

Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
Joanna Ghosh (SBN 272479)
Tiffany Hyun (SBN 311743)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel.: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiff WAFA MWANES

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR COUNTY OF SAN BERNARDINO**

WAFA MWANES, individually, and on behalf
of other members of the general public
similarly situated,

Plaintiff,

vs.

ABOUT FOOD, INC., dba REDLANDS
RANCH MARKET; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: CIVDS2018742

Honorable Joseph T. Ortiz
Department S17

CLASS ACTION

**DECLARATION OF EDWIN AIWAZIAN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS AND PAGA ACTION
SETTLEMENT**

Date: August 14, 2023
Time: 1:30p.m.
Department: S-17

Complaint Filed: September 16, 2020

DECLARATION OF EDWIN AIWAZIAN

I, Edwin Aiwarzian, hereby declare as follows:

1. I am an attorney duly licensed to practice law before all courts of the State of California and all United States District Courts in the State of California. I am a member of Lawyers for Justice, PC, attorneys of record for Plaintiff Wafa Mwanes ("Plaintiff"). 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.

ADEQUACY OF LAWYERS for JUSTICE, PC

EDUCATION

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

JUDICIAL EXTERNSHIPS

3. 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, Second Appellate District*.

LITIGATION AND REPRESENTATIVE AND CLASS ACTION EXPERIENCE

4. In December of 2004, I obtained a license to practice law from the California State Bar. From approximately December 2004 to approximately August 2008, I was employed as an attorney by a prominent plaintiff-side law firm.

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1 5. At the prominent plaintiff-side law firm, my practice focused on massive class
2 actions and other complex cases involving toxic torts and products liability. In addition, at that
3 firm, I gained substantial experience on cases involving insurance bad faith, premises liability,
4 and medical negligence. At that firm, I argued approximately 100 motions, took or defended
5 approximately 150 depositions, and prepared dozens of expert witnesses for deposition, trial, or
6 both.

7 6. Since its inception in October of 2008, our firm, Lawyers *for* Justice, PC, has
8 focused almost exclusively on the prosecution of consumer and employment representative class
9 actions, involving wage-and-hour claims, race discrimination, unfair business practices, or
10 consumer fraud. Currently, we are the attorneys of record in dozens of employment-related
11 putative class actions and representative actions in both state and federal courts in the State of
12 California. While employed by Lawyers *for* Justice PC, I have argued over one hundred (100)
13 motions, taken or defended over one hundred fifty (150) depositions, prepared dozens of expert
14 witnesses for deposition or trial, and attended over one hundred seventy-five (175) mediations.
15 Together with other attorneys at the firm, and in many cases in conjunction with co-counsel, our
16 firm has successfully litigated cases involving the executive, administrative, and other overtime
17 exemptions to overtime compensation requirements in the State of California and federal law
18 and recovered millions of dollars on behalf of thousands of individuals in California. Under my
19 supervision, Lawyers *for* Justice, PC has successfully obtained class certification by contested
20 motion practice in approximately fifteen (15) cases in the last decade and litigated over 1,000
21 class action or representative action cases.

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

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

26 a) LFJ, in association with co-counsel therein, represented the plaintiffs in a
27 wage-and-hour class action against a major property management company involving
28 allegations of misclassification of various “manager” positions. On September 20, 2010, the

1 court granted final approval of the class action settlement. The Los Angeles County Superior
2 Court Case Number is BC400414.

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

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

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

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

23 f) LFJ, in association with co-counsel therein, represented the plaintiff in a
24 wage-and-hour class and PAGA representative action against a national wholesale distributor
25 of plumbing and builder supplies, involving allegations of misclassification of multiple salaried
26 “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA
27 representative action settlement. The Sacramento County Superior Court Case Number is 34-
28 2012-00136285.

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

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

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

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

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

27 l) LFJ, in association with co-counsel therein, represented the plaintiffs in a
28 wage-and-hour class action against a national retailer of apparel, accessories, and home

1 products, involving allegations of misclassification of the “Department Manager” position. On
2 August 12, 2016, the court granted the plaintiffs’ motion for class certification in part and
3 certified a class. On August 6, 2019, the court granted final approval of the class action
4 settlement. The Alameda County Superior Court Case Number is RG13680477.

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

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

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

18 p) LFJ, on behalf of the plaintiff and respondent in a PAGA representative
19 action, successfully opposed in the trial court, and briefed and argued an appeal with respect to
20 the employer’s motion to compel arbitration, which resulted in a published opinion by the
21 California Court of Appeal in favor of employees. *Roberto Betancourt v. Prudential Overall*
22 *Supply* (Cal. App. 4th Dist., Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S.
23 Supreme Court Docket No. 17-254). The Riverside County Superior Court Case Numbers are
24 RIC1503952 and RICJCCP5046, and the Judicial Council Coordination Proceeding Number is
25 5046.

26 q) LFJ, in association with co-counsel therein, represented the plaintiffs in a
27 wage-and-hour class and PAGA representative action against a consumer packaging company,
28 on behalf of non-exempt employees. On March 10, 2017, the court granted final approval of the

1 class and PAGA representative action settlement. The Los Angeles County Superior Court Case
2 Number is BC590429.

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

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

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

18 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
19 representative action against a food company on behalf of non-exempt employees. On June 30,
20 2017, the court granted final approval of the class and PAGA representative action settlement.
21 The Sacramento County Superior Court Case Number is 34-2015-00175871.

22 v) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
23 representative action against a chocolate company on behalf of non-exempt employees. On July
24 19, 2017, the court granted final approval of the class and PAGA representative action
25 settlement. The Alameda County Superior Court Case Number is RG15764300.

26 w) LFJ represented the plaintiff in a PAGA representative action, against the
27 parent company of several restaurants, on behalf of hourly-paid, non-exempt employees. On
28

1 October 18, 2017, the court granted approval of the PAGA representative action settlement. The
2 Los Angeles County Superior Court Case Number is BC569664.

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

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

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

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

24 bb) LFJ, in association with co-counsel therein, represents the plaintiff in a
25 wage-and-hour class action against a container manufacturer, on behalf of non-exempt
26 employees. On October 15, 2018, the court granted the plaintiff's motion for class certification.
27 The Tulare County Superior Court Case Number is VCU264528.
28

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

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

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

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

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

hh) LFJ, in association with co-counsel therein, represents the plaintiff in a wage-and-hour class and PAGA representative action against a medical equipment supplier on

1 behalf of non-exempt employees. On February 13, 2020, the court granted the plaintiff's motion
2 for class certification and certified a class. The San Bernardino County Superior Court Case
3 Number is CIVDS1505744.

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

11 jj) LFJ, in association with co-counsel therein, represents the plaintiff in a
12 wage-and-hour class and PAGA representative action against a large national drug testing
13 laboratory on behalf of non-exempt employees. On February 21, 2020, the court granted the
14 plaintiff's motion for class certification and certified a class. On October 28, 2022, the court
15 granted final approval of the class and PAGA representative action settlement. The San Diego
16 County Superior Court Case Number is 37-2018-00019611-CU-OE-CTL.

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

23 ll) LFJ, in association with co-counsel therein, represented the plaintiffs in a
24 wage-and-hour class action against manufacturer and supplier of power products and services
25 on behalf of non-exempt employees. On July 31, 2020, the court granted in part the plaintiffs'
26 motion for class certification and certified a class. On August 27, 2021, the court granted final
27 approval of the class action settlement. The San Diego County Superior Court Case Number is
28 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.

BRIEF SUMMARY OF WORK PERFORMED

8. I and several other attorneys and staff members at our firm have been actively engaged in this litigation from the inception of Plaintiff Wafa Mwanes' putative class action case entitled *Wafa Mwanes v. About Food Inc., dba Redlands Ranch Market*, San Bernardino County Superior Court, Case No. CIVDS2018742 ("*Mwanes Class Action*") which was filed on September 16, 2020, Plaintiff's notice to the Labor and Workforce Development Agency which was submitted on November 2, 2020 and assigned LWDA Case No. LWDA-CM-811437-20, and her Private Attorneys General Act representative case entitled *Wafa Mwanes v. About Food, Inc., d/b/a Redlands Ranch Market*, San Bernardino Superior Court, Case No. CIVSB2102442 ("*Mwanes PAGA Action*") which was filed on January 11, 2021. On or about November 15, 2021, the *Mwanes Class Action* and *Mwanes PAGA Action* were consolidated for all purposes with the *Mwanes Class Action* deemed the master file (collectively, the "Actions"). Lawyers for Justice, PC has fully and actively participated in the litigation process throughout the pendency of the Actions.

9. Lawyers for Justice, PC joined forces with other plaintiff's counsels, JCL Law Firm, APC and Zakay Law Group, APLC, and we have worked closely with those firms to prosecute the Actions. Together, Lawyers for Justice, PC, JCL Law Firm, APC, and Zakay Law Group, APLC are referred to herein as "Class Counsel". Class Counsel's efforts and the efforts of Plaintiff have been successful in reaching the Stipulation of Settlement of Class and PAGA Action Claims and Release of Claims (the "Settlement" or "Settlement Agreement"), approval of which is being sought by Plaintiff's Motion for Preliminary Approval of Class and PAGA Action Settlement filed concurrently with this declaration.

10. Before initiating the Actions, Lawyers for Justice, PC conducted extensive investigation and research into the facts and circumstances underlying the pertinent factual and

1 legal issues and applicable law for each case. This required thorough discussions and interviews
2 between attorneys at our firm and Plaintiff, and research into the various legal issues involved
3 in the cases, namely, the current state of the law as it applied to certification, off-the-clock
4 theory, meal and rest periods, wage-and-hour enforcement, Private Attorneys General Act
5 (“PAGA”) claims, Plaintiff’s claims, and potential defenses. After conducting initial
6 investigation, our firm determined that Plaintiff’s claims were well-suited for class action and
7 representative adjudication owing to what appeared to be a common course of conduct affecting
8 a similarly situated group of current and former hourly-paid, non-exempt employees who
9 worked for Defendant About Food, Inc. dba Redlands Ranch Market (“Defendant”) within the
10 State of California, who were not properly compensated for, *inter alia*, all hours worked, non-
11 compliant meal and rest periods, and unreimbursed business expenses.

12 11. Lawyers for Justice, PC’s work with JCL Law Firm, APC and Zakay Law Group,
13 APLC has been a coordinated and combined effort. Lawyers for Justice, PC undertook
14 preparation of the pleadings, litigation and case strategy, investigation and research, and claims
15 evaluation and analysis of the Actions. Upon joining forces with other plaintiff’s counsels,
16 Lawyers for Justice, PC collaborated and coordinated with JCL Law Firm, APC and Zakay Law
17 Group APLC regarding mediation and settlement discussions and preparation of settlement-
18 related papers.

19 12. Prior to reaching the settlement, Lawyers for Justice, PC engaged in extensive pre-
20 certification discovery and meet and confer efforts with Defendant, ultimately resulting in the
21 parties reaching an agreement to certify the *Mwanes* Class Action. On or about May 10, 2022,
22 Plaintiff and Defendant entered into a stipulation (1) certifying a class of all of Defendant’s non-
23 exempt or hourly-paid employees working in California between September 16, 2016 and final
24 judgment; (2) appointing Plaintiff Wafa Mwanes as Class Representative; and (3) appointing
25 Lawyers for Justice, PC as Class Counsel. On or about May 31, 2022, the Court granted the
26 parties’ stipulation in its entirety and certified a class of “[a]ll current and former hourly-paid or
27 non-exempt employees who worked for Defendant within the State of California at any time
28 during the period from September 16, 2016 up to the deadline, to be determined by the Court at

1 a later date, by which class members may opt-out after being provided notice of certification
2 (the “Class”; the period from September 16, 2016 up to the deadline, to be determined by the
3 Court at a later date, by which class members may opt-out after being provided notice of
4 certification is the “Class Period”),” appointed Plaintiff as the Class Representative, and
5 appointed Lawyers *for* Justice, PC as Class Counsel.

6 13. After conducting significant investigation of the facts and law during the
7 prosecution of the cases, counsel for the parties engaged in extensive settlement negotiations to
8 try to resolve the cases. These efforts included participating in a private mediation session on
9 February 28, 2023, presided over by Steve Serratore Esq., a well-regarded mediator who is
10 experienced in mediating complex labor and employment matters. Following the mediation,
11 each side, represented by its respective counsel, were able to agree to settle the Actions, which
12 was memorialized in a Memorandum of Understanding, and eventually, in the Settlement
13 Agreement. During all settlement discussions, the parties conducted their negotiations at arm’s
14 length in an adversarial position. Prior to and during the mediation and settlement discussions,
15 the parties exchanged class information and engaged in an extensive discussion regarding their
16 evaluations of the cases and various aspects of the cases, including but not limited to, the risks
17 and delays of further litigation, trial, or possible appeals; the risks to the parties of proceeding
18 with motion practice regarding the pleadings, compelling arbitration, certification and de-
19 certification proceedings and trial; the law relating to off-the-clock theory, meal and rest periods,
20 PAGA claims and penalties, and wage-and-hour enforcement; and the evidence produced and
21 analyzed, among other things. Arriving at a settlement that was acceptable to the parties was
22 not easy. Defendant and its counsel felt strongly about their ability to prevail on the merits at
23 trial, and demonstrate that the PAGA claims are unmanageable, while Plaintiff and Class
24 Counsel believed that class certification would be maintained and that Plaintiff would prevail at
25 trial. After conducting extensive investigations, evaluation, analysis, formal and informal
26 discovery, and settlement negotiations, and with the aid of the mediator’s evaluations, the parties
27 have agreed to resolve the cases given the legal issues relating to Plaintiff’s principal claims, as
28 well as the costs and risks to all sides that would attend further litigation. These risks of further

litigation include, and are not limited to, a determination that the PAGA claims are unmanageable, allowing a jury to decide the claims, and the real possibility of no recovery after years of litigation. The Settlement is fair, reasonable, and adequate resolution of Plaintiff and Participating Class Members' Released Class Claims against the Released Parties, and the State of California and PAGA Members' Released PAGA Claims against the Released Parties.

14. Prior to reaching the Settlement, Lawyers *for* Justice, PC investigated the veracity, strength, and scope of the claims in Actions, successfully obtained class certification, and was preparing for trial. Lawyers *for* Justice, PC's work has involved ongoing investigations, extensive research into legal and factual issues, and formal and informal discovery. Lawyers *for* Justice, PC obtained information from Plaintiff, reviewed and analyzed documents and data obtained from Plaintiff, Defendant, and other sources, researched applicable law, and undertook analyses and calculations of the value of claims and damages and penalties exposure. Lawyers *for* Justice, PC interviewed Plaintiff to gather facts and to identify potential witnesses. Counsel for the parties also met and conferred on numerous occasions, e.g., to discuss issues relating to the pleadings, pending and contemplated motion practice, case management, court proceedings, discovery, and production of documents and data prior to the mediation, and mediation. Work that Lawyers *for* Justice, PC performed included, and was not limited to, case strategy and analysis; engaging in formal and informal discovery (including and not limited to, serving several sets of written discovery requests and notices of deposition of person(s) most knowledgeable with accompanying requests for production of documents, and reviewing Defendant's responses and objections thereto, in the *Mwanes* Class Action); drafting, reviewing, and/or revising the pleadings and motion-related papers; preparing for and/or participating in mediation and settlement negotiations, among other tasks. Lawyers *for* Justice, PC also invested time researching and investigating the applicable law, which is constantly evolving as it relates to certification, off-the-clock theory, meal and rest periods, PAGA claims and penalties, wage-and-hour enforcement, Plaintiff's claims and the certified class claims, and Defendant's defenses thereto, as well as facts discovered.

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15. Based on investigation and information discovered, Lawyers for Justice, PC believes that there is sufficient evidence to support the allegations made in the cases, including the allegations that Defendant, with respect to Plaintiff, class members, and aggrieved employees, *inter alia*, failed to properly pay overtime and minimum wages and associated premium pay, failed to provide compliant meal and rest periods and to pay associated premium pay, failed to timely pay wages during employment and upon termination of employment, failed to provide compliant wage statements, failed to maintain requisite payroll records, and failed to reimburse necessary business expenses, and thereby engaged in unfair business practices and conduct giving rise to civil penalties recoverable under PAGA. Plaintiff asserted that class members and aggrieved employees were subject to the same or similar operations and employment policies, practices, and procedures. Additionally, Plaintiff asserted that Defendant's recordkeeping practices with respect to Plaintiff, class members, and aggrieved employees were substantially the same during the time period at issue. As a result, Plaintiff claims that class members and aggrieved employees, were uniformly not paid all of the compensation that was owed to them by Defendant. Thus, in Class Counsel's view, it is clear that the outcome of this litigation would be determined by Defendant's operations and employment practices, policies, and procedures that Plaintiff alleges applied uniformly across Defendant's non-exempt employees in California during the Class Period.

16. Defendant has denied and continues to deny any liability and wrongdoing of any kind associated with the claims alleged in the cases, and further denies that the cases or claims asserted therein are appropriate for class treatment and/or representative adjudication for any purpose other than for purposes of settlement. Defendant believes that it would ultimately succeed in the matter. Class Counsel are aware of the defenses and position of Defendant, but believe that Plaintiff could potentially demonstrate manageability, and obtain recovery on the class and PAGA claims, despite many obstacles.

17. Plaintiff has also taken into account the uncertainty and risk of the outcome of further litigation, and the difficulties and delays inherent in such litigation. Plaintiff further recognize the burdens of proof necessary to establish liability for the claims asserted in the

lawsuits, Defendant's defenses, and the difficulties in establishing entitlement to monetary recovery. Plaintiff has also considered the parties' settlement discussions, as well as the evaluations of the mediator, who is experienced and well-regarded in complex labor and employment matters.

18. The parties have conducted significant investigation, evaluation, and analysis of the class and PAGA claims during the course of this litigation. Class Counsel interviewed Plaintiff and analyzed a volume of documents and data obtained from Defendant, Plaintiff, and through other sources. These documents and data provided a critical understanding of the nature of the work performed by class members and aggrieved employees, as well as Defendant's operations and employment policies, practices, and procedures, and were used in analyzing liability and damages/valuation issues in connection with all phases of the litigation, and ultimately, in connection with the mediation and settlement negotiation process. Accordingly, sufficient investigation and review of information has taken place in order for the parties to be sufficiently informed of the nature and extent of the claims, and to enable all parties to fully evaluate the Settlement for its fairness, adequacy, and reasonableness. The parties have agreed that the matter is well-suited for settlement given the legal issues relating to Plaintiff's principal claims, as well as the costs and risks to both sides that would attend further litigation.

19. The Settlement provides for Plaintiff to apply to the Court for an award of up to Ten Thousand Dollars (\$10,000) as a Class Representative Service Award, to be paid out of the Gross Settlement Amount subject to approval by the Court. Plaintiff spent considerable time and effort to produce relevant documents and past employment records and to provide the facts and evidence to facilitate prosecution of the class and PAGA claims. Plaintiff was available whenever Class Counsel needed her and actively tried to obtain and provide information to aid in the pursuit of the claims. Accordingly, it is appropriate and just for Plaintiff to receive a Class Representative Service Award, in addition to her individual settlement payments under the Settlement, for her services on behalf of the Class, State of California, and PAGA Members.

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

Members.

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

Executed this 5th day of July 2023, at Glendale, California.



Edwin Aiwanian