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

YESENIA ROJAS, 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.

FRANK-LIN DISTILLERS PRODUCTS,
LTD., a California corporation; and DOES 1
through 100, inclusive,

Defendants.

Case No.: FCS055208

Honorable Christine A. Carringer
Department 12

CLASS ACTION

**DECLARATION OF EDWIN AIWAZIAN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, ATTORNEYS'
FEES, COSTS, AND ENHANCEMENT
PAYMENT**

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Enhancement
Payment; Declaration of Class Representative
(Yesenia Rojas); Declaration of Settlement
Administrator (Stephen Gomez); and
[Proposed] Final Approval Order and
Judgment filed concurrently herein]

Date: November 9, 2022
Time: 8:30 a.m.
Department: 12

Complaint Filed: August 13, 2020
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 Yesenia Rojas (“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 May 12, 2022, the above-entitled Court entered an order preliminarily approving the Joint Stipulation of Class Action and PAGA Settlement and Release (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff Yesenia Rojas and Defendant Frank-Lin Distillers Products, Ltd. (“Defendant,” and collectively with Plaintiff, the “Parties”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiff Yesenia Rojas to represent 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 Simpluris, Inc. (“Simpluris” or “Settlement Administrator”) to serve as the third-party settlement 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, Costs, and Enhancement Payment (“Motion for Final Approval”), no Class Members have objected to the Settlement or the request for Attorneys’ Fees and Costs, Class Representative Enhancement Payment, 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 this matter since prior to the commencement of the above-captioned action on August 13, 2020.

5. Before initiating the case, 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 certification, off-the-clock theory, meal and rest periods, wage-and-hour enforcement, Private Attorneys General Act (PAGA) claims, the claims of Plaintiff, and potential defenses. After conducting initial investigation, our firm determined that the claims of Plaintiff were well-suited for class-wide 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 who were employed by Defendant within the State of California, who were not properly compensated for, *inter alia*, all hours worked, non-compliant meal and rest periods, and business expenses.

6. Prior to reaching the Settlement, the Parties investigated the veracity, strength, and scope of the claims, and were preparing for class certification and trial. The Parties conducted significant formal and informal discovery and investigation into the facts of the case, exchanging and analyzing a large volume of documents, information, and data in preparation for mediation. Class Counsel propounded multiple sets of written discovery requests onto Defendant (specifically, Requests for Production of Documents (Set One & Two); Special Interrogatories (Sets One, Two & Three); and Form Interrogatories (Set One)), prepared and served numerous notices of deposition of Defendant's Person(s) Most Knowledgeable along with requests for production of documents, and worked with Plaintiff to review discovery requests and a notice of deposition that were served by Defendant. Class Counsel prepared for and took the deposition of Defendant's Person Most Knowledgeable witness and prepared for and defended the deposition of Plaintiff. Class Counsel also interviewed and obtained information

1 from Plaintiff and other Class Members, including and not limited to the names of potential
2 witnesses, and reviewed and analyzed a large volume of documents and data produced by
3 Defendant and obtained through other sources. The documents and data reviewed and analyzed
4 by Class Counsel included, and were not limited to: Plaintiff's employment records, a detailed
5 sampling of Class Members' time and pay data, internal memoranda, and Defendant's operations
6 and employment practices, forms, procedures, and policies, among other information and
7 documents. Class Counsel researched applicable law, developed liability, damages, and
8 penalties valuation models in preparation for mediation, and met and conferred with Defendant's
9 counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, case
10 management, discovery, and production of various documents and data prior to mediation. Other
11 work performed by Class Counsel included, and was not limited to, case strategy and analysis;
12 drafting, reviewing, and revising pleadings, motion-related papers, and the mediation brief; and
13 preparing and appearing for court proceedings, mediation, and settlement negotiations, among
14 other tasks.

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

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1 8. After conducting significant investigation of the facts and law during the
2 prosecution of the case, counsel for the Parties engaged in extensive settlement negotiations to
3 try to resolve the case. These efforts included participating in a formal, full-day mediation
4 conducted by Jeffrey A. Ross, Esq., a well-regarded mediator experienced in mediating complex
5 labor and employment matters. During all settlement discussions, the Parties conducted their
6 negotiations at arm's length in an adversarial position. Prior to and during mediation, the Parties
7 exchanged information and data, and discussed all aspects of the case, including but not limited
8 to the risks and delays of further litigation, the risks to the Parties of proceeding with class
9 certification and/or representative adjudication and trial, the law relating to off-the-clock theory,
10 meal and rest periods, representative PAGA claims, and wage-and-hour enforcement, the
11 evidence produced and analyzed, and the possibility of appeals, among other things. Arriving at
12 a settlement that was acceptable to the Parties was not easy. Defendant contended that
13 individualized questions of fact predominate over any common issues, and these issues would
14 pose challenges to class certification and representative adjudication. Defendant and its counsel
15 felt very strongly about Defendant's ability to prevail on the merits and to obtain a denial of class
16 certification, while Plaintiff and Class Counsel believed that class certification would be
17 obtained and that they would prevail at trial. With the aid of the mediator's evaluation, the
18 Parties agreed that the case was well-suited for settlement given the legal issues relating to
19 Plaintiff's principal claims, as well as the costs and risks to the Parties that would attend further
20 litigation. These risks of further litigation include, and are not limited to, a determination that
21 the claims are unsuitable for class treatment and/or representative adjudication, class de-
22 certification after certification of a class, allowing a jury to decide the claims asserted in the case,
23 and the real possibility of no recovery after years of litigation.

24 9. As set forth more fully in the accompanying Motion for Final Approval, Class
25 Counsel seeks attorneys' fees in the amount of \$304,000.00, which is thirty-eight percent (38%)
26 of the Gross Settlement Amount of \$800,000.00, as set forth in the Settlement Agreement and
27 the Class Notice. Pursuant to the contingency-fee agreement entered into by and between
28 Plaintiff and Class Counsel, Plaintiff has agreed to contingency fees of at least thirty-eight

1 percent (38%) of the recovery. The attorneys' fees sought are commensurate with: (1) the risk
2 that Class Counsel took in commencing the case; (2) the time, effort, and expense that Class
3 Counsel dedicated to the case; (3) the skill and determination that Class Counsel has shown; (4)
4 the results that Class Counsel has achieved throughout the litigation; (5) the value of the
5 settlement that Class Counsel has achieved; and (6) the other cases that Class Counsel has turned
6 down in order to devote its time and efforts to this matter.

7 10. I am aware that the common and acceptable rate for contingency representation in
8 wage and hour class action litigation is normally 40% before trial, with the range being from
9 33.3% up to 50%.

10 11. While not necessarily required to be demonstrated because the percentage fee is
11 proper for this settlement, Class Counsel has incurred many hours of work in connection with
12 prosecuting the case such that the award of attorneys' fees is also justified under a simple
13 lodestar analysis. Attorneys at Lawyers for Justice, PC have spent a total of **443.20 hours**
14 performing tasks and obtaining recovery in the case. Attached hereto as "**EXHIBIT A**" is an
15 Attorney Task and Time Chart that sets forth in detail the nature of the legal services provided by
16 attorneys at Lawyers for Justice, PC and the time incurred in performing those services. These
17 hours include work done by myself and several other attorneys at the firm. Additionally,
18 Lawyers for Justice, PC had litigation support personnel actively engaged in assisting with the
19 prosecution of this matter, whose time is not reflected in the Attorney Task and Time Chart.

20 12. The work performed in this particular matter, the background of Lawyers for
21 Justice, PC, as well as the individual backgrounds, training, and experience of the attorneys who
22 worked on this matter, in litigating complex wage-and-hour class and representative actions,
23 support a reasonable hourly rate of compensation at the blended rate of at least \$700 for work
24 performed by Lawyers for Justice, PC. Lawyers for Justice, PC has been awarded attorneys'
25 fees, compensating the firm at the rate of at least \$700 per hour for legal services performed, by
26 courts granting approval of settlements in other wage-and-hour cases: final approval of the class
27 and representative action settlement in *David Dugan v. TEC Equipment, Inc., et al.* (Los Angeles
28 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

1 the *UCLA Extension Program*. During the summer of 2000, I studied Legal Writing at *Harvard*
2 *University*. In April of 1999, I obtained a Bachelor of Arts degree in Communication with a
3 concentration in Natural Sciences from *Pepperdine University*.

4 ***JUDICIAL EXTERNSHIPS***

5 14. From approximately September 2002 to approximately December 2002, I served
6 as a Judicial Extern to the Honorable Kim McLane Wardlaw of the *United States Court of*
7 *Appeals for the Ninth Circuit*. From approximately June 2002 to approximately August 2002, I
8 served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the *California Court of Appeal*
9 *for the Second Appellate District*.

10 ***LITIGATION AND CLASS ACTION EXPERIENCE***

11 15. In December of 2004, I obtained a license to practice law from the California
12 State Bar. From approximately December 2004 to approximately August 2008, I was employed
13 by *Girardi & Keese*.

14 16. At *Girardi & Keese*, my practice focused on class actions and other complex
15 cases involving toxic torts and products liability. In addition, I gained substantial experience on
16 cases involving insurance bad faith, premises liability, and medical negligence. While employed
17 by *Girardi & Keese*, I argued approximately 100 motions, took or defended approximately 150
18 depositions, and prepared dozens of expert witnesses for deposition or trial.

19 17. Since its inception, in or around October of 2008, *Lawyers for Justice, PC* has
20 almost exclusively focused on the prosecution of consumer and employment class actions,
21 involving wage-and-hour claims, race discrimination, unfair business practices or consumer
22 fraud. Currently, *Lawyers for Justice, PC* is attorney of record in well over a dozen
23 employment-related putative class actions in both state and federal courts in the State of
24 California. *Lawyers for Justice, PC* has successfully litigated cases involving the executive,
25 administrative, and other overtime exemptions to the State of California and federal overtime
26 compensation requirements. During this relatively short time, in association with other law
27 firms, *Lawyers for Justice, PC* has recovered millions of dollars on behalf of thousands of
28 individuals in California.

**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 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*

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

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

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

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

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

25 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
26 representative action against a food company on behalf of non-exempt employees. On June 30,
27 2017, the court granted final approval of the class and PAGA representative action settlement.
28 The Sacramento County Superior Court Case Number is 34-2015-00175871.

1 v) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
2 representative action against a chocolate company on behalf of non-exempt employees. On July
3 19, 2017, the court granted final approval of the class and PAGA representative action
4 settlement. The Alameda County Superior Court Case Number is RG15764300.

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

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

14 y) LFJ, in association with co-counsel therein, represented the plaintiffs in a
15 wage-and-hour class and PAGA representative action against a bank on behalf of non-exempt
16 employees. On December 11, 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 BC569646.

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

25 aa) LFJ, in association with co-counsel therein, represented the plaintiffs in a
26 wage-and-hour class and PAGA representative action against a global provider of flexible office
27 space solutions. On February 15, 2018, the court granted final approval of the class and PAGA
28 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
4 employees. On October 15, 2018, the court granted the plaintiff's motion for class certification.
5 The Tulare 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
15 Court 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 representative action against a bank on behalf of non-exempt
23 employees. On September 27, 2019, the court granted the plaintiffs' motion for class
24 certification in part and certified a class. The Alameda County Superior Court Case Number is
25 RG15757606 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
2 court granted final approval of the class and PAGA representative action settlement. The
3 Sacramento County Superior Court Case Number is 34-2015-00175330-CU-OE-GDS.

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

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

16 jj) LFJ, in association with co-counsel therein, represents 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. The San Diego County Superior
20 Court Case Number is 37-2018-00019611-CU-OE-CTL.

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

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1 ll) LFJ, in association with co-counsel therein, represents 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'
4 motion for class certification and certified a class. The San Diego County Superior Court Case
5 Number is 37-2015-00025968-CU-OE-CTL.

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

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

11 19. To date, Class Counsel has borne all of the risks and costs of litigation and will
12 not receive any compensation until recovery is obtained in the above-captioned action. Lawyers
13 *for Justice, PC* seeks reimbursement of **\$25,119.07** in litigation costs and expenses incurred in
14 this matter, as reflected in "**EXHIBIT B**" attached hereto. These expenses were reasonable and
15 necessary in the prosecution of this matter and to obtain the Settlement.

16 **CLASS REPRESENTATIVE ENHANCEMENT PAYMENT TO PLAINTIFF**

17 20. In recognition of her efforts and work serving as the Class Representative, the
18 Settlement provides for a Class Representative Enhancement Payment in the amount of
19 \$10,000.00 to Plaintiff Yesenia Rojas. The requested Class Representative Enhancement
20 Payment is fair and appropriate. Plaintiff spent a substantial amount of time and effort in
21 producing relevant documents and information and provided the facts and evidence necessary to
22 attempt to prove the allegations, including and not limited to, preparing for and attending
23 depositions in the course of two days, and reviewing deposition transcripts. Plaintiff was
24 available whenever Class Counsel needed her and actively tried to obtain and provide
25 information to support the pursuit of this case. Plaintiff spent numerous hours speaking with
26 Class Counsel about her claims, describing her work experience with Defendant, and gathering
27 and reviewing documents. Accordingly, it is appropriate for Plaintiff Yesenia Rojas to receive
28 \$10,000.00 as a reasonable Class Representative Enhancement Payment, in addition to her

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, Class 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 10th day of October 2022, at Glendale, California.



Edwin Aiwanian

EXHIBIT A

ROJAS V. FRANK-LIN DISTILLERS PRODUCTS, LTD.
(SOLANO COUNTY SUPERIOR COURT CASE NO. FCS055208)

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, and Commonality	9.10
Pre-Lawsuit Investigation of the Merits of Plaintiff Yesenia Rojas' ("Plaintiff") Claims and the Merits of the Claims of the Putative Class Members	8.50
Pre-Lawsuit Investigation of Potential Damages and Penalties Exposure of Defendant Frank-Lin Distillers Products, LTD ("Defendant") with Respect to Plaintiff and the Putative Class Members	10.20
Pre-Lawsuit Legal Research & Analysis of Latest Off-the-Clock, Meal and Rest Break Law, Representative PAGA, and Certification Decisions in California, including all New and Relevant DLSE Materials	7.90
Investigation of Defendant, Defendant's Business Relationships, and the Industry in which Defendant Operates	3.90
Investigation of Defendant's Organizational and Corporate Structure, and Executive Reporting Structure as They Relate to the Employment and Management of the Putative Class Members	4.30
Investigation of Defendant's Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	3.10

Analysis of Competitors within Various Relevant Geographic Areas within which Defendant Operates, and Comparing and Contrasting Defendant's Policies, Practices, and Procedures with the Policies, Practices, and Procedures of Defendant's Competitors	4.50
Research and Investigation Re: Location(s), Division(s), and/or Department(s) Owned, Managed, Serviced and/or Operated by Defendant in California During the Class Period, Including Differences Between Them to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	5.10
Research and Investigation Re: Workforce, Staffing Models, and Staffing Levels at Location(s) at Which Putative Class Members Worked Throughout California	5.70
Research and Investigation Re: Defendant's Written and Unwritten Policies, Practices, and Procedures Relating to Production Operations, Distribution Operations, Quality Control, Machinery, Facilities/Scheduling, Clocking In/Out, Non-Discretionary Commission/Bonus/Incentive/Performance/Shift Differential/COVID Premium Pay, Reporting Time, Timekeeping, Rounding, Breakroom, Meal/Rest Breaks, On-Premises Breaks, Meal Period Waivers, Operations/Production Line Shutdown, Overtime Compensation, Walkie Talkies/Radios, Tools/Equipment, Safety Shoes, Sanitation/Safety/PPE, and Reimbursement of Business-Related Expenses	18.50
Research and Investigation Re: Software Programs and Other Technologies Defendant Uses to Conduct Its Everyday Business, Including Timekeeping, Payroll, Inventory, Resource Management, Production Management, and Secured Entry 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 During Meal Breaks	5.30
Research and Analysis of Potential Defenses Defendant May Raise, Including <i>De Minimis</i> Work, Non-Compensable Off-the-Clock Work, Waiver, and Compliant Policies	7.20
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	5.60

Research and Analysis of Defendant's Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues	3.30
Research and Investigation Regarding Impact of COVID-19 Pandemic on Defendant, Its Operations, and Putative Class Members' Work	6.70
Prepare a Discovery Strategy and Plan of Action, including Topics of Inquiry Important to Certification, Liability, and Damages/ Penalties	6.10
Meet and Communicate with Plaintiff Yesenia Rojas throughout the Pendency of the Case	47.50
Meet, Communicate with, and/or Interview Putative Class Members and Percipient Witnesses	13.50
Pleadings and Court Filings	
Draft Plaintiff's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on August 13, 2020)	7.50
Review Court's Notice of Case Management Conference and Notice of Case Assignment of Judge for All Purposes, and Amended Standing Order for Electronic Service of Documents in Complex Litigation (filed on August 13, 2020)	0.20
Review Court's Application and Order (filed on August 18, 2020)	0.10
Review and Analyze Defendant's Answer to Class Action Complaint for Damages and Research Affirmative Defenses in Defendant's Answer (served on October 2, 2020)	2.40
Draft Plaintiff's Case Management Statement (filed on November 30, 2020)	0.80
Review Defendant's Case Management Statement (served on November 30, 2020)	0.30
Draft Plaintiff's Case Management Statement (filed on June 29, 2021)	0.70

Review Defendant's Case Management Statement (served on June 29, 2021)	0.30
Review Defendant's Case Management Statement (served on October 21, 2021)	0.30
Draft Plaintiff's Case Management Statement (filed on October 25, 2021)	0.70
Review Court's Minute Order (filed on November 9, 2021)	0.10
Review Defendant's Notice of Change in Counsel (served on January 3, 2022)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Statement in Advance of Dismissal Hearing (submitted on January 25, 2022)	0.60
Draft Plaintiff's First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. and Legal Research and Analysis of All Claims Involved; Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation Granting Plaintiff Leave to File First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq.; and [Proposed] Order Thereon (submitted on April 19, 2022)	5.50
Review Court's Order Granting Plaintiff Leave to File First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code Section 2698, Et Seq. (filed on May 4, 2022)	0.10
Review and Analyze Defendant's Answer to Plaintiff's First Amended Complaint (served on May 17, 2022)	1.20
Draft Plaintiff's Notice of Entry of Judgment or Order (filed on June 3, 2022)	0.20
Appearances	
Prepare for and Telephonically Attend Case Management Conference (December 15, 2020)	1.10

Prepare for and Telephonically Attend Case Management Conference (July 14, 2021)	0.80
Prepare for and Telephonically Attend Case Management Conference (November 9, 2021)	0.60
Prepare for and Telephonically Attend Case Management Conference (February 9, 2022)	0.90
Prepare for and Telephonically Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (May 11, 2022)	1.10
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Enhancement Payment (November 9, 2022) (Anticipated)	1.50
Discovery and Deposition	
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Yesenia Rojas (served on June 17, 2020)	1.90
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Yesenia Rojas (served on July 13, 2020)	4.50
Draft Plaintiff's Form Interrogatories - General (Set One), Special Interrogatories (Set One), Special Interrogatories (Set Two), Special Interrogatories (Set Three), Requests for Production of Documents (Set One), and Requests for Production of Documents (Set Two) to Defendant (served on October 6, 2020)	7.80
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for November 16, 2020; Organizational Structure) (served on October 6, 2020)	4.20
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for November 17, 2020; Wage and Hour Practices) (served on October 6, 2020)	4.70

Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for November 18, 2020; Affirmative Defenses) (served on October 6, 2020)	5.30
Review and Analyze Defendant's Notice of Deposition of Plaintiff (served on March 25, 2021)	0.40
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for May 24, 2021; Organizational Structure) (served on April 5, 2021)	2.10
Prepare for and Defend the Deposition of Plaintiff Yesenia Rojas (April 14, 2021; Zoom Video Conference) and Review Deposition Transcript	7.50
Prepare for and Defend the Deposition of Plaintiff Yesenia Rojas (April 15, 2021; Zoom Video Conference) and Review Deposition Transcript	5.50
Review and Analyze Defendant's Objection to Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for May 24, 2021; Organizational Structure) (served on May 17, 2021)	1.30
Prepare for and Take the Deposition of Person Most Knowledgeable Anthony Demaria (May 24, 2021; Zoom Video Conference) and Review Deposition Transcript	18.50
Letters and Correspondence	
Research and Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Yesenia Rojas for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on July 7, 2021)	4.50
Meet with, Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	18.50
Mediation/Settlement	

Review and Analyze Mediation Data and Documents Produced by Defendant • Employee Handbooks and Employment and Operations Policies and Memorandums • Job Descriptions • Break Schedules • Meal Waiver Forms • Sampling of Employee Time Data • Sampling of Employee Pay Data	42.50
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 June 21, 2021)	18.30
Review and Analyze Defendant's Mediation Brief (dated June 16, 2021; received June 23, 2021)	9.50
Attend Mediation Session (June 24, 2021; Zoom Video Conference)	25.50
Draft, Review, Revise, Negotiate, and Finalize Joint Stipulation of Class Action and PAGA Settlement and Release (executed on February 7, 2022) and Notice of Class Action Settlement	14.50
Meet and Confer with Settlement Administrator Regarding Notice Administration, Monitor Settlement Administration, and Respond to Inquiries	5.90
Law and Motion	
Research and Draft Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, Declaration of Edwin Aiwasian in Support Thereof, Declaration of Yesenia Rojas in Support Thereof, and [Proposed] Order Thereon (filed on April 20, 2022)	17.50
Review Court's Minute Order and Order Granting Preliminary Approval of Class Action Settlement (filed on May 12, 2022)	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, Attorneys' Fees, Costs, and Enhancement Payment, Declaration of Edwin Aiwarzian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on October 10, 2022) (Anticipated)	19.50
Total Hours:	443.20

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Rojas v. Frank-Lin Distillers Products, LTD.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
8/19/2020	Legal Document Server, Inc.	Attorney Service	180.23
8/19/2020	Solano County Superior Court	Filing Fee	435.00
8/19/2020	Solano County Superior Court	Complex Fee	1,000.00
9/8/2020	Legal Document Server, Inc.	Attorney Service	150.00
10/2/2020	File & ServeXpress	Attorney Service	35.00
10/2/2020	General Logistics Systems US, Inc.	Courier Service	27.48
10/6/2020	Legal Document Server, Inc.	Attorney Service	120.00
10/6/2020	File & ServeXpress	Attorney Service	8.00
11/30/2020	Legal Document Server, Inc.	Attorney Service	130.00
11/30/2020	File & ServeXpress	Attorney Service	8.00
3/15/2021	Jeffrey Ross	Mediation Fee	7,000.00
4/14/2021	Jeannette Samoulides	Court Reporter	599.55
4/15/2021	Jeannette Samoulides	Court Reporter	432.95
5/24/2021	Esquire Deposition Solutions, LLC	Court Reporter	3,920.97
5/24/2021	Esquire Deposition Solutions, LLC	Videography Service	1,000.00
6/24/2021	Robert A. Parris	Damages Consulting Expert	6,000.00
6/29/2021	File & ServeXpress	Attorney Service	8.00
7/2/2021	Legal Document Server, Inc.	Attorney Service	130.00
7/8/2021	Labor & Workforce Development Agency	Filing Fee	75.00
7/13/2021	CourtCall, LLC	Attorney Service	94.00
10/25/2021	Legal Document Server, Inc.	Attorney Service	130.00
10/25/2021	File & ServeXpress	Attorney Service	8.00
11/8/2021	CourtCall, LLC	Attorney Service	94.00
12/9/2021	Numerical Company	Analysis of Sampling of Time Records	2,242.40
12/28/2021	Legal Document Server, Inc.	Attorney Service	70.52
1/25/2022	Legal Document Server, Inc.	Attorney Service	130.00
2/7/2022	CourtCall, LLC	Attorney Service	94.00
4/19/2022	Legal Document Server, Inc.	Attorney Service	166.35
4/19/2022	Solano County Superior Court	Filing Fee	20.00
4/19/2022	File & ServeXpress	Attorney Service	16.00
4/20/2022	Legal Document Server, Inc.	Attorney Service	216.55
4/20/2022	Solano County Superior Court	Filing Fee	60.00
5/6/2022	CourtCall, LLC	Attorney Service	92.00
5/10/2022	File & ServeXpress	Attorney Service	8.00
5/11/2022	Legal Document Server, Inc.	Attorney Service	165.00
5/19/2022	Legal Document Server, Inc.	Attorney Service	99.07
6/2/2022	File & ServeXpress	Attorney Service	8.00
6/3/2022	Legal Document Server, Inc.	Attorney Service	145.00
Total:			25,119.07