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Attorneys for Plaintiffs

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

VERONICA BERNAL, individually, and on
behalf of other members of the general public
similarly situated; KAILIE FAGEN,
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;

Plaintiffs,

v.

A&E FAGEN, INC., a California Corporation;
and DOES 1 through 100, inclusive,

Defendants.

Case No. BC712866

Honorable Kenneth R. Freeman
Department 14

CLASS ACTION

**DECLARATION OF KAILIE FAGEN IN
SUPPORT OF PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

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

Date: September 12, 2023
Time: 11:00 a.m.
Department: 14

Complaint Filed: July 5, 2018
FAC Filed: May 19, 2022
Trial Date: None Set

DECLARATION OF KAILIE FAGEN

I, **Kailie Fagen**, hereby declare as follows:

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

2. I was employed by A&E Fagen, Inc. ("A&E") as an hourly-paid, non-exempt employee from approximately July 2016 to approximately April 2021. I decided to seek legal advice about my work experiences with A&E. I decided to seek legal advice about my work experience with A&E and about filing a lawsuit to seek to redress my grievances. I contacted Lawyers *for* Justice, PC and spoke with the attorneys there. I wanted to do whatever I could to make sure A&E was held accountable for not paying its employees for all hours worked and non-compliant meal and rest breaks. After speaking with the attorneys, I investigated complex wage-and-hour lawsuits on my own and did some research into the leading class action and employment law firms in California for approximately 7 hours. Thereafter, I consulted with the attorneys at Lawyers *for* Justice, PC for 9 hours discussing my situation, complex wage-and-hour class actions and representative actions under the Private Attorneys General Act ("PAGA") in general, and what it meant to join the lawsuit and be a named plaintiff, class representative, and PAGA representative.

3. I have spent over 17 hours meeting and communicating with my attorneys regarding the case and fulfilling my responsibilities as a class and PAGA representative, which included gathering documents concerning my employment with A&E, reviewing documents with my attorneys and answering their questions, providing information regarding the duties of hourly-paid or non-exempt employees, and helping develop a strategy as to what documents and information to obtain from A&E. I routinely checked in with my attorneys and their staff to make sure that they had all of my most current information and any additional information that I had obtained.

4. I was available to answer any questions my attorneys had, and was available to speak and meet with my attorneys whenever they needed me. I responded to them as quickly as

possible, gave them all the information I had, and helped identify as many documents as I could. I spent at least 11 additional hours speaking with my attorneys about the case, identifying potential witnesses, providing my attorneys with documents and information concerning the case, and also describing policies, practices, and procedures of A&E.

5. As far as the settlement is concerned, I was available to review documents and answer any questions my attorneys had. I spent about 3 hours reviewing the settlement agreement and about 3 hours asking questions and discussing the potential settlement with my attorneys before signing the settlement agreement.

6. I believe that I have done everything that my attorneys have asked of me and have tried, to the best of my ability, to represent the class and seek relief for the aggrieved employees and the State of California. I think my efforts helped to get the result obtained in this case, and as a class and PAGA representative, I respectfully request that the Court award me an Enhancement Payment in the amount of \$7,500.00 for my active participation in this case. Taking into consideration the time that I have dedicated to this case, I believe that this amount is reasonable.

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

8. I have not entered into any undisclosed agreements, nor have I received any undisclosed compensation in this case. The only compensation I will receive is whatever amount the Court awards as an enhancement award, as well as my share of the settlement as a class member and as an aggrieved employee.

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

08/15/2023

Executed this _____ day of August 2023, at Phoenix, Arizona.

Electronically Signed: 2023-08-15 20:47:40 UTC - 174.243.183.107

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Kailie Fagen