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Attorneys for Plaintiffs and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

ARNOLD SAURIN, 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;
AJAYZEAU BROWN, individually, and on
behalf of other members of the general public
similarly situated;

Plaintiffs,

vs.

VALLEY PRESBYTERIAN HOSPITAL, an
unknown business entity; and DOES 1
through 100, inclusive,

Defendant.

Case No.: 21STCV22597

Honorable William F. Highberger
Department SSC10

CLASS ACTION

**DECLARATION OF BRIAN J. ST. JOHN
IN SUPPORT OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, ATTORNEYS'
FEES AND COSTS, AND ENHANCEMENT
PAYMENTS**

[Plaintiffs' Motion for Final Approval of Class
Action Settlement, Attorneys' Fees and Costs,
and Enhancement Payments; Plaintiffs'
Opposition to Objection to Settlement Filed by
Class Member Mohammed Tekfaoui;
Declarations of Class Counsel (Edwin
Aiwazian and Joanna Ghosh); Declarations of
Class Representatives (Arnold Saurin and
Ajayzeau Brown); Declaration of Settlement
Administrator (Jennifer Beliveau); and
[Proposed] Final Approval Order and
Judgment filed concurrently herewith]

Date: March 11, 2024
Time: 11:00 a.m.
Department: SSC10

Complaint Filed: June 15, 2021
FAC Filed: August 30, 2023
Trial Date: None Set

DECLARATION OF BRIAN J. ST. JOHN

I, Brian J. St. John, 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 Plaintiffs Arnold Saurin and Ajayzeau Brown (together “Plaintiffs”) and the Class in the above-captioned action. The facts set forth in this declaration are within my personal knowledge or based on information and belief, and, if called as a witness, I could and would competently testify thereto.

PRELIMINARY APPROVAL OF SETTLEMENT

2. On September 19, 2023, in Department SSC10 of the above-entitled Court, the Honorable William F. Highberger preliminarily approved the Class, Collective, and PAGA Representative Action Settlement and Release (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between the Plaintiffs and Defendant Valley Presbyterian Hospital (“Defendant”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiffs Arnold Saurin and Ajayzeau Brown to represent the Class (together, “Class Representatives”). The Court also preliminarily appointed 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”), and adopted the notice, opt-out, and objection procedures, and ordered their implementation. The Court appointed Simpluris, Inc. (“Simpluris” or “Settlement Administrator”) to serve as the third-party administrator and handle the notice and settlement administration process.

3. As of the date of filing the accompanying Motion for Final Approval of Class Action Settlement, Attorneys’ Fees and Costs, and Enhancement Payments (“Motion for Final Approval”), no objections have been raised regarding the terms of the Settlement, amount of the settlement recovery, or any disbursements or allocations therefrom. A single objection has been asserted, which concedes that the Settlement can be granted approval, but raises an irrelevant attack on counsel, which is devoid of merit and is not based on any conduct by counsel in the case nor result or outcome in the case. For the reasons discussed in the accompanying Plaintiffs’ Opposition to Objection to Settlement Filed by Class Member Mohammed Tekfaoui and

1 Declaration of Edwin Aiwarzian in Support of Plaintiffs’ Opposition to Objection to Settlement
2 Filed by Class Member Mohammed Tekfaoui, the Objection lacks merit and should be overruled
3 and denied in its entirety

4 **WORK PERFORMED BY LAWYERS FOR JUSTICE, PC**

5 4. Several attorneys at Lawyers for Justice, PC have been actively engaged in litigating
6 the above-captioned putative class and representative action since prior to its commencement on
7 June 15, 2021.

8 5. Before initiating the matter, Lawyers for Justice, PC conducted extensive
9 investigation and research into the facts and circumstances underlying the pertinent factual and
10 legal issues and applicable law. This required thorough discussions and interviews between
11 attorneys at our firm and Plaintiff Arnold Saurin (“Plaintiff Saurin”), and research into the various
12 legal issues involved in the case, namely, the current state of the law as it applied to, *inter alia*,
13 class certification, manageability, off-the-clock theory, meal and rest periods, representative
14 PAGA claims, wage-and-hour enforcement and penalties, Plaintiff Saurin’s claims and
15 allegations, and potential defenses. After conducting initial investigation, our firm determined
16 that Plaintiff Saurin’s claims were well-suited for class-wide and representative adjudication,
17 owing to what appeared to be a common course of conduct affecting a similarly situated group of
18 nonexempt employees of Defendant in California, who were not properly compensated for, *inter*
19 *alia*, all hours worked, non-compliant meal and rest periods, and unreimbursed expenses.

20 6. Class Counsel conducted significant formal and informal discovery and
21 investigation into the facts of the case, to assess the veracity, strength, and scope of the claims,
22 and worked on preparing the case for class certification and trial prior to reaching the Settlement.
23 The Parties exchanged a large volume of information, documents, and data throughout the course
24 of litigation and in connection with mediation and settlement negotiations. Class Counsel had the
25 opportunity to interview and obtain information from Plaintiffs and other Class Members and
26 reviewed and analyzed a large volume of information, documents, and data obtained from
27 Plaintiffs, Defendant, and other sources. Class Counsel propounded multiple sets of written
28 discovery requests on Defendant (including but not limited to: Form Interrogatories – General (Set

One), Special Interrogatories (Sets One and Two), Request for Admissions (Set One), and Requests for Production of Documents (Set One)). The information, documents, and data reviewed and analyzed by Class Counsel included, and were not limited to, Plaintiffs' employment records, Class Members' time and pay data, datapoints regarding meal premiums, rest premiums, and overtime premiums paid, company policy acknowledgements, internal memoranda, job descriptions, new hire orientation checklists, and operations and employment practices, forms, procedures, and policies (including but not limited to Instructions and Training Materials Regarding Time/M meal/Rest Attestations, General Orientation 2016 Quiz, New Hire Worksheet, Release Authorization and Fair Credit Reporting Act Disclosure, Occupational Health Release Form, Meal Waivers (Employees in the Healthcare Industry, 6-Hour, 12-Hour, and Non-Health Care), Summary of Meal and Rest Period Policy, Confidentiality Agreement, Compliance Hotline Acknowledgement, Electronic Handbook Acknowledgement, Code of Conduct Receipt, and COVID-19 Protocols and Related Notices), among other information and documents. Class Counsel also met and conferred with Defendant's counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, case management, court proceedings, discovery and exchange of various information, documents, and data in the course of litigation and mediation and settlement negotiations, and mediation and settlement negotiations. Other work that Class Counsel performed included, and was not limited to, case strategy and analysis; drafting, reviewing, and revising the pleadings, the mediation brief, and settlement documents; case management; claims assessment and evaluation; and preparing for and attending court proceedings and mediation and settlement negotiations, among other tasks.

7. As outlined herein, the parties have conducted significant formal and informal discovery and investigation during the course of litigating the case and mediation and settlement negotiations. Class Counsel analyzed a large volume of pages of information, documents, and data obtained from Plaintiffs, Defendant, and other sources, that provided a critical understanding of the nature of the work performed by Class Members and PAGA Group Members, as well as Defendant's operations and employment policies, practices, and procedures, and were used in analyzing liability, damages, and penalties valuation issues in connection with all phases of the

1 litigation, and ultimately in connection with the mediation and settlement negotiation process.
2 Class Counsel also performed research regarding applicable law, which is evolving as it relates to
3 class certification, manageability, off-the-clock theory, meal and rest periods, IWC Wage Orders,
4 representative PAGA claims and penalties, wage-and-hour law and enforcement, Plaintiffs' claims
5 and allegations, and Defendant's defenses thereto, as well as facts discovered. Accordingly,
6 sufficient investigation and review of information has taken place in order for the parties to be
7 adequately informed of the nature and extent of the claims, and to enable all parties to fully
8 evaluate the Settlement for its fairness, adequacy, and reasonableness.

9 8. After conducting significant investigation of the facts and law during the prosecution
10 of the case, counsel for the parties engaged in extensive settlement negotiations to try to resolve
11 the case. These efforts included participating in a formal, full-day mediation conducted by Francis
12 J. Ortman III, Esq., a well-regarded mediator experienced in mediating complex labor and
13 employment matters. In the course of mediation and settlement discussions, the parties exchanged
14 information and data, and discussed various aspects of the case, including and not limited to, the
15 risks and delays of further litigation, the risks to the parties of proceeding with class certification
16 and trial, the law relating to class certification, manageability, off-the-clock theory, meal and rest
17 periods, representative PAGA claims, wage-and-hour law and enforcement, as well as the
18 evidence produced and analyzed, and the possibility of appeals, among other things. Class
19 Counsel met with Defendant's Counsel on several occasions and candidly but confidentially
20 exchanged confidential presentations and memoranda regarding class certification and merits
21 issues, thereby considering material information regarding the legal theories and defenses thereto.
22 During all settlement discussions, the parties conducted their negotiations at arm's length in an
23 adversarial position. Arriving at a settlement that was acceptable to the parties was not easy.
24 Defendant and its counsel felt very strongly about Defendant's ability to prevail on the merits, and
25 to obtain a denial of class certification, while Plaintiffs and Class Counsel believed that class
26 certification would be obtained, and that Plaintiffs would prevail at trial. After conducting
27 significant discovery and investigations and extensive settlement negotiations, with the aid of the
28 mediator's evaluation, the parties agreed that the case was well-suited for settlement given the

1 legal issues relating to Plaintiffs' principal claims, as well as the costs and risks to the parties that
2 would attend further litigation. These risks of further litigation include, and are not limited to, a
3 determination that the claims are not suitable for class treatment and/or representative
4 adjudication, class de-certification after certification of a class, allowing a jury to decide the
5 claims, and the real possibility of no monetary recovery after years of litigation. The Settlement
6 takes into account the strengths and weaknesses of each side's position and the uncertainty of how
7 the case might have concluded at certification, trial, and/or appeals.

8 **ENHANCEMENT PAYMENTS TO PLAINTIFFS**

9 9. In recognition of their efforts and work expended in the case and serving as the Class
10 Representatives, Plaintiffs seek Enhancement Payments in the amount of \$10,000.00 to Plaintiff
11 Arnold Saurin and \$7,500.00 to Plaintiff Ajayzeau Brown. The requested Enhancement Payments
12 are fair and appropriate. Plaintiffs spent a substantial amount of time and effort in providing
13 relevant documents, past employment records, and the facts and evidence necessary to attempt to
14 prove the allegations in the case. Plaintiffs were available whenever their attorneys needed them
15 and actively tried to obtain and provide information that would facilitate the pursuit of the case.
16 Accordingly, it is appropriate and just for Plaintiff Arnold Saurin to receive \$10,000.00 and
17 Plaintiff Ajayzeau Brown to receive \$7,500.00 as reasonable Enhancement Payments for their
18 services performed in the matter.

19 10. I submit that the settlement is fair, reasonable, and adequate, and in the best interests
20 of Plaintiff, the Class Members, PAGA Group Members, and the State of California.

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

23 Executed this 15th day of February 2024, at Glendale, California.

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25 _____
26 Brian J. St. John
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