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Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

HANNAH MONCADA, individually, and
on behalf of other aggrieved employees
pursuant to the California Private Attorneys
General Act;

Plaintiff,

vs.

STAR HARDWARE, INC., a California
Corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: CIVSB2117090

Honorable Joseph T. Ortiz
Department S17

**DECLARATION OF TARA ZABEHI IN
SUPPORT OF PLAINTIFF'S MOTION FOR
APPROVAL OF PRIVATE ATTORNEYS
GENERAL ACT SETTLEMENT
AGREEMENT AND RELEASE, AWARD
OF ATTORNEYS' FEES AND COSTS,
GENERAL RELEASE FEE, AND
SETTLEMENT ADMINISTRATION COSTS**

[Notice of Motion and Motion for Approval of
Private Attorneys General Act Settlement
Agreement and Release, Attorneys' Fees and
Costs, General Release Fee, and Settlement
Administration Costs; Declaration of Plaintiff
(Hannah Moncada); and [Proposed] Order and
Judgment filed concurrently herewith]

Hearing Date: October 7, 2024
Hearing Time: 1:30 p.m.
Department: S17

Complaint Filed: June 10, 2021
Trial Date: None Set

DECLARATION OF TARA ZABEHI

I, Tara Zabehe, 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 Hannah Moncada (“Plaintiff”). 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 thereto.

LITIGATION AND REPRESENTATIVE AND CLASS ACTION EXPERIENCE

2. For over a decade, 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 is comprised of attorneys who focus on litigating complex wage-and-hour class and Private Attorneys General Act (“PAGA”) representative actions. 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 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.

3. Edwin Aiwazian is the Managing Member and Shareholder of Lawyers for Justice, PC. He received his Bachelor of Arts degree from Pepperdine University in April of 1999 and earned a Juris Doctor degree from Pepperdine University School of Law in May of 2004. He has 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, he has previously served as a pro bono mediator for the Los Angeles County Superior Court. In October of 2000, he obtained a Litigation Paralegal Certificate from the UCLA Extension Program. During the summer of 2000, he studied Legal Writing at Harvard

University. From approximately September 2002 to approximately December 2002, he 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, he served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the California Court of Appeal for the Second Appellate District. In December of 2004, he obtained a license to practice law from the California State Bar. Since in or around October of 2008, through his work at Lawyers for Justice, PC, he 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. While employed by Lawyers for Justice PC, he has argued over one hundred (100) motions, taken or defended over one hundred fifty (150) depositions, prepared dozens of expert witnesses for deposition or trial, and attended over one hundred seventy-five (175) mediations. Together with other attorneys at the firm, and in many cases in conjunction with co-counsel, he has successfully litigated cases involving the executive, administrative, and other overtime exemptions to the State of California and federal overtime compensation requirements. Under his supervision, Lawyers for Justice, PC has successfully obtained class certification by contested motion practice in approximately fifteen (15) cases in the last decade, and litigated over 1,000 class action or representative action cases.

4. Arby Aiwazian is a Member and Shareholder of Lawyers for Justice, PC. He received his Bachelor of Arts degree from University of California, Los Angeles and graduated magna cum laude. He earned a Juris Doctor degree, cum laude, from Southwestern Law School. From approximately May 2007 to approximately July 2007, he served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the California Court of Appeal for the Second Appellate District. From approximately August 2008 to approximately December 2008, he served as a Judicial Extern to the Honorable Kim McLane Wardlaw of the United State Court of Appeals for the Ninth Circuit. He was admitted to practice law in California in 2010. He is admitted to practice before all courts of the State of California and all United States District Courts in the State of California. He has worked on many wage-and-hour class action and representative action cases,

1 taking the lead in taking and defending depositions, arguing motions, and attending mediations.
2 He has played an integral role in preparing matters for class certification, including and not
3 limited to, successful certification of a class in *Upson v. Sur La Table* (Los Angeles County
4 Superior Court Case No. BC424012), *Montazemi v. Regus Management* (Los Angeles County
5 Superior Court Case No. BC478769), and *Abdulhaqq v. Urban Outfitters* (Alameda County
6 Superior Court Case No. RG13680477). Under his supervision, dozens of class action or
7 representative action cases have resulted in settlements that have been granted court approval,
8 including and not limited to, those listed in paragraph 7 herein. He has handled over one
9 hundred and fifty (150) mediations and has worked on over two hundred and fifty (250) class
10 action or representative action cases which have resulted in settlement.

11 5. Joanna Ghosh is a Managing Member of Lawyers for Justice, PC. She received a
12 Bachelor of Arts degree from California State University, Los Angeles in 2006, a Master of
13 Science degree from the London School of Economics in 2007, and a Juris Doctor degree from
14 Georgetown University Law Center in 2010. She is admitted to practice in California (since
15 2010) and in New York (since 2013) and she is also admitted to practice in all U.S. District
16 Courts in California, the U.S. Bankruptcy Court for the Central District of California, and the
17 U.S. Supreme Court. She has taken and defended dozens of depositions and successfully
18 handled motion practice in class action cases regarding discovery (including and not limited to,
19 regarding class contact information), class certification (both contested class certification and
20 stipulated class certification), arbitration agreements, coordination, and intervention. She has
21 successfully handled briefing and oral argument on appeal and obtained notable decisions
22 regarding the Private Attorneys General Act and employer efforts to compel arbitration of PAGA
23 claims, e.g., *Roberto Betancourt v. Prudential Overall Supply* (Cal. Ct. App., Mar. 7, 2017) 9
24 Cal.App.5th 439, cert. denied (Cal., May 24, 2017), cert. denied (U.S., Dec. 11, 2017) and *ZB,*
25 *N.A. v. Superior Court* (2019) 8 Cal.5th175. She has significant experience with class actions,
26 including and not limited to working on cases to obtain class certification through contested
27 motion practice and working on cases in the post-certification stage (e.g., post-certification
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discovery, appeal, statistical sampling and pilot study, and trial preparation in conjunction with co-counsel in a case involving a certified class consisting of approximately 2,600 individuals). She has extensive experience with class action and/or representative action settlements and has handled this process in over five hundred (500) cases. Under her, Edwin Aiwazian, and Arby Aiwazian's supervision, Lawyers for Justice, PC has handled the class certification and court approval process for hundreds of class action and/or representative action matters that have successfully resolved. She is a member of the California Employment Lawyers Association.

6. I am an attorney duly licensed to practice before all courts of the State of California and I am an attorney at Lawyers for Justice, PC. In May of 2016, I graduated from Pepperdine University School of Law with a Juris Doctorate degree. I have extensive formal training in dispute resolution and negotiation from the Straus Institute for Dispute Resolution as part of its Certificate in Dispute Resolution program. In June of 2013, I obtained a Bachelor of Arts degree in History and graduated with college honors from University of California, Los Angeles. From approximately August 2014 to approximately November 2014, I served as a Judicial Extern to the Honorable James Kaddo of the Los Angeles Superior Court. In 2017, I obtained a license to practice law from the California State Bar. Since 2017, I have worked at Lawyers for Justice, PC and my practice has almost exclusively focused on the prosecution of employment class actions and representative actions. At Lawyers for Justice, PC, I have worked on many wage-and-hour class action and representative action cases, taking the lead in taking and defending depositions, arguing motions, attending mediations, and preparing for trial. I have played an integral role in preparing matters for class certification, including and not limited to, successful certification of a class in *Davis v. Superior Med Surgical, Inc.* (San Bernardino County Superior Court Case No. CIVDS1505744), *Tellez v. Harvest Container Co., Inc.* (Tulare County Superior Court Case No. VCU64528), *Vilitchai v. Ametek Programmable Power, Inc., et al.* (San Diego County Superior Court Case No. 37-2015-00025968-CU-OE-CTL), and *Sanchez, et al. v. Auto-Chlor System of Washington, Inc.* (Los Angeles County Superior Court Case No. BC707670). I have worked on over two hundred fifty (250) class action or representative action

cases which have resulted in settlement.

EXAMPLES OF RESULT IN REPRESENTATIVE AND CLASS ACTION CASES

7. 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

1 granted final approval of the class and PAGA representative action settlement. The Kern County
2 Superior Court Case Number is S-1500-CV-273194-LHB.

3 f) LFJ, in association with co-counsel therein, represented the plaintiff in a
4 wage-and-hour class and PAGA representative action against a national wholesale distributor of
5 plumbing and builder supplies, involving allegations of misclassification of multiple salaried
6 “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA
7 representative action settlement. The Sacramento County Superior Court Case Number is 34-
8 2012-00136285.

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

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

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

25 j) LFJ, in association with co-counsel therein, represented the plaintiffs in a
26 wage-and-hour class and PAGA representative action against a national retailer of upscale
27 hardware and home furnishings, on behalf of non-exempt employees. On April 28, 2016, the
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1 court granted final approval of the class and PAGA representative action settlement. The Los
2 Angeles County Superior Court Case Numbers are BC516795 and JCCP4794, and the Judicial
3 Council Coordination Proceeding Number is 4794.

4 k) LFJ, in association with co-counsel therein, represented the plaintiffs in a
5 wage-and-hour class action against a national retailer of apparel and fashion accessories, on
6 behalf of non-exempt employees. On August 5, 2016, the court granted final approval of the
7 class action settlement. The Los Angeles County Superior Court Case Number is BC488069.

8 l) LFJ, in association with co-counsel therein, represented the plaintiffs in a
9 wage-and-hour class action against a national retailer of apparel, accessories, and home products,
10 involving allegations of misclassification of the "Department Manager" position. On August 12,
11 2016, the court granted the plaintiffs' motion for class certification in part and certified a class.
12 On August 6, 2019, the court granted final approval of the class action settlement. The Alameda
13 County Superior Court Case Number is RG13680477.

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

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

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

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1 p) LFJ, on behalf of the plaintiff and respondent in a PAGA representative
2 action, successfully opposed in the trial court, and briefed and argued an appeal with respect to
3 the employer's motion to compel arbitration, which resulted in a published opinion by the
4 California Court of Appeal in favor of employees. *Roberto Betancourt v. Prudential Overall*
5 *Supply* (Cal. App. 4th Dist., Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S.
6 Supreme Court Docket No. 17-254). The Riverside County Superior Court Case Numbers are
7 RIC1503952 and RICJCCP5046, and the Judicial Council Coordination Proceeding Number is
8 5046.

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

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

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

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

2 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
3 representative action against a food company on behalf of non-exempt employees. On June 30,
4 2017, the court granted final approval of the class and PAGA representative action settlement.
5 The Sacramento County Superior Court Case Number is 34-2015-00175871.

6 v) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
7 representative action against a chocolate company on behalf of non-exempt employees. On July
8 19, 2017, the court granted final approval of the class and PAGA representative action
9 settlement. The Alameda County Superior Court Case Number is RG15764300.

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

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

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

24 z) LFJ, in association with co-counsel therein, represented the plaintiffs in a
25 wage-and-hour class and PAGA representative action against a property management company
26 on behalf of hourly-paid and non-exempt employees. On January 4, 2018, the court granted final
27 approval of the class and PAGA representative action settlement. The Los Angeles County
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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 BC498401.

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

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

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

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

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

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

12 hh) LFJ, in association with co-counsel therein, represented the plaintiff in a
13 wage-and-hour class and PAGA representative action against a medical equipment supplier on
14 behalf of non-exempt employees. On February 13, 2020, the court granted the plaintiff's motion
15 for class certification and certified a class. On November 2, 2023, the court granted final
16 approval of the class and PAGA representative action settlement. The San Bernardino County
17 Superior Court Case Number is CIVDS1505744.

18 ii) LFJ, in association with co-counsel therein, on behalf of the plaintiff and
19 respondent in a PAGA representative action, successfully opposed in the trial court, and briefed
20 and argued an appeal with respect to the employer's motion to compel arbitration, resulting in a
21 notable decision from the California Supreme Court clarifying the law regarding PAGA claims,
22 *ZB, N.A. v. Superior Court* (2019) 8 Cal.5th 175. On February 21, 2020, the court granted
23 approval of the PAGA representative action settlement. The San Diego County Superior Court
24 Case Number is 37-2016-00005578-CU-OE-CTL.

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

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

10 ll) LFJ, in association with co-counsel therein, represented the plaintiffs in a
11 wage-and-hour class and PAGA representative action against a plastic packaging company on
12 behalf of non-exempt employees. On June 8, 2020, the court granted in part the plaintiffs'
13 motion for class certification and certified a class. On November 8, 2021, the court granted
14 approval of the partial settlement of the action. On April 22, 2024, the court granted approval of
15 the PAGA settlement and entered an order dismissing the action. The San Bernardino County
16 Superior Court Case Number is CIVDS1507361.

17 mm) LFJ, in association with co-counsel therein, represented the plaintiffs in a
18 wage-and-hour class action against manufacturer and supplier of power products and services on
19 behalf of non-exempt employees. On July 31, 2020, the court granted in part the plaintiffs'
20 motion for class certification and certified a class. On August 27, 2021, the court granted final
21 approval of the class action settlement. The San Diego County Superior Court Case Number is
22 37-2015-00025968-CU-OE-CTL.

23 nn) LFJ represented the plaintiff in a wage-and-hour class action against a
24 nutritional products manufacturer on behalf of non-exempt production line employees. On
25 December 13, 2021, the court granted the plaintiff's motion for class certification in part and
26 certified a class. On January 16, 2024, the court granted final approval of the class and PAGA
27 representative action settlement. The Solano County Superior Court Case Number is
28

1 FCS051001.

2 oo) LFJ represents the plaintiffs in a wage-and-hour class action against a
3 manufacturer and distributor of commercial dish and glass cleaning machines and supplies for
4 the restaurant and hospitality industries, on behalf of hourly-paid or non-exempt employees. On
5 July 13, 2023, the court granted the plaintiffs' motion for class certification and certified a class.
6 The Los Angeles County Superior Court Case Number is BC707670.

7 pp) LFJ represents the plaintiffs in a wage-and-hour class action against a
8 chain of restaurants on behalf of non-exempt employees. On July 22, 2024, the court granted in
9 part the plaintiffs' motion for class certification and certified a class. The San Francisco
10 Superior Court Case Number is CGC-20-582809.

11 **THE SETTLEMENT REACHED IN THE ACTION**

12 8. Marked and attached hereto as "**EXHIBIT 1**" is the Private Attorneys General
13 Act Settlement Agreement and Release ("Settlement," "Agreement," or "Settlement
14 Agreement"), entered into between Plaintiff Hannah Moncada, for herself and on behalf of the
15 State of California with respect to Aggrieved Employees pursuant to the Private Attorneys
16 General Act, and Defendant Star Hardware, Inc. ("Defendant"). The parties have also drafted
17 and agreed to the form and content of the proposed informational cover letter ("Cover Letter")
18 for mailing to Aggrieved Employees when Individual Settlement Shares are distributed to them,
19 in substantially the form attached as "EXHIBIT A" to the [Proposed] Order and Judgment
20 Granting Approval of Private Attorneys General Act Settlement Agreement and Release, Award
21 of Attorneys' Fees and Costs, General Release Fee, and Settlement Administration Costs. The
22 Court is respectfully requested to approve the proposed Cover Letter.

23 9. The Settlement pertains to the following allegedly aggrieved employees: all non-
24 union individuals who worked for Defendant in California at any time during the PAGA Release
25 Period ("Aggrieved Employees"). The "PAGA Period" means any time between April 5, 2020
26 and the date of approval of this Settlement. Based on information provided by Defendant as of
27 August 19, 2024, during the period from April 5, 2020 to August 19, 2024 there were
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approximately 75 Aggrieved Employees who worked 3,910 Compensable Pay Periods.

10. Plaintiff has satisfied the prerequisites under California Labor Code section 2699.3(a), including, and not limited to, providing the California Labor and Workforce Development Agency (“LWDA”) and the employer with written notice of the specific provisions of the California Labor Code that are alleged to have been violated, including the facts and theories to support the alleged violations, by way of written correspondence on behalf of Plaintiff Hannah Moncada that was dated April 5, 2021 (“PAGA Notice”) The PAGA Notices were sent by U.S. Certified Mail to the employers and submitted to the LWDA by way of online submission on the LWDA’s website. Aside from confirmation of receipt of the PAGA Notices, the LWDA did not respond to the PAGA Notices. A true and correct copy of the PAGA Notice is attached hereto as “**EXHIBIT 2.**”

11. Defendants have agreed to pay the gross amount of Six Hundred Fifty Thousand Dollars and Zero Cents (\$650,000.00) (“Total Settlement Amount”), subject to possible increase under Section 3(b) of the Settlement Agreement, to settle this matter. The Settlement Agreement provides that the “Net Settlement Amount” will be the Total Settlement Amount less the following amounts: (1) Attorneys' Fees and Costs in the amount of \$216,666.67 for attorneys’ fees and \$16,749.39 for reimbursement of litigation costs and expenses to Lawyers *for* Justice, PC (“Plaintiff's Counsel”); (2) General Release Fee in the amount of \$10,000.00 to Plaintiff; and (3) Settlement Administration Costs of up to \$3,500.00 to the PAGA Settlement Administrator. Assuming that the requested Attorneys' Fees and Costs, General Release Fee, and Settlement Administration Costs, are approved by the Court, the Net Settlement Amount is estimated to be approximately \$403,083.94. The Net Settlement Amount will be distributed to the LWDA and the Aggrieved Employees pursuant to California Labor Code section 2699(i). Seventy-five percent (75%) of the Net Settlement Amount will be distributed to the LWDA, which is estimated to be \$302,312.95 (“LWDA Payment”), and twenty-five percent (25%) of the Net Settlement Amount, which is estimated to be \$100,770.99 (“Employees' Portion”), will be distributed to the Aggrieved Employees on a *pro rata* basis, based on the number of pay periods

they each worked during the PAGA Period (“Compensable Pay Periods”). The parties have agreed to retain Phoenix Class Action Administration Solutions (“Phoenix” or “PAGA Settlement Administrator”) to handle the administration of the Settlement, and the Court is respectfully requested to appoint Phoenix to serve as the PAGA Settlement Administrator. The Settlement Administration Costs are estimated not to exceed \$3,500.00 and will be paid out of the Total Settlement Amount, subject to approval by the Court.

THE LITIGATION AND WORK PERFORMED BY PLAINTIFF'S COUNSEL

12. The effectiveness of Plaintiff's Counsel, Lawyers *for* Justice, PC in prosecuting this case has translated into tangible monetary benefits for Plaintiff, Aggrieved Employees, and the State of California in the following respects: (1) their recoveries over a reasonably short period of time as opposed to waiting additional years for the same, or possibly, a worse, result; (2) a guaranteed result that compares favorably with other similar representative action settlements; and (3) significant savings in fees and costs which would have only increased significantly had the case progressed through trial and/or appeals.

13. After engaging in extensive investigations, formal and informal discovery, and exchange of information, data, and documents, the parties participated in extensive settlement negotiations to try to resolve the lawsuit. These efforts included participating in a formal full-day mediation on October 17, 2023, conducted by Deborah C. Saxe, Esq., a well-respected mediator experienced in mediating complex labor and employment matters. With the aid of the mediator, the Parties reached the Settlement described herein. In the course of mediation and settlement negotiations, the Parties discussed all aspects of the case, including the risks and delays of further litigation and proceeding with trial, as well as the law relating to representative PAGA actions, off-the-clock theory, meal and rest periods, wage-and-hour enforcement, arbitration agreements, collective bargaining agreements, the evidence produced and analyzed, and the possibility of bifurcation of discovery and/or trial and appeals, among other things. During all settlement discussions, the parties conducted their negotiations at arm’s length in an adversarial position.

14. Prior to reaching the Settlement, the parties investigated the veracity, strength, and scope of the PAGA claim and allegations, and were preparing for trial. Plaintiff conducted significant investigation and formal and informal discovery and exchange of information, documents, and data regarding the facts of the case, including and not limited to, the review, consideration, and analysis of hundreds of pages of information, documents, and data obtained from Plaintiff, Defendant, and other sources. On March 18, 2022, Plaintiff's Counsel served the following discovery requests on Defendant: Requests for Production of Documents (Set One), Special Interrogatories (Sets One Two, and Three), and Form Interrogatories – General (Set One). On March 18, 2022, Plaintiff also propounded a Person Most Knowledgeable (PMK) notice on Defendant. Defendant provided objections and responses to the above-mentioned discovery and PMK deposition notice on March 23, 2023. In total, through informal and formal discovery, Defendant produced a vast amount of documents, which Plaintiff's Counsel analyzed to evaluate the potential PAGA penalties at issue. Counsel for the parties undertook significant investigation and evaluation of the PAGA claim and related allegations, including, and not limited to, calculating the potential monetary recovery under PAGA. Other work performed by Plaintiff's Counsel included, but was not limited to: meeting and conferring with Defendant's counsel regarding the pleadings, case management, discovery, arbitration, mediation, and settlement negotiations, among other issues; case strategy and analysis; researching, drafting, reviewing, and revising pleadings, court filings, motion-related papers (e.g., with respect to settlement approval motion papers), briefs for settlement negotiations and mediation, and the settlement agreement; propounding written discovery requests and notices of depositions of Defendant's persons most knowledgeable designees and reviewing Defendant's objections and responses thereto; claims evaluation and analysis; preparing for and participating in settlement negotiations and the mediation; and appearing for court proceedings. Counsel for the parties have further invested time to research the applicable law, which is evolving as it relates to representative PAGA actions, off-the-clock theory, meal and rest periods, regular rate of pay calculations, Industrial Welfare Commission Wage Orders, arbitration agreements, wage-and-

hour enforcement, Plaintiff's claims, and Defendant's defenses, as well as facts discovered.

15. Based on investigation and information discovered, Plaintiff's Counsel believes that there is sufficient evidence to support the allegations that Defendant violated the California Labor Code. While Plaintiff's Counsel believes that the PAGA claim has merit and that Plaintiff will ultimately succeed in this litigation and prevail at trial, Plaintiff and Plaintiff's Counsel also recognize Defendant's defenses, the costs of further litigation, and multiple risks to recovery. For example, although wage-and-hour actions are amenable to resolution as to a group of employees, some courts have also found that, for various reasons, the issues raised by Plaintiff, including, and not limited to, the issues of non-compliant meal periods, non-compliant rest periods, and unreimbursed business expenses, raise individualized issues and/or are not suitable for adjudication as to a group of employees.

16. Plaintiff and her counsel have also considered the uncertainty and risk of the outcome of further litigation, including the difficulties and delays inherent in such litigation. In order to prevail on the PAGA claim, Plaintiff would have to prove that Defendant engaged in the alleged California Labor Code violations and demonstrate that Defendant's conduct warrants the imposition of penalties. Plaintiff's core allegation is that Defendant has violated the California Labor Code by failing to pay overtime and minimum wages, failing to provide compliant meal and rest periods and associated premiums, failing to timely pay wages during employment and upon termination of employment, failing to provide complete and accurate wage statements, failing to keep complete and accurate payroll records, and failing to reimburse necessary business-related expenses and costs.

17. From the inception of this litigation, Defendant indicated that it would aggressively litigate this case and contended that it would ultimately succeed in the action. Defendant maintained several defenses to Plaintiff's allegations, which, if successfully argued and proven, had the potential to eliminate or substantially reduce recovery. Throughout this litigation, Defendant maintained, and continues to maintain, that it did not engage in a uniform policy and systematic scheme of wage abuse against any of its employees, and that it had, and

continues to have, legally-compliant employment policies and practices throughout the time period at issue. Defendant denies that it ever violated any provision of the California Labor Code. Defendant further denied, and continues to deny, that the lawsuit is appropriate for representative adjudication for any purpose other than the Settlement.

18. Importantly, Defendant also contended that the claims of Plaintiff and other Aggrieved Employee are subject to enforceable agreements. Defendant contended that, taken together, these agreements would have claim preclusive impact, or otherwise, could effectively be used to require Aggrieved Employee to engage in individual arbitration of their individual claims on which the PAGA claim is predicated. There is uncertainty regarding PAGA claims due to decisions of the high courts and recent amendment of the PAGA statute. The decisions of the high court include, and are not limited to, the U.S. Supreme Court's decision in *Viking River Cruises, Inc. v. Moriana*, (2022) 142 S. Ct. 1906, 2022 U.S. LEXIS 2940 and the California Supreme Court's decision in *Adolph v. Uber Technologies* (2023) 14 Cal.5th 1104. The decision by the California Supreme Court in *Adolph v. Uber Technologies* confirmed that PAGA representative claims are viable and can continue to be prosecuted, however it also suggests, that trial courts will stay the representative/non-individual PAGA claims. The *Adolph v. Uber Technologies* also suggests that, if a plaintiff is determined to not be an "aggrieved employee" for PAGA purposes, issue preclusion could apply and, once reduced to a final judgment, trial courts are bound by the arbitrator's determination and the plaintiff loses standing to pursue non-individual PAGA claims.

19. Even if Defendant failed on its defenses, Plaintiff would inevitably face challenges in court. Defendant challenged Plaintiff's standing as an aggrieved employee and denied that any of Defendant's other employees whom Plaintiff seeks to represent are aggrieved. Aside from challenges relating to standing, Defendant would have likely sought bifurcation of discovery and/or trial of the PAGA claim — multiple courts have taken such an approach, for example, limiting discovery or trial of the issues to Plaintiff. Defendant also contended that an important feature of the PAGA statute is that a court has discretion to reduce the penalties to be

1 assessed against the employer pursuant to California Labor Code section 2699(e)(1)-(2). As
2 discussed above, Defendant denied and continues to deny that it ever violated any provision of
3 the California Labor Code. However, assuming, *arguendo*, that any violations occurred,
4 Defendant argued the violations would not be viewed as subsequent violations giving rise to
5 heightened penalties. Defendant also argued that the Court was unlikely to assess cumulative
6 penalties for the maximum number of possible, separate California Labor Code violations,
7 because it would be unjust, arbitrary, oppressive, and/or confiscatory—especially where certain
8 conduct may be regulated by multiple provisions of the California Labor Code that are
9 interrelated and work in tandem.

10 20. The parties had the opportunity to review extensive information, documents, and
11 data regarding Plaintiff's and Aggrieved Employees' employment with Defendant in an effort to
12 determine the potential value and strength of the PAGA claim. Counsel for the parties invested
13 time reviewing and analyzing the relevant information, documents, and data, and this
14 information made it possible to calculate the potential value of the PAGA claim. Accordingly,
15 the parties have conducted sufficient investigation and review of data, documents, and
16 information to be sufficiently apprised of the nature and extent of the PAGA claim asserted in
17 this lawsuit, and to enable both sides to fully evaluate the Settlement for its fairness, adequacy,
18 and reasonableness. The parties have agreed that this case is well-suited for settlement given
19 the legal issues relating to the PAGA claim, as well as the costs, risks, and delays to both sides
20 that would attend further litigation. The Settlement takes into account the strengths and
21 weaknesses of each side's position and the uncertainty of how the case might have concluded as
22 litigation continued, at trial, and/or upon appeal.

23 21. As set forth more fully in the accompanying Motion, Plaintiff's Counsel seeks
24 attorneys' fees in the amount of \$216,666.67, which represents approximately one-third (1/3) of
25 the Total Settlement Amount, as provided by the Settlement Agreement. Pursuant to the
26 contingency-fee agreement entered into by and between Plaintiff and Plaintiff's Counsel, The
27 attorneys' fees sought are commensurate with: (1) the risk that Plaintiff's Counsel took in
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1 commencing the case; (2) the time, effort, and expense that Plaintiff's Counsel dedicated to the
2 case; (3) the skill and determination that Plaintiff's Counsel has shown; (4) the results that
3 Plaintiff's Counsel has achieved throughout the litigation; (5) value of the settlement that
4 Plaintiff's Counsel has achieved in the case; and (6) the other cases that Plaintiff's Counsel has
5 turned down in order to devote its time and efforts to this case.

6 22. While not necessarily required to be demonstrated because a percentage of the
7 fund is proper for this settlement, it should be noted that Plaintiff's Counsel has performed many
8 hours of work in connection with prosecuting this matter such that the requested attorneys' fees
9 award is also justified under a simple lodestar analysis. Attorneys at Lawyers for Justice, PC
10 have spent a total of **279.50 hours** performing tasks to obtain a recovery on behalf of Plaintiff,
11 the State of California, and the Aggrieved Employees. Attached hereto as "EXHIBIT 3" is an
12 Attorney Task and Time Chart that sets forth in detail the nature of the legal services provided by
13 attorneys at Lawyers for Justice, PC and the time incurred in performing those services. These
14 hours include work done by myself and several other attorneys at the firm. Also, separate from
15 the hours referenced herein, Lawyers for Justice, PC had litigation support personnel actively
16 engaged in assisting with the prosecution of the case.

17 23. The work performed in this particular case, the background of our firm, as well as
18 the individual backgrounds, training, and experience of the attorneys who worked on this matter,
19 in litigating complex wage-and-hour class and PAGA representative actions, support a
20 reasonable blended hourly rate of compensation of at least \$800 for work performed by
21 Plaintiff's Counsel. Lawyers for Justice, PC has been awarded attorneys' fees, compensating the
22 firm at the rate of at least \$800 per hour for legal services performed, by courts granting approval
23 of wage and hour class action and/or representative action settlements in other cases: final
24 approval of the class and representative action settlement in *David Dugan v. TEC Equipment,*
25 *Inc., et al.* (Los Angeles Superior Court Case No. 19STCV01591) was granted on July 8, 2021,
26 and the award of attorneys' fees involved an hourly rate of \$936.47; final approval of the class
27 and representative action settlement in *Larry Greenwood, et al. v. Scan Health Plan* (Los
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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 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.

LITIGATION COSTS AND EXPENSES INCURRED BY PLAINTIFF'S COUNSEL

24. The Settlement provides for reimbursement of litigation costs and expenses of up to \$25,000.00. Plaintiff's Counsel seeks reimbursement of the maximum amount allocated under the Settlement \$16,749.39 for litigation costs and expenses incurred in this case, as reflected in the Case Cost Detail attached hereto as "EXHIBIT 4." It should be noted that Plaintiff's Counsel has borne all of the risks and costs of litigation to date and will not receive any compensation until a recovery is obtained in this matter. These costs and expenses were reasonable and necessary in the prosecution of this matter and to obtain the Settlement. The amount sought for reimbursement is less than the maximum amount (\$25,000.00) allocated under the Settlement Agreement for reimbursement of litigation costs and expenses. The cost savings of 8,250.61 will be part of the Net Settlement Amount.

GENERAL RELEASE FEE TO PLAINTIFF

25. For her broader individual waiver and release of claims with a California Civil Code Section 1542 waiver (set forth in Section 8(b) of the Settlement Agreement), the

1 Settlement provides a General Release Fee to Plaintiff in the total amount of \$10,000.00 to be
2 paid out of the Total Settlement Amount, subject to approval by the Court. The requested
3 General Release Fee is fair and appropriate. It is also worth noting that Plaintiff has undertaken
4 significant efforts and work to spearhead the pursuit of this matter. By initiating and pursuing
5 this matter, Plaintiff stepped into the shoes of the State of California and undertook the
6 responsibilities of serving in a representative capacity. Plaintiff has spent a substantial amount
7 of time and effort discussing her employment with her counsel, gathering and producing relevant
8 documents and information, and providing the facts and evidence necessary to attempt to prove
9 the allegations. Plaintiff was available whenever her counsel needed her and actively tried to
10 obtain and provide information that would facilitate the pursuit of the PAGA claim.
11 Accordingly, it is appropriate and just for Plaintiff to receive a General Release Fee, in addition
12 to the Individual Settlement Shares she will receive as an Aggrieved Employee for her share of
13 the Net Settlement Amount.

14 26. Plaintiff's Counsel submits that the Settlement fulfills the purpose of the PAGA
15 statute, is within the accepted range of recoveries for this type of litigation, and is fair,
16 reasonable, and adequate given the substantial monetary benefits provided for by the Settlement,
17 the strengths and weaknesses of this case, and the inherent delay, costs, risks, and uncertainty
18 associated with continued litigation.

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

21 Executed this 12th day of September 2024, at Glendale, California.

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24 Tara Zabehi
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