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Attorneys for Plaintiffs Angelyna Celio, Matthew Lytle, Robert Martin, and Donell Fort on behalf of themselves and all others similarly situated

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

ANGELYNA CELIO, MATTHEW LYTLE,
ROBERT MARTIN, and DONELL FORT,
on behalf of themselves and others similarly
situated

Plaintiffs,

v.

AIR INTERNATIONAL US, INC., a
Delaware Corporation; and DOES 1
Through 10, inclusive,

Defendants.

Case No. RG21098764

ASSIGNED FOR ALL PURPOSES TO:

The Honorable James Reilly
Department 25

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF JOSEPH TOJARIEH IN
SUPPORT OF MOTION FOR ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION AND PAGA
REPRESENTATIVE ACTION
SETTLEMENT, CONDITIONAL
CERTIFICATION, APPROVAL OF CLASS
NOTICE, AND SETTING A FINAL
APPROVAL HEARING DATE**

Hearing Information

Date: August 16, 2023

Time: 3:00 p.m.

Dept: 25

Judge: Hon. James Reilly

Reservation No: 405363008773

Complaint filed: May 10, 2021

Trial Date: Not Set

1 I, Joseph Tojarieh, am the attorney of record for Plaintiffs Angelyna Celio, Matthew
2 Lytle, Robert Martin, and Donell Fort. I am duly licensed to practice law in the State of
3 California and am in good standing before the California State Bar. I have personal knowledge
4 of all the following facts stated in this declaration and if called as a witness, I could and would
5 competently testify thereto under oath:

6 1. I graduated *summa cum laude* from the Honor's College of the University of
7 California, Los Angeles ("UCLA") with a Bachelor of Arts degree in Political Science and
8 History. I subsequently received my Juris Doctor degree from Loyola Law School, Los
9 Angeles, where I served as a staff member and Senior Note and Comment Editor of the Loyola
10 Law School International Law Review.

11 2. I have been a practicing attorney for over 13 years.

12 3. I am duly licensed to practice before all state courts in California, all United
13 States District Courts in California, all United States Bankruptcy Courts in California, and the
14 United States Supreme Court. I am also an active member of the Consumer Attorneys
15 Association of Los Angeles ("CAALA") and California Employment Lawyers Association
16 ("CELA").

17 4. My practice has been devoted almost exclusively to employment litigation,
18 including wage and hour class and representative actions. I have been appointed class counsel
19 in numerous wage and hour class actions in California state and federal courts, including:
20 *Mohorne v. Church & Dwight Co., Inc.* (LASC Case No. BC569117); *Lopez v. Aerotek, Inc.*
21 (USDC CACD Case No. SACV 14-00803-CJC(JCGx)); *Silva v. ADJ Products* (LASC Case
22 No. BC618581); *Hernandez v. Downey Wholesale, Inc.* (SBSC Case No. CIVDS1821370);
23 *Walters v. Los Angeles County Fair* (SBSC Case No. CIVDS1825109); and *Patton v. Midwest*
24 *Construction Services, Inc. dba Trillium Construction/Drivers* (CACD Case No. 2:19-cv-
25 08580-JFW-MAA); and *Fontenette v. Special Services for Groups, Inc.* (LASC Case No.
26 19STCV46726).

27 5. I am very familiar with employment law relating to class actions, their
28 dynamics, and also the risks inherent in litigating a class action through certification and trial. I

1 have the resources, experience, and expertise necessary to protect fully and fairly the interests
2 of the proposed class.

3 6. My office invested time and resources into this case, with payment contingent
4 on the outcome of this case and deferred until the end of this case. The efforts of my firm have
5 resulted in benefits to class members, allowing them to receive compensation for the alleged
6 illegal wage and hour practices. Without the efforts of my firm, the claims at issue in this case
7 may have gone without remedy.

8 7. The efforts of our office include, without limitation, interviewing plaintiffs and
9 reviewing documents they provided; investigating defendant's alleged violations of California
10 wage and hour laws; researching theories of liability for the alleged violations; investigating the
11 nature of defendant's business, prior lawsuits, and business operations; researching similar
12 class action cases; communicating with clients throughout the litigation process; obtaining and
13 reviewing relevant documents and information; reviewing litigation documents; and
14 communicating with co-counsel regarding strategies to take towards case resolution.

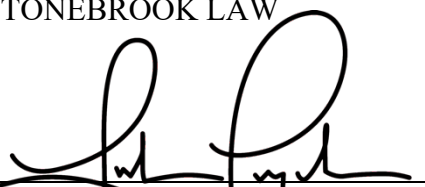
15 8. Based on my experience with wage and hour class actions, I believe the
16 proposed settlement is fair, reasonable and adequate. By reaching a settlement, the risk that this
17 Court may deny class certification is eliminated. Moreover, additional litigation will delay
18 resolution of class members' claims and may even reduce the amount of money they recover.
19 The uncertainties of litigation and trial are endless. There is no guarantee that class members
20 will receive any money should the parties continue to litigate this case. With the settlement,
21 class members receive a certain and immediate recovery with an opportunity to opt-out of the
22 settlement if for any reason they are not satisfied. Further, while plaintiffs are confident in the
23 merits of their case, defendant has legitimate arguments as to each cause of action, as explained
24 in detail in the Motion for Preliminary Approval. In sum, in light of the obstacles inherent in
25 class actions, defendant's defenses, and the time, expense, and risks of litigation, the settlement
26 represents a reasonable compromise and a good result for class members.

27 I declare under the penalty of perjury under the laws of the State of California the
28 foregoing is true and correct. Executed on January 31, 2023, in Los Angeles, California.

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STONEBROOK LAW

By:



JOSEPH TOJARIEH
Attorney for Plaintiffs
ANGELYN A CELIO, MATTHEW LYTLE,
ROBERT MARTIN, and DONELL FORT