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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 Rebekah Evenson
Department 24

CLASS AND REPRESENTATIVE ACTION

**DECLARATION OF JOSEPH TOJARIEH IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS AND PAGA ACTION
SETTLEMENT**

Hearing Set by February 2, 2024 Court Notice

Date: April 11, 2024

Time: 9:00 a.m.

Dept: 24

Judge: Hon. Rebekah Evenson

Complaint filed: May 10, 2021

Trial Date: Not Set

1 I, Joseph Tojarieh, am the attorney of record for Plaintiffs Angelyna Celio and Matthew
2 Lytle. I am duly licensed to practice law in the State of California and am in good standing
3 before the California State Bar. I have personal knowledge of all the following facts stated in
4 this declaration and if called as a witness, I could and would competently testify thereto under
5 oath. I submit this declaration in support of Plaintiffs' Motion for Final Approval of Class and
6 PAGA Action Settlement.

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

12 2. I was admitted to the California State Bar in December 2009 and have been a
13 practicing attorney for over 14 years.

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

19 4. My practice has been devoted almost exclusively to employment litigation,
20 including wage and hour class and representative actions. I have been appointed class counsel
21 in numerous wage and hour class actions in California state and federal courts, including:
22 *Mohorne v. Church & Dwight Co., Inc.* (LASC Case No. BC569117); *Lopez v. Aerotek, Inc.*
23 (USDC CACD Case No. SACV 14-00803-CJC(JCGx)); *Silva v. ADJ Products* (LASC Case
24 No. BC618581); *Hernandez v. Downey Wholesale, Inc.* (SBSC Case No. CIVDS1821370);
25 *Walters v. Los Angeles County Fair* (SBSC Case No. CIVDS1825109); and *Patton v. Midwest*
26 *Construction Services, Inc. dba Trillium Construction/Drivers* (CACD Case No. 2:19-cv-
27 08580-JFW-MAA); *Fontenette v. Special Services for Groups, Inc.* (LASC Case No.
28 19STCV46726); *Basich-Mustafa v. Designer Fragrances & Cosmetics Company* (LASC Case

No. 20STCV16314); *Miller v. Mountain High Reunited LLC* (SBSC Case No. CIVDS2010045); *Jones v. Peace Over Violence, et al.* (LASC Case No. 20STCV39038); *Tam v. Q Tech Corporation* (LASC Case No. 21STCV18635); and *Ramirez v. Baxalta US, Inc.* (Los Angeles Superior Court Case No. 21STCV07572).

5. I am very familiar with employment law relating to class actions, their dynamics, and also the risks inherent in litigating a class action through certification and trial. I have the resources, experience, and expertise necessary to protect fully and fairly the interests of the proposed class.

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

7. The efforts of our office include, without limitation, interviewing Plaintiffs Angelyna Celio and Matthew Lytle; reviewing documents they provided; investigating Defendant's alleged violations of California wage and hour laws; researching theories of liability for the alleged violations; investigating the nature of Defendant's business, prior lawsuits, and business operations; drafting and mailing to Defendant a letter requesting employment records pursuant to Labor Code sections 1198.5, 432, and 226(b); researching similar class action cases; reviewing documents and information; and communicating with co-counsel regarding strategies to take towards case resolution.

8. Based on my experience with wage and hour class actions, I believe the proposed settlement is fair, reasonable, and adequate. By reaching a settlement, the risk that this Court may deny class certification is eliminated. Moreover, additional litigation will delay resolution of class members' claims and may even reduce the amount of money they recover. The uncertainties of litigation and trial are endless. There is no guarantee that class members will receive any money should the parties continue to litigate this case. With the settlement, class members receive a certain and immediate recovery with an opportunity to opt-out of the

1 settlement if for any reason they are not satisfied. Further, while plaintiffs are confident in the
2 merits of their case, defendant has legitimate arguments as to each cause of action, as explained
3 in detail in the Motions for Preliminary and Final Approval. In sum, in light of the obstacles
4 inherent in class actions, defendant's defenses, and the time, expense, and risks of litigation, the
5 settlement represents a reasonable compromise and a good result for class members.

6 9. My hourly rate is currently \$675 per hour. This is also the hourly rate approved
7 by Judge Freeman in *Ramirez v. Baxalta US, Inc.* (Los Angeles Superior Court Case No.
8 21STCV07572), where I was among the attorneys appointed as counsel for the settlement class.
9 This rate is reasonable in light of my skill and over 14 years of employment law experience.
10 Moreover, my rates are supported by the *Laffey* Matrix, which is "a widely recognized
11 compilation of attorney and paralegal rate data used in the District of Columbia, frequently
12 used in fee award cases." (See *Bond v. Ferguson Enterprises, Inc.*, Case No. 1:09-cv-1662
13 OWW MJS, 2011 WL 2648879 at *12 (E.D. Cal. June 30, 2011.) The *Laffey* Matrix has been
14 used in California. (See, e.g., *Nemecek & Cole v. Horn*, 208 Cal.App.4th 641, 650-651 (2012)
15 [affirming award of attorneys' fees based on the *Laffey* Matrix as reasonable].) A true and
16 correct copy of the current *Laffey* Matrix is attached as **Exhibit 1**. According to the *Laffey*
17 Matrix, for the period June 1, 2023, to May 31, 2024, the hourly rate is \$878 for an attorney
18 who is in the 11th to 19th year out of law school. I am in my 14th year out of law school.

19 10. Moreover, in 2012, the Daily Journal concluded that the average hourly rate for
20 associates in Los Angeles is \$550, while the average hourly rate for partners is \$797. A true
21 and correct copy of the Daily Journal article is attached hereto as **Exhibit 2**. Given my skill and
22 experience, fee awards to other attorneys of similar experience in California, and the *Laffey*
23 Matrix, my hourly rate of \$675 is reasonable.

24 11. I have expended approximately 13.1 hours on this matter. At my requested rate
25 of \$675 an hour, my lodestar attorney's fees, before any multiplier, amount to \$8,842.50. The
26 excel chart attached as **Exhibit 3** shows the hours I spent on categories of work on this case.

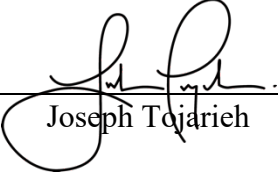
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1 12. I have incurred minimal out of pocket costs in this case. My office waives the
2 recovery of such costs in this case.

3 I declare under the penalty of perjury under the laws of the State of California the
4 foregoing is true and correct. Executed on March 12, 2024 in Los Angeles, California.

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Joseph Tojarieh

EXHIBIT 1

LAFFEY MATRIX

[History](#)
[Case Law](#)
[See the Matrix](#)
[Contact us](#)
[Home](#)

			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/23- 5/31/24	1.059295	\$239	\$437	\$538	\$777	\$878	\$1057
6/01/22- 5/31/23	1.085091	\$225	\$413	\$508	\$733	\$829	\$997
6/01/21- 5/31/22	1.006053	\$208	\$381	\$468	\$676	\$764	\$919
6/01/20- 5/31/21	1.015894	\$206	\$378	\$465	\$672	\$759	\$914
6/01/19- 5/31/20	1.0049	\$203	\$372	\$458	\$661	\$747	\$899
6/01/18- 5/31/19	1.0350	\$202	\$371	\$455	\$658	\$742	\$894
6/01/17- 5/31/18	1.0463	\$196	\$359	\$440	\$636	\$717	\$864
6/01/16- 5/31/17	1.0369	\$187	\$343	\$421	\$608	\$685	\$826
6/01/15- 5/31/16	1.0089	\$180	\$331	\$406	\$586	\$661	\$796
6/01/14- 5/31/15	1.0235	\$179	\$328	\$402	\$581	\$655	\$789
6/01/13- 5/31/14	1.0244	\$175	\$320	\$393	\$567	\$640	\$771
6/01/12- 5/31/13	1.0258	\$170	\$312	\$383	\$554	\$625	\$753
6/01/11- 5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10- 5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09- 5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99-5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98-5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97-5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96-5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389
6/1/95-5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94-5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., DL v. District of Columbia, 267 F.Supp.3d 55, 69 (D.D.C. 2017)

* $i_c \frac{1}{2}$ Years Out of Law School $i_c \frac{1}{2}$ is calculated from June 1 of each year, when most law students graduate. $i_c \frac{1}{2}$ 1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). $i_c \frac{1}{2}$ 4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier $i_c \frac{1}{2}$ 1-3" from June 1, 1996 until May 31, 1999, would move into tier $i_c \frac{1}{2}$ 4-7" on June 1, 1999, and tier $i_c \frac{1}{2}$ 8-10" on June 1, 2003.

** The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

EXHIBIT 2

Average Law Firm Billing Rates

Location	Position	2012	2011	Percent Increase
Los Angeles	Partner	\$797	\$766	4.0%
	Associate	\$550	\$516	6.6%
San Diego	Partner	\$568	\$568	0%
	Associate	\$394	\$378	4.2%
San Francisco	Partner	\$675	\$654	3.2%
	Associate	\$482	\$449	7.3%
National	Partner	\$750	\$725	3.4%
	Associate	\$495	\$460	7.5%

Source: Valeo 2012 Halftime Report

Associate billing rates going up

Continued from page 1

boost our billing rates."

Sockol declined to provide specific billing rates but said the firm varies its associate rates by practice group and geography. For 2012, the firm raised associate billing rates roughly 3 percent, he said.

James G. Leipold, executive director of the National Association for Law Placement in Washington D.C., said the jump in billing rates results from the overall decrease of associates at law firms, especially at large law firms. Large law firms, which are the biggest employers of junior lawyers, are relying less on partnership-track associates and more on staff lawyers, paralegals and contract lawyers.

NALP data reveals that from 2008 to 2011, large law firms on average hired entry-level associates at an

annual starting salary of \$160,000. Some law firms cut their starting salaries to \$145,000 during that time but not many. Leipold said he thought more firms would follow suit.

'If inflation goes up 3 percent, so do our associate billing rates, because that is what covers rent, lights, computers, telephones, desks.'

— Marc A. Sockol

"What we saw was that law firms reduced their associate class sizes dramatically, but they didn't reduce their pay," Leipold said. "They just

provided many fewer jobs."

Some large firms have turned to creating nonpartnership-track staff lawyer positions for new classes of junior lawyers, whose billing rates and compensation are lower than those of partnership-track associates.

Law firms can then maintain or increase the billing rates for the small number of associates on the partnership track, knowing they can turn to their staff lawyers, paralegals or contract lawyers to drive down the cost of legal services for clients.

"I think you'll see that [approach] more in the next couple of years," Leipold said. "It's another way for them to bring the salary structure back down and meet the cost-containment demands of clients and use people more efficiently."

kevin_lee@dailyjournal.com

EXHIBIT 3

LODESTAR REPORT

Categories:	(1) Investigation, Research, Case Initiation (2) Discovery and Depositions (3) Pleadings; Law and Motion (Includes Legal Research) (4) Court Appearances (5) Mediation & Settlement Negotiations (6) Preliminary and Final Approval Motions (7) Case Management	(MA) Managing Attorney
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ATTORNEY	1	2	3	4	5	6	7	HOURS	HOURLY RATE	LODESTAR
Joseph Tojarieh	5.3	0.0	0.0	0.0	0.0	3.5	4.3	13.1	\$675.00	\$8,842.50
TOTALS:	5.3	0.0	0.0	0.0	0.0	3.5	4.3	13.1		\$8,842.50