJ, in association with co-counsel therein, represented the plaintiffs in a
2 wage-and-hour class and PAGA representative action against a bank on behalf of non-exempt
3 employees. On December 11, 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 BC569646.

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

12 aa) LFJ, in association with co-counsel therein, represented the plaintiffs in a
13 wage-and-hour class and PAGA representative action against a global provider of flexible office
14 space solutions. On February 15, 2018, the court granted final approval of the class and PAGA
15 representative action settlement. The Los Angeles County Superior Court Case Number is
16 BC498401.

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

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

26 dd) LFJ, in association with co-counsel therein, represented the plaintiff in a
27 PAGA representative action against a global provider of products and services to the energy
28 industry, on behalf of hourly-paid and non-exempt employees. On November 19, 2018, the court

1 granted approval of the PAGA representative action settlement. The Kern County Superior Court
2 Case Number is S-1500-CV-280215-SDC.

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

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

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

19 hh) LFJ, in association with co-counsel therein, on behalf of the plaintiff and
20 respondent in a PAGA representative action, successfully opposed in the trial court, and briefed
21 and argued an appeal with respect to the employer's motion to compel arbitration, resulting in a
22 notable decision from the California Supreme Court clarifying the law regarding PAGA claims,
23 *ZB, N.A. v. Superior Court* (2019) 8 Cal.5th 175. On February 21, 2020, the court granted approval
24 of the PAGA representative action settlement. The San Diego County Superior Court Case
25 Number is 34-2015-00175330.

26 ii) LFJ, in association with co-counsel therein, represents the plaintiff in a
27 wage-and-hour class and PAGA representative action against a medical equipment supplier on
28 behalf of non-exempt employees. On February 13, 2020, the court granted the plaintiff's motion

1 for class certification and certified a class. The San Bernardino County Superior Court Case
2 Number is CIVDS1505744.

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

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

14 ll) LFJ, in association with co-counsel therein, represents the plaintiffs in a
15 wage-and-hour class action against manufacturer and supplier of power products and services on
16 behalf of non-exempt employees. On July 31, 2020, the court granted in part the plaintiffs' motion
17 for class certification and certified a class. The San Diego County Superior Court Case Number is
18 37-2015-00025968-CU-OE-CTL.

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

23 **LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL**

24 19. To date, Class Counsel has borne all the risks and costs of litigation and will not
25 receive any compensation until recovery is obtained in the above-captioned action. Lawyers for
26 Justice, PC has incurred \$20,775.15 in litigation costs and expenses as reflected in "EXHIBIT B"
27 attached hereto. These expenses were reasonable and necessary in the prosecution of the case and
28 to obtain the Settlement.

CLASS REPRESENTATIVE ENHANCEMENT PAYMENT TO PLAINTIFF

20. In recognition of his efforts and work serving as the Class Representative, the Settlement provides for a Class Representative Enhancement Payment in the amount of \$7,500.00 to Plaintiff Reveriano Diaz to compensate Plaintiff for the time and effort that he expended in the case. The requested Class Representative Enhancement Payment 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 spent numerous hours speaking with Class Counsel about his claims, describing his work experience with Defendant, and gathering and reviewing documents (including, *inter alia*, reviewing Defendant's discovery requests and notice of deposition). Plaintiff was available whenever Class Counsel needed him and actively tried to obtain and provide information to support the pursuit of class and PAGA claims. Accordingly, it is appropriate for Plaintiff Reveriano Diaz to receive \$7,500.00 as a reasonable Class Representative Enhancement Payment 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, 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 on this 13th day of September 2022, at Glendale, California.



Edwin Aiwarzian

EXHIBIT A

DIAZ V. 101 PHOENIX, INC.
(LOS ANGELES COUNTY SUPERIOR COURT CASE NO. 20STCV36090)

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	7.40
Pre-Lawsuit Investigation of the Merits of Plaintiff Reveriano Diaz (“Plaintiff”) Claims and the Merits of the Claims of the Putative Class Members	6.60
Pre-Lawsuit Investigation of Potential Damages and Statutory Penalties Exposure of Defendant 101 Phoenix, Inc. (“Defendant”) with Respect to the Damages Sustained by and Penalties at Issue for Plaintiff and the Putative Class Members	10.50
Pre-Lawsuit Investigation of the Merits of the Private Attorneys General Act (“PAGA”) Claims on Behalf of the State of California with Respect to Plaintiff and Aggrieved Employees	9.60
Pre-Lawsuit Investigation of Potential Civil Penalties Exposure of Defendant in Connection with Plaintiff and Aggrieved Employees	6.40
Pre-Lawsuit Legal Research & Analysis of Latest Off-the-Clock, Meal and Rest Break Law, Representative PAGA, and Certification Decisions in California, Including all New and Relevant DLSE Materials	6.90

Investigation of Defendant, Defendant's Business Relationships, and the Industry in which Defendant Operates	3.80
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	4.70
Investigation of Defendant's Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	5.10
Analysis of Competitors within 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	5.30
Research and Investigation Re: Location(s), Division(s), and/or Department(s) Owned, Managed, Serviced, and/or Operated by Defendant in California During the Class Period, Including Differences Between Them to Determine Whether Individual Issues May Predominate Over Common Issues	7.80
Research and Investigation Re: Workforce, Staffing Models, and Staffing Levels at Location(s) at which Putative Class Members Worked Throughout California	6.20
Research and Investigation Re: Defendant's Written and Unwritten Policies, Practices, and Procedures Relating to Onboarding, Scheduling, Clocking In/Out, Non-Discretionary Commission/Bonus/Incentive/Performance/Shift Differential Pay, Reporting Time, Timekeeping, Meal/Rest Breaks, On-Premises Breaks, Meal Period Forms/Waivers, Meal Auto Deduction, Overtime Compensation, Dress Code, PPE, Footwear, Transportation/Mileage, Personal Cell Phone Use, and Reimbursement of Business-Related Expenses	14.10
Research and Investigation Re: Software Programs and Other Technology Defendant Uses to Conduct Its Everyday Business, Including Point of Sale, Reservation/Table Management, Resource Management, and Timekeeping Software, 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	4.80

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	8.70
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	5.80
Research and Analysis of Defendant's Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues	2.90
Research and Investigation Regarding Impact of COVID-19 Pandemic on Defendant, Its Operations, and Putative Class Members' Work	6.50
Prepare a Discovery Strategy and Plan of Action, Including Topics of Inquiry Important to Certification, Liability, and Damages/Civil Penalties	8.10
Meet and Communicate with Plaintiff Reveriano Diaz Throughout the Pendency of the Case	40.50
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 September 22, 2020)	8.50
Review Court's Notice of Case Assignment (filed on September 22, 2020)	0.10
Review Court's Minute Order (filed on September 24, 2020)	0.20
Review Defendant's Notice of Appearance (served on October 20, 2020)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Initial Status Conference Statement (filed on December 11, 2020)	1.20

Review Court's Minute Order (filed on December 18, 2020)	0.10
Draft Plaintiff's Notice of Posting Jury Fees (filed on December 24, 2020)	0.20
Research and 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 11, 2021)	5.70
Review and Analyze Defendant's Answer to First Amended Class Action Complaint for Damages and Research Affirmative Defenses in Defendant's Answer (served on March 19, 2021)	1.90
Meet and Confer with Defendant's Counsel, and Draft Joint Further Status Conference Statement (filed on March 29, 2021)	0.90
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation to Vacate Deadline to File Motion to Class Certification and Vacate Status Conference; and [Proposed] Order (filed on August 26, 2021)	0.90
Review Court's Order Granting Joint Stipulation to Vacate Deadline to File Motion to Class Certification and Vacate Status Conference (filed on August 30, 2021)	0.20
Review Court's Minute Order (filed on November 1, 2021)	0.10
Draft Plaintiff's Notice of Entry of Judgment or Order (filed on June 28, 2022)	0.20
Appearances	
Prepare for and Telephonically Attend Initial Status Conference (December 18, 2020)	0.50
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (February 17, 2022)	1.70

Prepare for, Travel to/from, and Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Enhancement Payment (October 6, 2022) (Anticipated)	1.50
Discovery and Deposition	
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Reveriano Diaz (served on June 23, 2020)	1.90
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Reveriano Diaz (served on June 23, 2020)	1.10
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 December 12, 2020)	7.80
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for January 25, 2021; Organizational Structure) (served on December 12, 2020)	4.30
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for January 26, 2021; Job Duties) (served on December 12, 2020)	5.20
Review and Analyze Defendant's Request for Production (Set One) (served on December 28, 2020)	0.90
Review and Analyze Defendant's Notice of Deposition of Plaintiff (served on December 28, 2020)	0.30
Letters and Correspondence	
Research and Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Reveriano Diaz for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on November 2, 2020)	4.20

Meet with, Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	15.50
Mediation/Settlement	
Review and Analyze Mediation Data and Documents Produced by Defendant (served on June 29, 2021) • Operations and Employment Policies, Practices, and Procedures Documents • Sampling of Employee Time Data • Sampling of Employee Pay Data	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 July 14, 2021)	16.40
Attend Mediation Session (July 20, 2021; Zoom Video Conference)	14.20
Draft, Review, Revise, Negotiate, and Finalize Stipulation and Settlement of Class Action and Private Attorneys General Act Representative Claims (executed on December 15, 2021) and Draft Exhibits	18.30
Draft, Review, Revise, Negotiate, and Finalize First Amended Stipulation and Settlement of Class Action and Private Attorneys General Act Representative Claims (executed on April 13, 2022) and Amend Exhibits	3.60
Meet and Confer with Settlement Administrator Regarding Notice Administration, Monitor Settlement Administration, and Respond to Inquiries	4.80
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 Reveriano Diaz in Support Thereof, and [Proposed] Order Thereon (filed on December 15, 2021)	17.40

Review Court's Minute Order (filed on February 15, 2022)	0.50
Draft Plaintiff's Supplemental Brief in Support of Motion for Preliminary Approval of Class Action Settlement, Supplemental Declaration of Edwin Aiwasian in Support Thereof, and [Revised Proposed] Order Thereon (filed on April 13, 2022)	9.80
Review Court's Order Granting Preliminary Approval of Class Action Settlement (filed on May 2, 2022)	0.20
Review and Analyze Settlement Administrator's Declaration Regarding Notice and Settlement Administration; and Research and Draft Plaintiff's Motion for Final Approval of Class Settlement, Attorneys' Fees, Costs, and Enhancement Payment, Declaration of Edwin Aiwasian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on September 13, 2022)	18.70
Total Hours:	384.80

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Diaz v. 101 Phoenix, Inc.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
9/22/2020	Legal Document Server, Inc.	Attorney Service	160.23
9/22/2020	Los Angeles Superior Court	Court Filing Fee	435.00
9/22/2020	Los Angeles Superior Court	Complex Filing Fee	1,000.00
9/26/2020	Legal Document Server, Inc.	Attorney Service	110.00
10/28/2020	Legal Document Server, Inc.	Attorney Service	90.00
10/29/2020	Legal Document Server, Inc.	Attorney Service	55.00
11/3/2020	Labor & Workforce Development Agency	Filing Fee	75.00
12/11/2020	Legal Document Server, Inc.	Attorney Service	205.00
12/22/2020	General Logistics Systems US, Inc.	Courier Service	16.07
12/23/2020	Los Angeles Superior Court	Remote Hearing Fee	15.00
12/24/2020	Legal Document Server, Inc.	Attorney Service	95.00
12/28/2020	Legal Document Server, Inc.	Attorney Service	115.25
12/28/2020	Los Angeles Superior Court	Jury Fee	150.00
1/5/2021	General Logistics Systems US, Inc.	Courier Service	19.96
1/11/2021	FedEx Express	Courier Service	22.76
1/11/2021	Legal Document Server, Inc.	Attorney Service	245.00
3/3/2021	Case Anywhere, LLC	Attorney Service	110.40
3/17/2021	Legal Document Server, Inc.	Attorney Service	110.00
3/29/2021	Legal Document Server, Inc.	Attorney Service	205.00
6/3/2021	Case Anywhere, LLC	Attorney Service	132.00
6/24/2021	First Mediation Corporation	Mediation Fee	8,000.00
8/23/2021	Numerical Company	Analysis of Sampling of Time Records	8,193.68
8/24/2021	General Logistics Systems US, Inc.	Courier Service	18.02
8/26/2021	Legal Document Server, Inc.	Attorney Service	175.70
8/26/2021	Los Angeles Superior Court	Court Filing Fee	20.00
9/1/2021	Golden State Overnight	Courier Service	33.27
9/2/2021	Case Anywhere, LLC	Attorney Service	126.00
9/13/2021	FedEx Express	Courier Service	24.11
12/6/2021	Case Anywhere, LLC	Attorney Service	120.00
12/16/2021	Legal Document Server, Inc.	Attorney Service	78.05
12/16/2021	Legal Document Server, Inc.	Attorney Service	118.00
3/3/2022	Case Anywhere, LLC	Attorney Service	150.00
4/14/2022	Legal Document Server, Inc.	Attorney Service	177.25
4/14/2022	Legal Document Server, Inc.	Attorney Service	15.20
6/6/2022	Case Anywhere, LLC	Attorney Service	144.00
6/28/2022	Legal Document Server, Inc.	Attorney Service	15.20
Total:			<u>20,775.15</u>