

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

ERIC A. GROVER (SBN 136080)
ROBERT W. SPENCER (SBN 238491)
KELLER GROVER LLP
1965 Market Street
San Francisco, California 94103
Telephone: (415) 543-1305 / Facsimile: (415) 543-7861

ROBERT DREXLER (SBN 119119)
MOLLY DeSARIO (SBN 230763)
HELGA HAKIMI (SBN 257381)
JONATHAN LEE (SBN 267146)
CAPSTONE LAW APC
1875 Century Park East, Suite 1000
Los Angeles, California 90067
Telephone: (310) 556-4811 / Facsimile: (310) 943-0396
Attorneys for Plaintiffs Eugene Martinez and Robert Williams

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

Coordination Proceeding Special Title
(California Rules of Court, Rule 3.550)

**CASCADE DRILLING WAGE AND
HOUR CASES**

Included Actions:

*Eugene Martinez, et al. v. Cascade Drilling
LP, Alameda County Superior Court Case No.
RG21090743*

*John Lilla v. Cascade Drilling, LP, Contra
Costa County Superior Court Case No. C21-
01568*

Case No.: JCCP 5215

Honorable Stephen Kaus
Department 19

CLASS ACTION

**DECLARATION OF JOANNA GHOSH
IN SUPPORT OF PLAINTIFFS' MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: January 9, 2023
Time: 3:00 p.m.
Department: 19

DECLARATION OF JOANNA GHOSH

I, Joanna Ghosh, 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 John Lilla in the above-captioned coordinated proceeding and the included action entitled *John Lilla v. Cascade Drilling, L.P.*, Contra Costa County Superior Court Case No. C21-01568 (“*Lilla* Action”), which is coordinated with, and being resolved together with, the included action entitled *Eugene Martinez, et al. v. Cascade Drilling, L.P.*, Alameda County Superior Court Case No. RG21090743 (“*Martinez* Action”). 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.

EXPERIENCE AND ADEQUACY OF LAWYERS *for* JUSTICE, PC

EDUCATION

2. Since October 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, the firm is 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 is comprised of attorneys who focus on litigating complex wage-and-hour class and Private Attorneys General Act (“PAGA”) representative actions. The firm has successfully litigated cases involving the executive, administrative, and other overtime exemptions to the State of California and federal overtime compensation requirements. During a relatively short time, in association with other law firms, Lawyers *for* Justice, PC has recovered millions of dollars on behalf of thousands of individuals in California. Below is a summary of the experience and qualifications of attorneys at Lawyers *for* Justice, PC who most recently and primarily have been responsible for the representation of Plaintiff John Lilla in connection with the *Lilla* Action and the above-captioned coordinated proceeding. Additional attorney and non-attorney staff have also worked on the matter.

///

1 3. Edwin Aiwazian is the Managing Member and Shareholder of Lawyers *for*
2 Justice, PC. He received his Bachelor of Arts degree from Pepperdine University in April of
3 1999 and earned a Juris Doctor degree from Pepperdine University School of Law in May of
4 2004. He has extensive formal training in dispute resolution and negotiation from the Straus
5 Institute for Dispute Resolution as part of its Masters in Dispute Resolution degree program. In
6 addition, he has previously served as a pro bono mediator for the Los Angeles County Superior
7 Court. In October of 2000, he obtained a Litigation Paralegal Certificate from the UCLA
8 Extension Program. During the summer of 2000, he studied Legal Writing at Harvard
9 University. From approximately September 2002 to approximately December 2002, he served as
10 a Judicial Extern to the Honorable Kim McLane Wardlaw of the United States Court of Appeals
11 for the Ninth Circuit. From approximately June 2002 to approximately August 2002, he served
12 as a Judicial Extern to the Honorable Earl Johnson, Jr. of the California Court of Appeal for the
13 Second Appellate District. In December of 2004, he obtained a license to practice law from the
14 California State Bar. From approximately December 2004 to approximately August 2008, he
15 was employed by Girardi & Keese. At Girardi & Keese, his practice focused on class actions
16 and other complex cases involving toxic torts and products liability. In addition, he gained
17 substantial experience on cases involving insurance bad faith, premises liability, and medical
18 negligence. While employed by Girardi & Keese, he argued approximately one hundred (100)
19 motions, took or defended approximately one hundred fifty (150) depositions, and prepared
20 dozens of expert witnesses for deposition or trial. Since in or around October of 2008, through
21 his work at Lawyers *for* Justice, PC, he has almost exclusively focused on the prosecution of
22 consumer and employment class actions, involving wage-and-hour claims, race discrimination,
23 unfair business practices, or consumer fraud. While employed by Lawyers *for* Justice PC, he has
24 argued over one hundred (100) motions, taken or defended over one hundred fifty (150)
25 depositions, prepared dozens of expert witnesses for deposition or trial, and attended over one
26 hundred seventy-five (175) mediations. Together with other attorneys at the firm, and in many
27 cases in conjunction with co-counsel, he has successfully litigated cases involving the executive,
28 administrative, and other overtime exemptions to the State of California and federal overtime

1 compensation requirements. Under his supervision, Lawyers *for* Justice, PC has successfully
2 obtained class certification by contested motion practice in approximately fifteen (15) cases in
3 the last decade and litigated over 1,000 class action or representative action cases.

4 4. Arby Aiwazian is a Member and Shareholder of Lawyers *for* Justice, PC. He
5 received his Bachelor of Arts degree from University of California, Los Angeles and graduated
6 magna cum laude. He earned a Juris Doctor degree, cum laude, from Southwestern Law School.
7 From approximately May 2007 to approximately July 2007, he served as a Judicial Extern to the
8 Honorable Earl Johnson, Jr. of the California Court of Appeal for the Second Appellate District.
9 From approximately August 2008 to approximately December 2008, he served as a Judicial
10 Extern to the Honorable Kim McLane Wardlaw of the United State Court of Appeals for the
11 Ninth Circuit. He was admitted to practice law in California in 2010. He is admitted to practice
12 before all courts of the State of California and all United States District Courts in the State of
13 California. He has worked on many wage-and-hour class action and representative action cases,
14 taking the lead in taking and defending depositions, arguing motions, and attending mediations.
15 He has played an integral role in preparing matters for class certification, including and not
16 limited to, successful certification of a class in *Upson v. Sur La Table* (Los Angeles County
17 Superior Court Case No. BC424012), *Montazemi v. Regus Management* (Los Angeles County
18 Superior Court Case No. BC478769), and *Abdulhaqq v. Urban Outfitters* (Alameda County
19 Superior Court Case No. RG13680477). Under his and Edwin Aiwazian's supervision, dozens
20 of class action or representative cases have resulted in settlements that have been granted court
21 approval, including and not limited to, those listed in paragraph 6 herein. He has worked on over
22 one hundred (100) class action or representative action cases which have resulted in settlement.

23 5. I, Joanna Ghosh, am a Senior Member of Lawyers *for* Justice, PC. I received a
24 Bachelor of Arts degree from California State University, Los Angeles in 2006, a Master of
25 Science degree from the London School of Economics in 2007, and a Juris Doctor degree from
26 Georgetown University Law Center in 2010. I am admitted to practice in California (since 2010)
27 and in New York (since 2013) and am also admitted to practice in all U.S. District Courts in
28 California, the U.S. Bankruptcy Court for the Central District of California, and the U.S.

Supreme Court. I have taken and defended dozens of depositions and successfully handled motion practice in class action cases regarding discovery (including and not limited to, regarding class contact information), class certification (both contested class certification and stipulated class certification), arbitration agreements, coordination, and intervention. I have successfully handled briefing and oral argument on appeal and obtained notable decisions regarding the Private Attorneys General Act and employer efforts to compel arbitration, e.g., *Betancourt v. Prudential Overall Supply*, 9 Cal.App.5th 439 (Cal. Ct. App., Mar. 7, 2017), cert. denied (Cal., May 24, 2017), cert. denied (U.S., Dec. 11, 2017) and *ZB, N.A. v. Superior Court*, 8 Cal.5th 175 (2019). I also have extensive experience with class action and/or representative action cases. Under my, Edwin Aiwasian, and Arby Aiwasian's supervision, the firm has handled the class certification and court approval process for hundreds of class action and/or representative action matters that have successfully resolved. I am a member of the California Employment Lawyers Association.

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

6. What follows are just a few examples of the type of results Lawyers for Justice, PC ("LFJ") has achieved on behalf of its clients:

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

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

///

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

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

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

16 f) LFJ, in association with co-counsel therein, represented the plaintiff in a
17 wage-and-hour class and PAGA representative action against a national wholesale distributor of
18 plumbing and builder supplies, involving allegations of misclassification of multiple salaried
19 “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA
20 representative action settlement. The Sacramento County Superior Court Case Number is 34-
21 2012-00136285.

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

27 ///

28 ///

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

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

j) 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 upscale hardware and home furnishings, on behalf of non-exempt employees. On April 28, 2016, the 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.

///

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

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

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

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

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

27 ///

28 ///

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

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

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

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

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

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

28 ///

1 x) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
2 representative action against a manufacturer of plastic containers on behalf of non-exempt
3 employees. On October 31, 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 BC577233.

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

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

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

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

26 cc) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
27 representative action against a behavioral health service provider on behalf of non-exempt
28 employees. On November 13, 2018, the court granted final approval of the class and PAGA

1 representative action settlement. The Alameda County Superior Court Case Number is
2 RG16811450.

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

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

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

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

24 hh) LFJ, in association with co-counsel therein, on behalf of the plaintiff and
25 respondent in a PAGA representative action, successfully opposed in the trial court, and briefed
26 and argued an appeal with respect to the employer's motion to compel arbitration, resulting in a
27 notable decision from the California Supreme Court clarifying the law regarding PAGA actions,
28 *ZB, N.A. v. Superior Court* (2019) 8 Cal.5th 175. On February 21, 2020, the court granted

1 approval of the PAGA representative action settlement. The San Diego County Superior Court
2 Case Number is 34-2015-00175330.

3 ii) LFJ, in association with co-counsel therein, represents the plaintiff in a
4 wage-and-hour class and PAGA representative action against a medical equipment supplier on
5 behalf of non-exempt employees. On February 13, 2020, the court granted the plaintiff's motion
6 for class certification and certified a class. The San Bernardino County Superior Court Case
7 Number is CIVDS1505744.

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

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

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

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

28 ///

SUMMARY OF WORK PERFORMED

7. Lawyers for Justice, PC has been actively engaged in this litigation since the inception of the *Lilla* Action and throughout its pendency. Also, since joining forces with Keller Grover LLP and Capstone Law APC, counsel for Plaintiffs Eugene Martinez and Robert Williams, who have been pursuing the *Martinez* Action, we have worked closely with them to prosecute the cases. Our work with other plaintiffs' counsel has been a coordinated and combined effort. Together, Plaintiffs Eugene Martinez, Robert Williams, and John Lilla are referred to herein as "Plaintiffs." Together, Lawyers for Justice, PC, Keller Grover LLP, and Capstone Law APC are referred to herein as "Class Counsel."

8. Before initiating the *Lilla* Action, Lawyers for Justice, PC conducted extensive investigation and research into 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 John Lilla, and research into the various legal issues involved in the case, namely, the current state of the law as it applied to certification, off-the-clock theory, meal and rest periods, wage-and-hour enforcement, Plaintiff John Lilla's claims, and potential defenses. After conducting initial investigation, our firm determined that Plaintiff John Lilla's claims were well-suited for class action treatment 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 who worked for 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.

9. Class Counsel investigated the veracity, strength, and scope of the claims, and worked on preparing the cases for class certification and trial, prior to reaching the Settlement. This matter has involved ongoing investigations, extensive research into legal and factual issues, and significant formal and informal discovery. In the *Lilla* Action, Lawyers for Justice, PC propounded multiple sets of formal discovery requests on Defendant (including, Form Interrogatories-General (Set One), Requests for Production of Documents (Set One), and Special Interrogatories (Set One)), and served Defendant with multiple notices of deposition of Person(s)

1 Most Knowledgeable along with Requests for Production of Documents. Collectively, Class
2 Counsel obtained information from Plaintiffs, putative class members, aggrieved employees, and
3 percipient witnesses, reviewed and analyzed a volume of documents and data obtained from
4 Plaintiffs, Defendant, and other sources, researched applicable law, and undertook analyses and
5 calculations of the value of claims and damages and penalties exposure. Class Counsel also met
6 and conferred with Defendants' counsel on numerous occasions, e.g., to discuss issues relating to
7 the pleadings, case management, court proceedings, petition for coordination, discovery and
8 production of various documents and data in the course of litigation and prior to mediation, and
9 mediation and settlement negotiations. Other work that Class Counsel performed included, and
10 was not limited to, case strategy and analysis; drafting, reviewing, and revising the pleadings;
11 case management; claims evaluation; and preparing for and attending mediation and settlement
12 negotiations.

13 10. As outlined herein, the parties have conducted significant investigations and
14 discovery during the course of this litigation. Class Counsel analyzed a volume of documents
15 and data obtained from Plaintiffs, Defendant, and other sources. These documents and data
16 provided a critical understanding of the nature of the work performed by class members and
17 aggrieved employees, as well as Defendant's operations and employment policies, practices, and
18 procedures, and were used in analyzing liability, damages, and penalties valuation issues in
19 connection with all phases of the litigation, and ultimately, in connection with the mediation and
20 settlement negotiation process. Accordingly, sufficient investigation and review of information
21 has taken place in order for the parties to be sufficiently informed of the nature and extent of the
22 claims, and to enable all parties to fully evaluate the Settlement for its fairness, adequacy, and
23 reasonableness.

24 11. After conducting significant investigation of the facts and law during the
25 prosecution of the cases, counsel for the parties engaged in extensive settlement negotiations to
26 try to resolve the cases. These efforts included participating in a private mediation conducted by
27 Jill R. Sperber, Esq., a well-regarded mediator who is experienced in mediating complex labor
28 and employment matters. During all settlement discussions, the parties conducted their

negotiations at arm's length in an adversarial position. Prior to and during the mediation, the parties discussed all aspects of the cases, including the risks and delays of further litigation, the risks to the parties of proceeding with class certification and/or trial, the law relating to off-the-clock theory, meal and rest periods, meal period waivers, PAGA representative claims, arbitration agreements, collective bargaining agreements, *Pick Up Stix* release agreements, and wage-and-hour enforcement, as well as 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 and their counsel felt very strongly about Defendant's ability to prevail on the merits and to obtain a denial of class certification, while Plaintiffs and Class Counsel believed that class certification would be obtained and that Plaintiffs would prevail at trial. After conducting extensive investigations and discovery, settlement negotiations, and with the aid of the mediator's evaluation, the parties have agreed to resolve the cases given the legal issues relating to Plaintiffs' principal claims, as well as the costs and risks to both sides that would attend further litigation. These risks of further litigation include, and are not limited to, a determination that the claims are unsuitable for class treatment and/or are unmanageable, class de-certification after certification of a class, allowing a jury to decide the claims, and the real possibility of no recovery after years of litigation.

12. The Settlement provides for Class Representative Enhancement Payments in the amount not to exceed ten thousand dollars (\$10,000) each to Plaintiffs. The contemplated enhancement payments are fair and appropriate in light of the time and effort that Plaintiffs expended to pursue the cases. Plaintiffs were available whenever Class Counsel needed them, actively tried to obtain and provide information, and spent a substantial amount of time and effort providing the facts and evidence necessary to facilitate prosecution of the cases. Accordingly, it is appropriate and just for Plaintiffs to receive reasonable enhancement payments in addition to their Individual Settlement Payments under the settlement, for their services in the cases.

///

///

1 13. I submit that the Settlement is fair, reasonable, and adequate. In addition, the
2 Settlement is in the best interests of Plaintiffs, other Class Members, the State of California, and
3 PAGA Members.

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

6 Executed this 22nd day of November 2022, at Glendale, California.

7
8 

9
10 _____
11 Joanna Ghosh
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28