

Edwin Aiwarzian (SBN 232943)
Arby Aiwarzian (SBN 269827)
Joanna Ghosh (SBN 272479)
Annabel Blanchard (SBN 258135)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiff and the Class

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

KENNETH MURRAY, 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,

Plaintiff,

vs.

NEW WORLD VAN LINES OF SAN
FRANCISCO, a California corporation; NEW
WORLD VAN LINES, an unknown business
entity; and DOES 1 through 100, inclusive,

Defendants.

Case No.: RG21095207

Honorable Brad Seligman
Department 23

CLASS ACTION

**DECLARATION OF EDWIN AIWAZIAN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, CLASS
COUNSEL AWARD, AND CLASS
REPRESENTATIVE SERVICE AWARD**

[Notice of Motion and Motion for Final
Approval of Class Action Settlement, Class
Counsel Award, and Class Representative
Service Award; Declaration of Class
Representative (Kenneth Murray);
Declaration of Settlement Administrator
(Kevin Lee); and [Proposed] Final Approval
Order and Judgment filed concurrently
herein]

Date: June 20, 2023
Time: 3:00 p.m.
Department: 23

Complaint Filed: April 6, 2021
FAC Filed: October 15, 2021
Trial Date: None Set

DECLARATION OF EDWIN AIWAZIAN

I, Edwin Aiwazian, 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 Kenneth Murray (“Plaintiff”) and the Class. 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.

PRELIMINARY APPROVAL OF SETTLEMENT

2. On October 13, 2022, in Department 23 of the above-entitled Court, the Honorable Brad Seligman preliminarily approved the Joint Settlement Agreement of Class Action and Private Attorneys General Act Class Settlement (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff and Defendants New World Van Lines of San Francisco and New World Van Lines, Inc. (together, “Defendants”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiff Kenneth Murray as the representative of the Class (“Class Representative”). The Court also preliminarily appointed and designated Lawyers *for* Justice, PC as counsel for the Class (“Class Counsel”). The Court approved and ordered the mailing of the Notice of Class Action Settlement (“Class Notice”), adopted the notice, opt-out, and objection procedures, and ordered their implementation. The Court appointed Phoenix Settlement Administrators (“Phoenix” or “Settlement Administrator”) to serve as the third-party settlement administrator and to handle the notice and settlement administration process.

3. As of the date of filing the accompanying Motion for Final Approval of Class Action Settlement, Class Counsel Award, and Class Representative Service Award (“Motion for Final Approval”), no Class Members have objected to the Class Settlement or the contemplated request for Class Counsel Award, Class Representative Service Award, Settlement Administration Costs, or allocation for the penalties under the Private Attorneys General Act of 2004, California Labor Code section 2698, *et seq.* (“PAGA”).

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WORK PERFORMED BY CLASS COUNSEL

4. I and several other attorneys at Lawyers for Justice, PC have been actively engaged in litigating the above-captioned putative class action (“Class Action”) which was commenced on April 6, 2021, and the PAGA representative action entitled *Kenneth Murray v. New World Van Lines of San Francisco, et al.*, Alameda County Superior Court Case No. RG21102247 (“PAGA Action”), commenced on June 9, 2021, since their inception. On September 27, 2021, the Class Action and PAGA Action were deemed related, and the PAGA Action was assigned to Honorable Judge Brad Seligman along with the Class Action which was already assigned to Honorable Judge Brad Seligman.

5. Before initiating the cases, Lawyers for Justice, PC investigated and researched 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, and research into the various legal issues involved in the case, namely, the current state of the law as it applied to class certification, off-the-clock theory, meal and rest periods, PAGA representative claims, wage-and-hour law and enforcement, Plaintiff’s claims and allegations, and potential defenses. After conducting initial investigation, our firm determined that the claims of Plaintiff were well-suited for class-wide and representative adjudication 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 of Defendants in California, who were not properly compensated for, *inter alia*, all hours worked, non-compliant meal and rest periods, and business expenses.

6. Class Counsel investigated the veracity, strength, and scope of the claims, and was preparing the matter for class certification and trial prior to reaching the Settlement. The parties conducted significant informal discovery and investigation into the facts of the case, exchanging a large volume of documents, information, and data throughout the course of litigation and in connection with mediation and settlement negotiations. Class Counsel had the opportunity to interview and obtain information from Plaintiff, and reviewed and analyzed a large volume of information, documents, and data obtained from Plaintiff, Defendants, and other sources. The information, documents, and data reviewed and analyzed by Class Counsel included, and was not

1 limited to: employment records of Plaintiff, a detailed sampling of Class Members' time and pay
2 data, sampling of Driver and Helper Worksheets, class list, payroll legend, pay plans, Defendants'
3 Employee Handbooks, and employment and operations policies, practices, and procedures
4 documents (e.g., California Meal Period Policy, California Rest Break Policy, New Hire Personnel
5 Activity Forms, and Orientation Forms), among other information, data, and documents. Class
6 Counsel researched applicable law, developed liability, damages, and penalties valuation models
7 in connection with mediation and settlement negotiations, and met and conferred with Defendants'
8 counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, case management,
9 informal discovery, and the production of information, documents, and data in the course of
10 litigation as well as mediation and settlement negotiations. Class Counsel also drafted pleadings
11 and the mediation brief; prepared for and attended for court proceedings; and prepared for and
12 participated in mediation and settlement negotiations, among other tasks.

13 7. The parties have conducted significant informal discovery and investigation during
14 the course of litigating the cases and in connection with mediation and settlement negotiations,
15 and Class Counsel analyzed a large volume of information, documents, and data obtained from
16 Plaintiff, Defendants, and other sources. The information, documents, and data that were
17 considered provided a critical understanding of the nature of the work performed by the Class
18 Members, as well as Defendants' operations and employment policies, practices, and procedures,
19 and were used in analyzing liability, damages, and penalties valuation issues in connection with
20 all phases of the litigation, and ultimately in connection with the mediation and settlement
21 negotiation process. Class Counsel also performed research regarding applicable law which is
22 evolving as it relates to class certification, off-the-clock theory, meal and rest periods, PAGA
23 representative claims, exemption, preemption, wage-and-hour law and enforcement, Plaintiff's
24 claims and allegations, and Defendants' defenses thereto, as well as facts discovered.

25 8. After conducting significant investigation of the facts and law during the
26 prosecution of the cases, counsel for the parties engaged in extensive settlement negotiations to try
27 to resolve the entire matter. These efforts included participating in a formal, full-day mediation
28 conducted by Jeffrey Krivis, Esq., a well-regarded mediator experienced in mediating complex

labor and employment matters. During all settlement discussions, the parties conducted their negotiations at arm's length in an adversarial position. In the course of mediation and settlement negotiations, the parties exchanged information and data, and discussed all aspects of the cases, including and not limited to, the risks and delays of further litigation, the risks to the parties of proceeding with class certification and trial, the law relating to class certification, off-the-clock theory, meal and rest periods, representative PAGA claims and manageability, exemption, preemption, and wage-and-hour law and enforcement, 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. Defendants and their counsel felt strongly about Defendants' ability to prevail on the merits and to avoid class certification and representative adjudication, while Plaintiff and Class Counsel believed that they would be able to obtain class certification and prevail at trial. With the aid of the mediator's evaluation, the parties agreed that the cases were well-suited for settlement given the legal issues relating to Plaintiff's principal claims, as well as the costs and risks to the parties 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 representative adjudication, class de-certification after certification of a class, allowing a jury to decide the claims asserted in the cases, and the real possibility of no monetary recovery after years of litigation.

9. By way of the accompanying Motion for Final Approval, Class Counsel seeks attorneys' fees in the amount of \$122,500.00, which is thirty-five percent (35%) of the Gross Settlement Amount of \$350,000.00, as set forth in the Settlement Agreement and the Class Notice. Pursuant to the contingency-fee agreement entered into by and between Plaintiff and Class Counsel, Plaintiff has agreed to a contingency fee of at least thirty-five percent (35%) of the recovery. The attorneys' fees sought are commensurate with: (1) the risk that Class Counsel took in commencing the cases; (2) the time, effort, and expense that Class Counsel dedicated to the cases; (3) the skill and determination that Class Counsel has shown; (4) the results that Class Counsel has achieved throughout the litigation; (5) the value of the settlement that Class Counsel has achieved in the cases; and (6) the other cases that Class Counsel has turned down in order to

devote its time and efforts to this matter.

10. I am aware that common and acceptable rates for contingency representation in wage and hour class action litigation are in the range from 33.3% to 50%.

11. While not necessarily required to be demonstrated because the percentage fee is proper for this settlement, Class Counsel has incurred many hours of work in connection with prosecuting the cases such that the award of attorneys' fees is also justified under a simple lodestar analysis. Attorneys at Lawyers for Justice, PC have spent a total of **347.50 hours** performing tasks and obtaining recovery in this matter. Attached hereto as "**EXHIBIT A**" is an Attorney Task and Time Chart that sets forth in detail the nature of the legal services provided by attorneys at Lawyers for Justice, PC and the time incurred in performing those services. These hours include work done by myself and several other attorneys at Lawyers for Justice, PC. Additionally, separate from the hours referenced herein, Lawyers for Justice, PC had litigation support personnel actively engaged in assisting with the prosecution of this matter.

12. The work performed in this particular case, the background of our firm, as well as the individual backgrounds, training, and experience of the attorneys who worked on this matter, in litigating complex wage-and-hour actions, and in particular, employment class and representative actions, support a reasonable blended hourly rate of compensation of at least \$700 for work performed by Lawyers for Justice, PC. Lawyers for Justice, PC has been awarded attorneys' fees, compensating the firm at the rate of at least \$700 per hour for legal services performed, by courts granting approval of settlement in other wage-and-hour cases: final approval of the class and representative action settlement in *David Dugan v. TEC Equipment, Inc., et al.* (Los Angeles Superior Court Case No. 19STCV01591) was granted on July 8, 2021, and the award of attorneys' fees involved an hourly rate of \$936.47; final approval of the class and representative action settlement in *Larry Greenwood, et al. v. Scan Health Plan* (Los Angeles Superior Court Case No. BC715157) was granted on April 20, 2021, and the award of attorneys' fees involved an hourly rate of \$919.57; final approval of the class action settlement in *Thereasa Carrozzella v. Basalite Concrete Products, LLC* (Sacramento County Superior Court Case No. 34-2017-00220214-CU-OE-GDS) was granted on February 21, 2020, and the award of attorneys' fees

involved an hourly rate of \$766.05; final approval of the class and representative action settlement in *Alice Rutledge, et al. v. Healthport Technologies, LLC* (Alameda County Superior Court Case No. RG16835813) was granted on June 11, 2019, and the award of attorneys' fees involved an hourly rate of \$764.82; final approval of the class and representative action settlement in *Seth Swan v. Pace Supply Corp.* (Sonoma County Superior Court Case No. SCV258764) was granted on February 6, 2019, and the award of attorneys' fees involved an hourly rate of \$855.96; final approval of the class and representative action settlement in *Stanley Bland, et al. v. Telecare Corporation* (Alameda County Superior Court Case No. RG16811450) was granted on November 21, 2018, and the award of attorneys' fees involved an hourly rate of \$831.38; final approval of the class and representative action settlement in *Maryjo Ungerbuhler Anderson v. Boyett Petroleum* (Stanislaus County Superior Court Case No. 2020582) was granted on May 15, 2018, and the award of attorney's fees involved an hourly rate of \$780.77; and final approval of the class and representative action settlement in *Demetrius Camarillo v. Blue Diamond Growers* (Sacramento County Superior Court Case No. 34-2015-00175871) was granted on June 30, 2017, and the award of attorneys' fees involved an hourly rate of \$845.64.

ADEQUACY OF LAWYERS for JUSTICE, PC

EDUCATION

13. 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*.

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JUDICIAL EXTERNSHIPS

14. 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 for the Second Appellate District*.

LITIGATION AND CLASS ACTION EXPERIENCE

15. 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 by a prominent plaintiff-side law firm.

16. At the prominent plaintiff-side law firm, my practice focused on class actions and other complex cases involving toxic torts and products liability. In addition, I gained substantial experience on cases involving insurance bad faith, premises liability, and medical negligence. While employed by the prominent plaintiff-side law firm, I argued approximately 100 motions, took or defended approximately 150 depositions, and prepared dozens of expert witnesses for deposition or trial.

17. Since its inception, in or around October of 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, Lawyers for Justice, PC is the 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 has successfully litigated cases involving the executive, administrative, and other overtime exemptions to the State of California and federal overtime compensation requirements. During this 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.

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

18. 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.

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

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

e) LFJ, in association with co-counsel therein, represented the plaintiff in a wage-and-hour class and PAGA representative action against a bank, involving allegations of misclassification of the “Assistant Branch Manager” position. On August 27, 2013, the court granted final approval of the class and PAGA representative action settlement. The Kern County

Superior Court Case Number is S-1500-CV-273194-LHB.

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

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

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 representative 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.

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

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

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

p) LFJ, on behalf of the plaintiff and respondent in a PAGA representative action, successfully opposed in the trial court, and briefed and argued an appeal with respect to the employer’s motion to compel arbitration, which resulted in a published opinion by the California Court of Appeal in favor of employees. *Roberto Betancourt v. Prudential Overall Supply* (Cal.

App. 4th Dist., Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S. Supreme Court Docket No. 17-254). The Riverside County Superior Court Case Numbers are RIC1503952 and RICJCCP5046, and the Judicial Council Coordination Proceeding Number is 5046.

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

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

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

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

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

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

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

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

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

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

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

1 BC498401.

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

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

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

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

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

26 gg) LFJ, in association with co-counsel therein, represented the plaintiffs in a
27 wage-and-hour class and PAGA representative action against a national retailer of apparel and
28 fashion accessories, on behalf of non-exempt employees. On October 9, 2019, the court granted

1 the plaintiffs' motion for class certification in part and certified a class. On May 14, 2021, the court
2 granted final approval of the class and PAGA representative action settlement. The Sacramento
3 County Superior Court Case Number is 34-2015-00175330-CU-OE-GDS.

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

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

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

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

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1 ll) LFJ, in association with co-counsel therein, represented the plaintiffs in a
2 wage-and-hour class action against manufacturer and supplier of power products and services on
3 behalf of non-exempt employees. On July 31, 2020, the court granted in part the plaintiffs' motion
4 for class certification and certified a class. On August 27, 2021, the court granted final approval
5 of the class action settlement. The San Diego County Superior Court Case Number is 37-2015-
6 00025968-CU-OE-CTL.

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

11 **LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL**

12 19. To date, Class Counsel has borne all of the risks and costs of litigation and will not
13 receive any compensation until recovery is obtained in this matter. Lawyers *for* Justice, PC seeks
14 reimbursement of \$17,361.86 in litigation costs and expenses incurred in the cases, as reflected in
15 **"EXHIBIT B"** attached hereto. These expenses were reasonable and necessary in the prosecution
16 of the cases and to obtain the Settlement.

17 **CLASS REPRESENTATIVE SERVICE AWARD TO PLAINTIFF**

18 20. In recognition of his efforts and work in the cases and his serving as the Class
19 Representative, the Settlement provides for a Class Representative Service Award in the amount
20 of \$7,500.00 to Plaintiff Kenneth Murray. The requested Class Representative Service Award is
21 fair and appropriate. Plaintiff spent a substantial amount of time and effort in producing relevant
22 documents and past employment records and provided the facts and evidence necessary to attempt
23 to prove the allegations. Plaintiff was available whenever Class Counsel needed him and actively
24 tried to obtain and provide information that would facilitate the pursuit of the class and PAGA
25 claims. Plaintiff spent numerous hours speaking with Class Counsel about his claims, describing
26 his work experience with Defendants, and gathering and reviewing documents. Accordingly, it is
27 appropriate for Plaintiff Kenneth Murray to receive \$7,500.00 as a reasonable Class Representative
28 Service Award, for his services on behalf of the Class, the PAGA Group Members, and the State

of California, in addition to his individual settlement payment.

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

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

Executed this 2nd day of June 2023, at Glendale, California.



Edwin Aiwarzian

EXHIBIT A

KENNETH MURRAY V. NEW WORLD VAN LINES OF SAN FRANCISCO, ET AL.
Alameda County Superior Court Case No. RG21095207 (“Class Action”)

KENNETH MURRAY V. NEW WORLD VAN LINES OF SAN FRANCISCO, ET AL.
Alameda County Superior Court Case No. RG21102247 (“PAGA Action”)

ATTORNEY TASK AND TIME CHART

TASK	LAWYERS FOR JUSTICE, PC
Investigation and Research / Due Diligence	
Pre-Lawsuit Investigation of the Key Facts with a Focus on Class Certification Elements, Including Adequacy, Typicality, Superiority, Commonality, and Manageability	7.60
Pre-Lawsuit Investigation of the Merits of Plaintiff Kenneth Murray’s (“Plaintiff”) Claims and the Merits of the Claims of the Putative Class Members and the State of California with Respect to Aggrieved Employees	8.10
Pre-Lawsuit Investigation of Potential Damages and Penalties Exposure of Defendants New World Van Lines of San Francisco and New World Van Lines (together, “Defendants”) with Respect to Plaintiff, Putative Class Members, and Aggrieved Employees	8.50
Legal Research and Analysis of Latest Decisions Regarding Off-the-Clock, Meal and Rest Break, IWC Wage Orders, PAGA, and Class Certification in California, Including all New and Relevant DLSE Materials	7.50
Investigation of Defendants, Their Business Relationships, and the Industry in Which They Operate	2.70

Investigation of Defendants' Organizational and Corporate Structure, and Executive Reporting Structure as They Relate to the Employment and Management of the Putative Class Members and Aggrieved Employees	2.50
Investigation, Research, and Analysis Regarding Defendants' Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues, to Evaluate Willfulness and Uniformity	2.80
Analysis of Competitors in Various Relevant Geographic Areas within which Defendants Operate, and Comparing and Contrasting Defendants' Policies, Practices, and Procedures with the Policies, Practices, and Procedures of Defendants' Competitors	3.10
Research and Investigation Re: Location(s), Division(s), and/or Department(s) Owned, Managed, Serviced, and/or Operated by Defendants in California During the Class Period, Including Differences Between Them to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	3.50
Research and Investigation Re: Workforce, Staffing Models, and Staffing Levels at Locations at Which Putative Class Members and Aggrieved Employees Worked Throughout California	2.90
Comparative Analysis and Cross-Checking of All Available Job Postings, Job Reviews, and/or Other Reviews Regarding Work With Defendants in Order to Determine Any Variation and Identify Job Duties and Responsibilities That Would be Susceptible to Being Performed Off-the-Clock or During Meal or Rest Breaks	5.30
Research and Investigation Re: Defendants' Written and Non-Written Policies, Practices, and Procedures Relating to Timekeeping, Scheduling, Routes, Customer Service, Reporting Time Pay, Rounding, Meal and Rest Breaks, Auto-Deduction of Meal Periods, On Premises Breaks, Overtime Compensation, Piece-Rate Compensation, Non-Discretionary Bonus/Incentive/Performance/Shift Differential Pay, Productive versus Non-Productive Time, Weekly Piece Rate Calculation Worksheets, Deductions from Pay, Use of Personal Cell Phones, Dress Code/Uniform, Footwear, and Reimbursement of Business-Related Expenses	14.50

Research and Investigation Re: Various Software Programs, Systems, and Other Technology Defendants Use to Conduct Their Everyday Business, Including Timekeeping, Payroll, Logistics, GPS, Resource Management, Customer Relations Management, Communications, Information and Document Management, and Safety/Surveillance Systems, With a Focus on What Documents (Both Paper and Electronic) Are Created in the Normal Course of Business Relating to Overtime Worked, Off-the-Clock Time Worked Pre/Post-Shift, and Time Worked During Meal and Rest Breaks	3.10
Research and Analysis of Potential Defenses Defendants May Raise, Including <i>De Minimis</i> Work, Non-Compensable Off-the-Clock Work, Exemption, Preemption, Waiver, and Compliant Policies	7.10
Research and Investigation Re: Post- <i>Duran vs. U.S. Bank</i> Trial Manageability Issues, including Research Regarding Which Experts to Retain and For What Purpose	3.90
Review and Investigation of Impact of COVID-19 Pandemic on Defendants, Their Operations, and Class Members' and Aggrieved Employees' Work	4.30
Meet and Communicate with Plaintiff Kenneth Murray Throughout the Pendency of the Case	38.50
Meet, Communicate with, and/or Interview Putative Class Members and Percipient Witnesses	8.50
Pleadings and Court Filings	
Draft Plaintiff's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on April 6, 2021) (Class Action)	7.10
Review Court's Notice of Hearing (filed on April 20, 2021) (Class Action)	0.10
Review and Analyze Defendant New World Van Lines of San Francisco's Answer to Complaint and Research Affirmative Defenses in Defendant's Answer (served on May 12, 2021) (Class Action)	1.50

Review Court's Complex Determination (filed on May 18, 2021) (Class Action)	0.10
Review Court's Initial Case Management Order and Notice of Assignment of Judge for All Purposes (filed on May 19, 2021) (Class Action)	0.10
Draft Plaintiff's Notice of Posting Jury Fees (filed on June 7, 2021) (Class Action)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Complex Case Management Conference Statement (submitted on June 9, 2021) (Class Action)	1.10
Draft Plaintiff's Complaint for Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. and Legal Research and Analysis of All Allegations Involved (filed on June 9, 2021) (PAGA Action)	6.50
Review Court's Tentative Case Management Order (filed on June 18, 2021) (Class Action)	0.10
Review Court's Notice of Case Management Conference and Order (filed on June 21, 2021) (PAGA Action)	0.10
Meet and Confer with Defendants' Counsel, and Draft Stipulation and [Proposed] Protective Order – Confidential Designation Only (filed on July 26, 2021) (Class Action)	1.60
Review Court's Order Re: Stipulation and Protective Order (filed on July 27, 2021) (Class Action)	0.10
Review and Analyze Defendant New World Van Lines of San Francisco's Answer to PAGA Complaint and Research Affirmative Defenses in Defendant's Answer (served on September 10, 2021) (PAGA Action)	1.20
Review Defendants' Notice of Related Case (served on September 10, 2021) (PAGA Action)	0.10
Review Defendants' Notice of Related Case (served on September 10, 2021) (Class Action)	0.10

Review Court's Notice of Reassignment of Judge for All Purposes and Notice of Hearing (filed on September 27, 2021) (PAGA Action)	0.10
Review Court's Order Relating Cases (filed on September 27, 2021) (PAGA Action)	0.10
Review Court's Order Relating Cases (filed on September 27, 2021) (Class Action)	0.10
Draft Plaintiff's Notice of Reassignment and Order Relating Cases (filed on October 14, 2021) (PAGA Action)	0.20
Research and Draft First Amended Complaint for Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. and Legal Research and Analysis of All Claims (filed on October 15, 2021) (PAGA Action)	3.50
Review and Analyze Defendant New World Van Lines, Inc.'s Answer to the Class Action Complaint and Research Affirmative Defenses in Defendant's Answer (served on October 15, 2021) (Class Action)	1.50
Draft Plaintiff's Request for Dismissal (filed on October 18, 2021) (PAGA Action)	0.10
Review and Analyze Defendant New World Van Lines, Inc.'s Answer to PAGA Complaint and Research Affirmative Defenses in Defendant's Answer (served on November 9, 2021) (PAGA Action)	1.40
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Conference Statement and Notice of Settlement (submitted on February 4, 2022) (Class Action)	0.80
Review Court's Tentative Ruling Re: Case Management Conference (filed on February 8, 2022) (Class Action)	0.10
Review Court's Case Management Order and Minute Order Re: Case Management Conference (filed on February 15, 2022) (PAGA Action)	0.10

Review Court's Case Management Order and Minute Order Re: Case Management Conference (filed on February 15, 2022) (Class Action)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Conference Statement (filed on March 15, 2022) (Class Action)	0.80
Review Court's Tentative Ruling Re: Case Management Conference (filed on March 21, 2021) (Class Action)	0.10
Review Court's Case Management Order and Minute Order Re: Case Management Conference (filed on March 22, 2022) (PAGA Action)	0.10
Review Court's Case Management Order and Minute Order Re: Case Management Conference (filed on March 22, 2022) (Class Action)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Conference Statement (submitted on June 21, 2022) (Class Action)	0.70
Review Court's Case Management Order and Minute Order Re: Case Management Conference (filed on June 28, 2022) (PAGA Action)	0.10
Review Court's Case Management Order and Minute Order Re: Case Management Conference (filed on June 28, 2022) (Class Action)	0.10
Review Court's Case Management Order and Minute Order Re: Case Management Conference (filed on August 30, 2022) (PAGA Action)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Case Management Conference Statement (submitted on October 5, 2022) (Class Action)	0.80
Review Court's Case Management Order and Minute Order Re: Case Management Conference (filed on October 11, 2022) (PAGA Action)	0.10

Review Court's Tentative Ruling Re: Hearing on Motion for Preliminary Approval of Settlement; Case Management Conference (filed on October 10, 2022) (Class Action)	0.10
Review Court's Minute Order Re: Hearing on Motion for Preliminary Approval of Settlement; Case Management Conference (filed on October 11, 2022) (Class Action)	0.10
Review Court's Order Granting Preliminary Approval of Class Action Settlement (filed on October 13, 2022) (Class Action)	0.20
Draft Notice of Entry of Judgment or Order (filed on November 3, 2022) (Class Action)	0.10
Appearances	
Prepare for and Telephonically Attend Case Management Conference (June 22, 2021) (Class Action)	1.30
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (August 23, 2022) (Class Action)	2.90
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Class Counsel Award, and Class Representative Service Award (June 20, 2023) (Anticipated)	1.50
Discovery and Deposition	
Draft Letter to Defendant New World Van Lines Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Kenneth Murray (served on August 28, 2020)	1.80
Review and Analyze Documents Produced by Defendant New World Van Lines in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Kenneth Murray (served on September 23, 2020)	5.60
Letters and Correspondence	

Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Kenneth Murray for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on April 5, 2021)	4.30
Meet with, Draft Correspondence to, and Respond to Correspondence from, Defendants' Counsel	20.50
Mediation/Settlement	
Review and Analyze Information, Data, and Documents Obtained from Plaintiff, Defendants, and Other Sources Prior to Mediation • Employee Handbooks and Employment and Operations, Policies, Practices, and Procedures Documents • Sampling of Employee Time Data • Sampling of Employee Pay Data • Class List • Payroll Legend • Sampling of Driver and Helper Worksheets • Pay Plans	37.50
Prepare for Mediation, Including Researching Settlement-Related Issues and Merits of Claims, Drafting the Mediation Brief, Compiling the Mediation Exhibits in Support of Mediation Brief, and Performing Damages and Penalties Analysis and Calculations (submitted on January 20, 2022)	25.50
Attend Mediation Session (January 27, 2022; Zoom Video Conference)	12.50
Draft, Review, Revise, Negotiate, and Finalize Memorandum of Understanding – Class Action/PAGA Settlement (fully executed on February 3, 2022)	2.30
Draft, Review, Revise, Negotiate, and Finalize Joint Settlement Agreement of Class Action and Private Attorneys General Act Class Settlement (executed on July 25, 2022) and Notice of Class Action Settlement	18.70

Coordinate Settlement Administration with Settlement Administrator, Ongoing Monitoring of Settlement Administration Process, Respond to Inquiries, and Review Weekly Reports	5.30
Law and Motion	
Research and Draft Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement; Memorandum of Points and Authorities, Declaration of Annabel Blanchard in Support Thereof, Declaration of Kenneth Murray in Support Thereof, and [Proposed] Order Thereon (filed on August 1, 2022) (Class Action)	16.50
Review Court's Tentative Ruling Re: Hearing on Motion for Preliminary Approval of Settlement (filed on August 22, 2022) (Class Action)	0.20
Review Court's Order Re: Hearing on Motion for Preliminary Approval of Settlement and Minute Order Re: Hearing on Motion for Preliminary Approval of Settlement (filed on August 23, 2022) (Class Action)	0.20
Draft Revised Notice of Class Action Settlement, Supplemental Declaration of Annabel Blanchard in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement, and [Revised Proposed] Order Granting Preliminary Approval of Class Action Settlement (filed on October 4, 2022) (Class Action)	7.10
Review Court's Tentative Ruling on Hearing on Motion for Preliminary Approval of Settlement (filed on October 10, 2022) (Class Action)	0.20
Review Court's Order Granting Preliminary Approval of Class Action Settlement (filed on October 13, 2022) (Class Action)	0.20
Review and Analyze Settlement Administrator's Declaration Regarding Settlement Notice Administration; and Research and Draft Plaintiff's Motion for Final Approval of Class Action Settlement, Class Counsel Award, and Class Representative Service Award, Declaration of Edwin Aiwasian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on June 2, 2023) (Anticipated)	17.50

Total Hours:	347.50
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EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Murray v. New World Van Lines of San Francisco

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
8/28/2020	U.S. Postmaster	Postage	6.00
4/14/2021	Alameda Superior Court	Court Filing Fee	435.00
4/14/2021	Alameda Superior Court	Complex Court Filing Fee	1,000.00
4/14/2021	Legal Document Server, Inc.	Attorney Service	200.23
5/8/2021	Legal Document Server, Inc.	Attorney Service	150.00
5/18/2021	ProLegal	Attorney Service	292.75
5/20/2021	Legal Document Server, Inc.	Attorney Service	65.00
6/3/2021	Legal Document Server, Inc.	Attorney Service	130.00
6/7/2021	Legal Document Server, Inc.	Attorney Service	135.25
6/7/2021	Alameda Superior Court	Jury Fee	150.00
6/9/2021	Legal Document Server, Inc.	Attorney Service	130.00
6/16/2021	First Mediation Fee	Mediation Fee	8,000.00
6/17/2021	Legal Document Server, Inc.	Attorney Service	130.00
9/1/2021	ProLegal	Attorney Service	297.13
10/6/2021	Legal Document Server, Inc.	Attorney Service	130.00
2/4/2022	Legal Document Server, Inc.	Attorney Service	115.00
2/4/2022	Legal Document Server, Inc.	Attorney Service	17.95
3/15/2022	Legal Document Server, Inc.	Attorney Service	17.95
8/2/2022	Legal Document Server, Inc.	Attorney Service	206.75
8/3/2022	Legal Document Server, Inc.	Attorney Service	22.75
8/3/2022	Alameda Superior Court	Motion Fee	60.00
9/21/2022	Alameda Superior Court	Document Download Fee	3.00
10/4/2022	Legal Document Server, Inc.	Attorney Service	18.70
10/5/2022	Legal Document Server, Inc.	Attorney Service	197.00
10/5/2022	Legal Document Server, Inc.	Attorney Service	18.70
11/2/2022	Alameda Superior Court	Document Download Fee	9.00
11/7/2022	Legal Document Server, Inc.	Attorney Service	18.70
Total:			11,956.86

LAWYERS for JUSTICE PC CASE COST DETAIL
Murray v. New World Van Lines (PAGA)

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
4/8/2021	Labor & Workforce Development Agency	Filing Fee	75.00
6/9/2021	Legal Document Server, Inc.	Attorney Service	150.00
6/18/2021	Alameda Superior Court	Filing Fee	435.00
8/12/2021	Legal Document Server, Inc.	Attorney Service	130.00
8/19/2021	Legal Document Server, Inc.	Attorney Service	130.00
9/23/2021	One Legal	Attorney Service	69.49
10/15/2021	General Logistics Systems US, Inc.	Courier Service	15.90
10/15/2021	One Legal	Attorney Service	20.54
10/18/2021	One Legal	Attorney Service	41.08
10/20/2021	One Legal	Attorney Service	20.54
Total:			<u>1,087.55</u>