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Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

FARRAH FOWLER, 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.

TOTAL MERCHANT SERVICES, LLC, an
unknown business entity; TOTAL
MERCHANT SERVICES, INC., an
unknown business entity; and DOES 1
through 100, inclusive,

Defendants.

Case No.: BC722782

Honorable William F. Highberger
Department SSC10

CLASS ACTION

**DECLARATION OF FARRAH FOWLER
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, ATTORNEYS'
FEES, COSTS, AND ENHANCEMENT
AWARD**

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Enhancement
Award; Declaration of Class Counsel (Edwin
Aiwasian); Declaration of Settlement
Administrator (Taylor Mitzner); and
[Proposed] Final Approval Order and
Judgment filed concurrently herein]

Date: September 29, 2022
Time: 10:00 a.m.
Department: SSC10

Complaint Filed: September 27, 2018
FAC Filed: January 10, 2022
Trial Date: None Set

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DECLARATION OF FARRAH FOWLER

I, **Farrah Fowler**, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am the named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed by Total Merchant Services, LLC (“Total Merchant Services”) as an hourly-paid, non-exempt employee from approximately April 2013 to July 2017. I decided to seek legal advice about my work experiences with Total Merchant Services and about pursuing my grievances. I contacted Lawyers *for* Justice, PC and spoke with attorneys there, including Arby Aiwazian. I wanted to do whatever I could to make sure Total Merchant Services was held accountable for not paying its employees for all hours worked and non-compliant meal and rest breaks. After speaking with the attorneys, I investigated complex wage-and-hour and class action lawsuits on my own and did some research into the leading class action and employment law firms in California for approximately 7 hours. Thereafter, I consulted with the attorneys at Lawyers *for* Justice, PC for 6 hours discussing my situation, complex wage-and-hour class actions in general, and what it meant to be a named plaintiff and class representative.

3. Since becoming involved in this matter, I have spent over 16 hours meeting with my attorneys regarding the case and fulfilling my responsibilities as a class and PAGA representative, which included gathering documents concerning my employment with Total Merchant Services, reviewing documents with my attorneys and answering their questions, providing guidance regarding the duties of hourly paid and non-exempt employees, and helping develop a strategy as to what documents and information to obtain from Total Merchant Services. I routinely checked in with my attorneys and their staff to make sure that they had all of my most current information and any additional information that I had obtained.

1 4. As the case progressed, I was available to answer any questions my attorneys had,
2 and available to speak and meet with my attorneys whenever they needed me. I responded to
3 them as quickly as possible and gave them as much information and identified as many
4 documents as I could. I spent at least 12 additional hours speaking with my attorneys about the
5 case, identifying potential witnesses, providing my attorneys with documents and information
6 concerning the case, and also describing policies, practices, and procedures of Total Merchant
7 Services.

8 5. As far as the settlement is concerned, I was available to review documents and
9 answer any questions my attorneys had. I spent about 2 hours reviewing the settlement
10 agreement and about 3 hours asking questions and discussing the potential settlement with my
11 attorneys before signing the settlement agreement.

12 6. I believe that I have done everything that my attorneys have asked of me and have
13 tried, to the best of my ability, to represent the class and seek relief for the aggrieved employees
14 and the State of California. I think my efforts helped to get the result obtained in this case, and
15 as a class and PAGA representative, I respectfully request that the Court award me an
16 enhancement award in the amount of \$10,000.00 for my active participation in this case. Taking
17 into consideration the time that I have dedicated to this case, I believe that this amount is
18 reasonable.

19 7. I am not related to anyone associated with Lawyers *for* Justice, PC.

20 8. I have not entered into any undisclosed agreements, nor have I received any
21 undisclosed compensation in this case. The only compensation I will receive is whatever
22 amount the Court awards as an enhancement award, as well as my share of the settlement fund
23 as a class member and as an aggrieved employee.

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

01/05/2022

3 Executed this ____ day of January 2022, at Northridge, California.

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Farrah Fowler