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

FRANCISCO CHAVEZ, individually, and
on behalf of other members of the general
public similarly situated and other aggrieved
employees pursuant to the California Private
Attorneys General Act,

Plaintiff,

vs.

AMERICAN PAPER AND PLASTICS,
INC., a California corporation; and DOES 1
through 100, inclusive,

Defendants.

Case No.: 21STCV07182

Honorable Elihu M. Berle
Department SSC6

CLASS ACTION

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

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Litigation Costs, and
Incentive Award; Declaration of Class Counsel
(Edwin Aiwazian); Declaration of Class
Representative (Francisco Chavez);
Declaration of Settlement Administrator (Yami
Burns); and [Proposed] Final Approval Order
and Judgment filed concurrently herein]

Date: July 26, 2023
Time: 9:00 a.m.
Department: SSC6

Complaint Filed: February 24, 2021
FAC Filed: August 9, 2021
SAC Filed: January 25, 2023
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 Francisco Chavez (“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 March 30, 2023, in Department SSC6 of the above-entitled Court, the Honorable Elihu M. Berle preliminarily approved the amended Joint Stipulation of Class and PAGA Representative Action Settlement executed on February 9, 2023 (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff and Defendant American Paper and Plastics Inc. (“Defendant”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiff Francisco Chavez as the representative of the Class (“Class Representative”). The Court also preliminarily appointed and designated Lawyers *for* Justice, PC as counsel for the Class (“Class Counsel”). The Court approved and ordered the mailing of the Notice of Class and Representative Action Settlement (“Class Notice”), adopted the notice, opt-out, and objection procedures, and ordered their implementation. The Court appointed Phoenix Settlement Administration Solutions (“Phoenix” 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, Litigation Costs, and Incentive Award (“Motion for Final Approval”), no Class Members have objected to the Settlement or the contemplated request for Attorneys’ Fees, Litigation Costs, Incentive Award, Settlement Administration Costs, or allocation for the penalties under the Private Attorneys General Act of 2004, California Labor Code section 2698, *et seq.* (“PAGA”).

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WORK PERFORMED BY CLASS COUNSEL

4. I and several other attorneys at Lawyers *for* Justice, PC have actively engaged in litigating this matter since the inception of the above-captioned action, which was filed on February 24, 2021.

5. Before initiating the action, 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, Plaintiff's claims and allegations, and potential defenses. After conducting initial investigation, our firm determined that the claims of Plaintiff were well-suited for class-wide adjudication owing to what appeared to be a common course of conduct affecting a similarly situated group of current and former hourly non-exempt employees who worked for Defendant (or who worked at the same physical location of American Paper and Plastics Inc. for its successor Imperial Bag & Paper Co., LLC, d/b/a Imperial Dade) in California, who were not properly compensated for, *inter alia*, all hours worked, non-compliant meal and rest periods, and business expenses.

6. Class Counsel investigated the veracity, strength, and scope of the claims, and was preparing the matter for class certification and trial, prior to reaching the Settlement. The parties conducted significant investigations and extensive informal discovery and exchange of a large volume of information, documents, and data in the course of litigation and in connection with mediation and settlement negotiations. Class Counsel also had the opportunity to interview and obtain information from Plaintiff and other Class Members, and reviewed and analyzed a large volume of information, documents, and data obtained from Plaintiff, Defendant, and other sources. The information, documents, and data reviewed and analyzed by Class Counsel included, and were not limited to, employment records of Plaintiff, a detailed sampling of Class Members' time and pay data, Employee Handbook, company policy acknowledgements, internal memoranda, job descriptions, operations and employment practices, policies, procedures, and

documents (including but not limited to Overtime, Timekeeping Procedures & Other Records, Meal and Rest Period Policy, Dress Code, Mobile Device Usage Policy, and Meal Period Waiver), among other information and documents. Class Counsel developed liability, damages, and penalties valuation models in preparation for mediation and settlement negotiations, and met and conferred with Defendant's counsel on numerous occasions, e.g., to discuss issues relating to the pleadings, case management, informal discovery, and production of various information, documents, and data in the course of litigation and in connection with mediation and settlement negotiations. Other work performed by Class Counsel included, and was not limited to, case strategy and analysis; drafting, reviewing, and revising pleadings, the mediation brief, and settlement approval motion papers; preparing and appearing for court proceedings; and preparing for and attending mediation and settlement negotiations, among other tasks.

7. As outlined herein, the parties have conducted significant informal discovery and investigation during the course of litigating the case and mediation and settlement negotiations. Class Counsel analyzed a large volume of information, documents, and data obtained from Plaintiff, Defendant, and other sources. The information, documents, and data provided a critical understanding of the nature of the work performed by the Class Members and PAGA Employees, 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 litigation, and ultimately in connection with the mediation and settlement negotiation process. Class Counsel also performed significant research into the applicable law, which is evolving as it relates to class certification, off-the-clock theory, meal and rest periods, waivers, Federal preemption and exemption, PAGA representative actions, wage-and-hour enforcement, Plaintiff's claims and damages, and Defendant's defenses.

8. After conducting significant investigation of the facts and law during the prosecution of the case, counsel for the parties engaged in extensive settlement negotiations to try to resolve the entire matter. These efforts included participating in a formal, full-day mediation conducted by Paul Grossman, Esq., a well-regarded mediator experienced in mediating complex labor and employment matters. During all settlement discussions, the parties

1 conducted their negotiations at arm's length in an adversarial position. In the course of
2 litigation, mediation, and settlement negotiations, the parties exchanged information and data,
3 and discussed all aspects of the case, including the risks and delays of further litigation, the risks
4 to the parties of proceeding with class certification and trial, the law relating to class
5 certification, off-the-clock theory, meal and rest periods, representative PAGA claims, waivers,
6 Federal preemption and exemption, and wage-and-hour enforcement, the evidence produced and
7 analyzed, and the possibility of appeals, among other things. Arriving at a settlement that was
8 acceptable to the parties was not easy. Defendant contended that individualized questions of fact
9 predominate over any common issues, and these issues would pose challenges to class
10 certification and representative adjudication. Defendant and its counsel felt strongly about
11 Defendant's ability to prevail on the merits and obtain a denial of class certification, while,
12 Plaintiff and Class Counsel disagreed with these contentions and believed that they would be
13 able to obtain class certification and prevail at trial. With the aid of the mediator's evaluation,
14 the parties ultimately agreed that the matter was well-suited for settlement given the legal issues
15 relating to Plaintiff's principal claims, factual circumstances, as well as the costs and risks to the
16 parties that would attend further litigation. These risks of further litigation include, and are not
17 limited to, a determination that the claims are unsuitable for class treatment and/or representative
18 adjudication, class de-certification after certification of a class, allowing a jury to decide the
19 claims asserted in the case, and the real possibility of no monetary recovery after years of
20 litigation.

21 9. Pursuant to Section IV.A of the Settlement Agreement, the Gross Settlement
22 Amount is subject to increase if the Workweeks during the Class Period exceed 39,054. The
23 Settlement Administrator has confirmed that the Workweeks threshold of 39,054 has not been
24 exceeded and the Gross Settlement Amount remains \$1,600,000.00.

25 10. By way of the accompanying Motion for Final Approval, Class Counsel seeks
26 attorneys' fees in the amount of \$560,000.00, which is thirty-five percent (35%) of the Gross
27 Settlement Amount of \$1,600,000.00, as set forth in the Settlement Agreement and the Class
28 Notice. Pursuant to the contingency-fee agreement entered into by and between Plaintiff and

1 Class Counsel, Plaintiff has agreed to a contingency fee of at least thirty-five percent (35%) of
2 the recovery. The attorneys' fees sought are commensurate with: (1) the risk that Class Counsel
3 took in commencing the case; (2) the time, effort, and expense that Class Counsel dedicated to
4 the case; (3) the skill and determination that Class Counsel has shown; (4) the results that Class
5 Counsel has achieved throughout the litigation; (5) the value of the settlement that Class Counsel
6 has achieved in the case; and (6) the other cases that Class Counsel has turned down in order to
7 devote their time and efforts to this matter.

8 11. I am aware that common and acceptable rates for contingency representation in
9 wage and hour class action litigation are normally in the range of 33.3% to 50%.

10 12. 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 lodestar
13 analysis with a multiplier of 1.57. Attorneys at Lawyers *for* Justice, PC have spent a total of
14 **477.60 hours** performing tasks and obtaining recovery in this matter. Attached hereto as
15 **"EXHIBIT A"** is an Attorney Task and Time Chart that sets forth in detail the nature of the
16 legal services provided by attorneys at Lawyers *for* Justice, PC and the time incurred in
17 performing those services. These hours include work done by myself and several other attorneys
18 at Lawyers *for* Justice, PC. Additionally, separate from the hours referenced herein, Lawyers *for*
19 Justice, PC had litigation support personnel actively engaged in assisting with the prosecution of
20 this matter.

21 13. The work performed in this particular matter, the background of our firm, as well
22 as the individual backgrounds, training, and experience of the attorneys who worked on this case,
23 in litigating complex wage-and-hour actions, and in particular, employment class and
24 representative actions, support a reasonable blended hourly rate of compensation at the rate of
25 \$750 for work performed by Lawyers *for* Justice, PC. Lawyers *for* Justice, PC has been awarded
26 attorneys' fees, compensating the firm at the blended rate of at least \$750 per hour for legal
27 services performed, by courts granting approval of settlements in other wage-and-hour cases:
28 final approval of the class and representative action settlement in *David Dugan v. TEC*

1 *Equipment, Inc., et al.* (Los Angeles Superior Court Case No. 19STCV01591) was granted on
2 July 8, 2021, and the award of attorneys' fees involved an hourly rate of \$936.47; final approval
3 of the class and representative action settlement in *Larry Greenwood, et al. v. Scan Health Plan*
4 (Los Angeles Superior Court Case No. BC715157) was granted on April 20, 2021, and the award
5 of attorneys' fees involved an hourly rate of \$919.57; final approval of the class action settlement
6 in *Thereasa Carrozzella v. Basalite Concrete Products, LLC* (Sacramento County Superior Court
7 Case No. 34-2017-00220214-CU-OE-GDS) was granted on February 21, 2020, and the award of
8 attorneys' fees involved an hourly rate of \$766.05; final approval of the class and representative
9 action settlement in *Alice Rutledge, et al. v. Healthport Technologies, LLC* (Alameda County
10 Superior Court Case No. RG16835813) was granted on June 11, 2019, and the award of
11 attorneys' fees involved an hourly rate of \$764.82; final approval of the class and representative
12 action settlement in *Seth Swan v. Pace Supply Corp.* (Sonoma County Superior Court Case No.
13 SCV258764) was granted on February 6, 2019, and the award of attorneys' fees involved an
14 hourly rate of \$855.96; final approval of the class and representative action settlement in *Stanley*
15 *Bland, et al. v. Telecare Corporation* (Alameda County Superior Court Case No. RG16811450)
16 was granted on November 21, 2018, and the award of attorneys' fees involved an hourly rate of
17 \$831.38; final approval of the class and representative action settlement in *Maryjo Ungerbuhler*
18 *Anderson v. Boyett Petroleum* (Stanislaus County Superior Court Case No. 2020582) was
19 granted on May 15, 2018, and the award of attorney's fees involved an hourly rate of \$780.77;
20 and final approval of the class and representative action settlement in *Demetrius Camarillo v.*
21 *Blue Diamond Growers* (Sacramento County Superior Court Case No. 34-2015-00175871) was
22 granted on June 30, 2017, and the award of attorneys' fees involved an hourly rate of \$845.64.

23 **ADEQUACY OF LAWYERS for JUSTICE, PC**

24 **EDUCATION**

25 14. In May of 2004, I graduated from *Pepperdine University School of Law* with a
26 Juris Doctor degree. I have extensive formal training in dispute resolution and negotiation from
27 the Straus Institute for Dispute Resolution as part of its Masters in Dispute Resolution degree
28 program. In addition, I have previously served as a *pro bono* mediator for the Los Angeles

County Superior Court. In October of 2000, I obtained a Litigation Paralegal Certificate from the *UCLA Extension Program*. During the summer of 2000, I studied Legal Writing at *Harvard University*. In April of 1999, I obtained a Bachelor of Arts degree in Communication with a concentration in Natural Sciences from *Pepperdine University*.

JUDICIAL EXTERNSHIPS

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

LITIGATION AND CLASS ACTION EXPERIENCE

16. In December of 2004, I obtained a license to practice law from the California State Bar. From approximately December 2004 to approximately August 2008, I was employed by a prominent plaintiff-side law firm.

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

18. Since its inception, in or around October of 2008, *Lawyers for Justice, PC* has almost exclusively focused on the prosecution of consumer and employment class actions, involving wage-and-hour claims, race discrimination, unfair business practices or consumer fraud. Currently, *Lawyers for Justice, PC* is the attorney of record in well over a dozen employment-related putative class actions in both state and federal courts in the State of California. *Lawyers for Justice, PC* has successfully litigated cases involving the executive, administrative, and other overtime exemptions to the State of California and federal overtime compensation requirements. During this relatively short time, in association with other law

1 firms, Lawyers *for* Justice, PC has recovered millions of dollars on behalf of thousands of
2 individuals in California.

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

5 19. What follows are just a few examples of the type of results Lawyers *for* Justice,
6 PC (“LFJ”) has achieved on behalf of its clients:

7 a) LFJ, in association with co-counsel therein, represented the plaintiffs in a
8 wage-and-hour class action against a major property management company involving allegations
9 of misclassification of various “manager” positions. On September 20, 2010, the court granted
10 final approval of the class action settlement. The Los Angeles County Superior Court Case
11 Number is BC400414.

12 b) LFJ, in association with co-counsel therein, represented the plaintiffs in a
13 wage-and-hour class action against a national retailer of household items involving allegations of
14 misclassification of the “Assistant Store Manager” position. On October 28, 2010, the court
15 granted final approval of the class action settlement. The Los Angeles County Superior Court
16 Case Number is BC413498.

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

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

27 e) LFJ, in association with co-counsel therein, represented the plaintiff in a
28 wage-and-hour class and PAGA representative action against a bank, involving allegations of

1 misclassification of the “Assistant Branch Manager” position. On August 27, 2013, the court
2 granted final approval of the class and PAGA representative action settlement. The Kern County
3 Superior Court Case Number is S-1500-CV-273194-LHB.

4 f) LFJ, in association with co-counsel therein, represented the plaintiff in a
5 wage-and-hour class and PAGA representative action against a national wholesale distributor of
6 plumbing and builder supplies, involving allegations of misclassification of multiple salaried
7 “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA
8 representative action settlement. The Sacramento County Superior Court Case Number is 34-
9 2012-00136285.

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

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

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

26 j) 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 upscale
28 hardware and home furnishings, on behalf of non-exempt employees. On April 28, 2016, the

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.

27 p) LFJ, on behalf of the plaintiff and respondent in a PAGA representative
28 action, successfully opposed in the trial court, and briefed and argued an appeal with respect to

1 the employer's motion to compel arbitration, which resulted in a published opinion by the
2 California Court of Appeal in favor of employees. *Roberto Betancourt v. Prudential Overall*
3 *Supply* (Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S. Supreme Court
4 Docket No. 17-254). The Riverside County Superior Court Case Numbers are RIC1503952 and
5 RICJCCP5046, and the Judicial Council Coordination Proceeding Number is 5046.

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

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

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

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

26 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
27 representative action against a food company on behalf of non-exempt employees. On June 30,
28

2017, the court granted final approval of the class and PAGA representative action settlement. The Sacramento County Superior Court Case Number is 34-2015-00175871.

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

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

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

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

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

aa) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class and PAGA representative action against a global provider of flexible office

space solutions. On February 15, 2018, the court granted final approval of the class and PAGA representative action settlement. The Los Angeles County Superior Court Case Number is 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.

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

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

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

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

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

25 kk) LFJ, in association with co-counsel therein, represents the plaintiffs in a
26 wage-and-hour class and PAGA representative action against a national retailer of sportswear,
27 footwear, and camping equipment on behalf of non-exempt employees. On March 16, 2020, the
28 court granted in part the plaintiff's motion for class certification and certified a class. The

Riverside County Superior Court Case Numbers are RIC1507504 and RICJCCP4930, and the Judicial Council Coordination Proceeding Number is 4930.

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

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

LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL

20. To date, Class Counsel has borne all the risks and costs of litigation and will not receive any compensation until recovery is obtained in this matter. Lawyers for Justice, PC seeks reimbursement of \$20,525.29 in litigation costs and expenses incurred in this matter, as reflected in "EXHIBIT B" attached hereto. These expenses were reasonable and necessary in the prosecution of the case and to obtain the Settlement.

INCENTIVE AWARD TO PLAINTIFF

21. In recognition of his efforts and work serving as the Class Representative and for his general release of individual claims, the Settlement provides for an Incentive Award in the amount of \$7,500.00 to Plaintiff. The requested Incentive Award is fair and appropriate. Plaintiff spent a substantial amount of time and effort in producing relevant documents and information and provided the facts and evidence necessary to attempt to prove the allegations. Plaintiff was available whenever Class Counsel needed him and actively tried to obtain information that would facilitate the pursuit of the class and PAGA claims. Plaintiff spent numerous hours speaking with Class Counsel about his claims, describing his work experience

1 with Defendant, and gathering and reviewing documents. Accordingly, it is appropriate for
2 Plaintiff to receive \$7,500.00 as a reasonable Incentive Award in addition to his individual
3 settlement payment under the Settlement.

4 22. I submit that the Settlement is fair, reasonable, and adequate. In addition, the
5 Settlement is in the best interests of Plaintiff, Class Members, the State of California, and PAGA
6 Employees.

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

9 Executed 25th day of May 2023, at Glendale, California.

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12 Edwin Aiwasian
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EXHIBIT A

FRANCISCO CHAVEZ V. AMERICAN PAPER & PLASTICS, LLC
Los Angeles County Superior Court Case No. 21STCV07182

ATTORNEY TASK AND TIME CHART

TASK	LAWYERS FOR JUSTICE, PC
Investigation and Research / Due Diligence	
Pre-Lawsuit Investigation of the Key Facts with a Focus on Class Certification Elements, Including Adequacy, Typicality, Superiority, Commonality, and Manageability	10.50
Pre-Lawsuit Investigation of the Merits of Plaintiff Francisco Chavez (“Plaintiff”) Claims and the Merits of the Claims of the Putative Class Members	9.30
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendant American Paper and Plastics, Inc. (“Defendant”) with Respect to Plaintiff and the Putative Class Members	7.50
Pre-Notice Investigation of the Merits of the Private Attorneys General Act (“PAGA”) Claim on Behalf of the State of California with Respect to Plaintiff and the Aggrieved Employees	8.10
Pre-Notice Investigation of Potential Civil Penalties Exposure of Defendant with Respect to Plaintiff and the Aggrieved Employees	7.80
Legal Research and Analysis of Latest Decisions Regarding Off-the-Clock, Meal and Rest Break, Wage Order, PAGA, and Class Certification in California, Including all New and Relevant DLSE Materials	7.60
Investigation of Defendant, Defendant’s Business Relationships, and the Industry in which Defendant Operates	3.50

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 and Aggrieved Employees	2.80
Investigation Regarding Defendant's Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues, to Evaluate Willfulness and Uniformity	3.90
Analysis of Competitors in 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	4.20
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	4.70
Comparative Analysis and Cross-Checking of All Available Job Postings, Job Reviews, and Other Reviews Regarding Defendant in Order to Determine Any Variation and Identify Job Duties and Responsibilities That Would be Susceptible to Being Performed Off-the-Clock or During Meal or Rest Breaks	5.10
Research and Investigation Re: Workforce, Staffing Models, and Staffing Levels at Location(s) at Which Putative Class Members and Aggrieved Employees Worked Throughout California	4.80
Research and Investigation Re: Defendant's Written and Non-Written Policies, Practices, and Procedures Relating to Non-Discretionary Bonus/Incentive/Performance/Production/Shift Differential Pay, Regular Rate Calculations, Timekeeping, Rounding, Scheduling and Attendance, Meetings, Cease of Operations, Auto-Deduction of Meals, Meal and Rest Breaks, On-Premises Breaks, Meal Waivers, Meal/Rest Premiums, Overtime Compensation, Production and Delivery Quotas, Driver Logs, Uniforms, Footwear	25.50

Requirements and Allowance, PPE, Use of Personal Cell Phones, Use of Company Issued Mobile Devices, and Reimbursement of Business-Related Expenses	
Research and Investigation Re: Various Software Programs, Systems, and Other Technology Defendant Uses to Conduct Its Everyday Business, Including Timekeeping, Payroll, Sales, Shipping/Logistics, Resource Management, Order Management, Customer Relations Management, Safety, and Security Systems, with a Focus on What Documents (Both Paper and Electronic) Are Created in the Normal Course of Business Relating to Overtime Worked, Off-the-Clock Time Worked Pre/Post-Shift, and Time Worked During Meal Breaks	4.30
Research and Analysis of Potential Defenses Defendant May Raise, Including <i>De Minimis</i> Work, Non-Compensable Off-the-Clock Work, Waiver, Federal Preemption and Exemption, and Compliant Policies	8.90
Research and Investigation Re: Post- <i>Duran</i> vs. <i>U.S. Bank</i> Trial Manageability Issues, including Research Regarding Which Experts to Retain and For What Purpose	5.40
Prepare a Discovery Strategy and Plan of Action, Including Topics of Inquiry Important to Certification, Liability, Damages, and Civil Penalties	4.70
Research and Investigation of Impact of COVID-19 Pandemic on Defendant, Its Operations, and Putative Class Members' and Aggrieved Employees' Work	6.40
Research and Preliminarily Outline Issues Important to Class Certification and Trial Manageability	15.50
Meet and Communicate with Plaintiff Francisco Chavez Throughout the Pendency of the Case	36.50
Investigate, Meet and Communicate with, and/or Conduct Interviews of Putative Class Members and Percipient Witnesses	15.50
Pleadings and Court Filings	

Draft Plaintiff's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on February 24, 2021)	7.40
Review Court's Initial Status Conference Order and Minute Order (filed on March 15, 2021)	0.20
Draft Plaintiff's Notice of Posting Jury Fees (filed on April 20, 2021)	0.20
Draft Plaintiff's Initial Status Conference Report (filed on April 27, 2021)	1.50
Review Court's Minute Order Re: Initial Status Conference (filed on May 3, 2021)	0.10
Draft Notice Re: Initial Status Conference (filed on May 11, 2021)	0.20
Review Defendant's Notice of Appearance (served on May 21, 2021)	0.10
Draft Plaintiff's Notice of Posting Jury Fees (filed on June 4, 2021)	0.20
Meet and Confer with Defendant's Counsel, and Draft Joint Initial Status Conference Report (filed on June 23, 2021)	1.60
Review Court's Minute Order Re: Initial Status Conference (filed on July 2, 2021)	0.10
Draft Plaintiff's Notice Re: Initial Status Conference (filed on July 6, 2021)	0.20
Draft [Proposed] Order Authorizing Electronic Service (Case Anywhere) (submitted on July 6, 2021)	0.20
Review Court's Order Authorizing Electronic Service (Case Anywhere) (filed on July 12, 2021)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Initial Status Conference Report (filed July 30, 2021)	1.30

Draft Plaintiff's First Amended Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on August 9, 2021)	4.50
Review Court's Minute Order Re: Status Conference (filed on August 20, 2021)	0.10
Review and Analyze Defendant American Paper and Plastics Inc.'s Answer to Plaintiff Francisco Chavez's First Amended Complaint for Damages and Research Affirmative Defenses (served on September 9, 2021)	2.50
Meet and Confer with Defendant's Counsel, and Draft Joint Post-Mediation Status Conference Statement and Notice of Settlement (filed on February 28, 2022)	1.20
Review Court's Minute Order Re: Post-Mediation Status Conference (filed on March 14, 2022)	0.10
Draft Plaintiff's Notice Regarding March 14, 2022, Post-Mediation Status Conference and Minute Order (filed on March 16, 2022)	0.30
Meet and Confer with Defendant's Counsel, and Draft Joint Status Report and Response to Order to Show Cause Re: Sanctions Against Defendant for Failure to Appear at the Hearing on 10/12/2022 (filed on November 2, 2022)	1.20
Draft Plaintiff's Second Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code section 2698, <i>Et Seq.</i> (filed on January 25, 2023)	4.10
Appearances	
Prepare for and Telephonically Attend Initial Status Conference (July 2, 2021)	1.10
Prepare for and Telephonically Attend Further Status Conference (August 20, 2021)	0.70
Prepare for and Telephonically Attend Post-Mediation Status Conference (March 14, 2022)	1.10

Prepare for and Telephonically Attend Status Conference Re: Settlement (October 12, 2022)	0.60
Prepare for and Telephonically Attend Status Conference Re: Settlement (November 7, 2022)	0.70
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Settlement (January 9, 2023)	0.60
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Settlement (March 24, 2023)	1.10
Prepare for Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Litigation Costs, and Incentive Award (July 26, 2023) (Anticipated)	1.50
Discovery and Deposition	
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Francisco Chavez (served on November 16, 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 Francisco Chavez (served on December 22, 2020)	2.50
Letters and Correspondence	
Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Francisco Chavez for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on February 25, 2022)	4.50
Meet with, Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	19.50
Mediation/Settlement	

Review and Analyze Information, Data, and Documents Obtained from Defendant (served on January 13, 2022, January 18, 2022, and January 25, 2022; in excess of 3.600 pages), Plaintiff, and Other Sources Prior to Mediation • Employee Handbook, Employment and Operations Policies, Practices, and Procedures Documents, and Training Materials • Meal Period Waiver Form • Time Data Sampling • Pay Data Sampling	83.50
Prepare for Mediation, Including Researching Settlement-Related Issues and Merits of Claims, Drafting the Mediation Brief (submitted on January 25, 2022 for February 1, 2022 Mediation), Compiling the Mediation Exhibits in Support of Mediation Brief, and Performing Damages and Penalties Analysis and Calculations	31.50
Telephonically Attend Mediation Session (February 1, 2022; Zoom Video Conference)	15.50
Review and Analyze Mediator's Proposal (issued and accepted February 1, 2022)	2.30
Draft, Review, Revise, Negotiate, and Finalize Joint Stipulation of Class and Representative Action Settlement and Notice of Class and Representative Action Settlement (executed on November 14, 2022)	21.50
Draft, Review, Revise, Negotiate, and Finalize Amended Joint Stipulation of Class and Representative Action Settlement and Notice of Class and Representative Action Settlement (executed on February 9, 2023)	3.50
Coordinate Settlement Administration with Settlement Administrator, Ongoing Monitoring of Settlement Administration, Review Weekly Reports, and Respond to Inquiries	7.50
Law and Motion	

Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation to Continue Deadline and Hearing on Motion for Preliminary Approval; and [Proposed] Order (submitted on June 10, 2022)	1.30
Review Court's Order Continuing Deadline and Hearing for Motion for Preliminary Approval (filed on June 14, 2022)	0.10
Review Court's Minute Order Re: Hearing on Motion for Preliminary Approval of Settlement and Order to Show Cause (filed on October 12, 2022)	0.10
Review Court's Minute Order Re: Hearing on Motion for Preliminary Approval of Settlement and Order to Show Cause (filed on November 7, 2022)	0.10
Research and Draft Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class and Representative Action Settlement; Memorandum of Points and Authorities, Declaration of Brian J. St. John in Support Thereof, Declaration of Francisco Chavez in Support Thereof, and [Proposed] Order Thereon (filed on November 15, 2022)	18.30
Review Court's Minute Order Re: Motion for Preliminary Approval of Settlement (filed on January 9, 2023)	0.10
Draft Plaintiff's Supplemental Brief in Support of Motion for Preliminary Approval of Class Action Settlement, Supplemental Declaration of Brian J. St. John in Support Thereof, Supplemental Declaration of Francisco Chavez in Support Thereof, and [Revised Proposed] Order Thereon (filed on February 9, 2023)	7.50
Review Court's Minute Order Re: Hearing on Motion for Preliminary Approval of Settlement (filed on March 24, 2023)	0.10
Draft [Revised Proposed] Order Granting Preliminary Approval of Class and Representative Action Settlement (submitted on March 28, 2023)	0.30

Review Court's Order Granting Preliminary Approval of Class and Representative Action Settlement (filed on March 30, 2023)	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, Litigation Costs, and Incentive Award, and Declaration of Edwin Aiwarzian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on May 25, 2023) (Anticipated)	18.50
Total Hours:	477.60

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Chavez v. American Paper Plastics, LLC

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
11/17/2020	U.S. Postmaster	Postage	6.95
2/24/2021	Legal Document Server, Inc	Attorney Service	180.23
2/24/2021	Los Angeles Superior Court	Complex Filing Fee	1,000.00
2/24/2021	Los Angeles Superior Court	Court Filing Fee	435.00
4/5/2021	Legal Document Server, Inc	Attorney Service	260.00
4/20/2021	Legal Document Server, Inc	Attorney Service	210.25
4/20/2021	Los Angeles Superior Court	Jury Fee	150.00
4/27/2021	Legal Document Server, Inc	Attorney Service	205.00
5/5/2021	Legal Document Server, Inc	Attorney Service	110.00
5/5/2021	Legal Document Server, Inc	Attorney Service	95.00
5/11/2021	Legal Document Server, Inc	Attorney Service	205.00
6/4/2021	Legal Document Server, Inc	Attorney Service	210.25
6/23/2021	Legal Document Server, Inc	Attorney Service	65.00
6/23/2021	FedEx Express	Courier Service	85.51
6/23/2021	Legal Document Server, Inc	Attorney Service	110.00
7/6/2021	Legal Document Server, Inc	Attorney Service	175.00
7/7/2021	Los Angeles Superior Court	Document Download Fee	15.00
7/7/2021	Legal Document Server, Inc	Attorney Service	175.00
7/30/2021	Legal Document Server, Inc	Attorney Service	175.00
8/9/2021	Legal Document Server, Inc	Attorney Service	65.00
8/9/2021	Legal Document Server, Inc	Attorney Service	130.00
8/25/2021	Los Angeles Superior Court	Document Download Fee	15.00
9/22/2021	Paul Hastings LLP	Mediation Fee	15,000.00
11/8/2021	CaseAnywhere, LLC	Attorney Service	109.20
2/1/2022	CaseAnywhere, LLC	Attorney Service	120.00
2/25/2022	Labor & Workforce Development Agency	PAGA Fee	75.00
2/28/2022	Legal Document Server, Inc	Attorney Service	15.20
3/16/2022	Legal Document Server, Inc.	Attorney Service	30.40
5/5/2022	CaseAnywhere, LLC	Attorney Service	132.00
6/10/2022	Legal Document Server, Inc.	Attorney Service	16.55
6/10/2022	Los Angeles Superior Court	Stipulation Fee	20.00
7/18/2022	Los Angeles Superior Court	Document Download Fee	5.00
8/4/2022	CaseAnywhere, LLC	Attorney Service	126.00
11/2/2022	Legal Document Server, Inc.	Attorney Service	15.95
11/7/2022	CaseAnywhere, LLC	Attorney Service	120.00
11/16/2022	Legal Document Server, Inc.	Attorney Service	214.00
11/16/2022	Los Angeles Superior Court	Motion Fee	60.00
1/25/2023	Legal Document Server, Inc.	Attorney Service	15.95
2/7/2023	CaseAnywhere, LLC	Attorney Service	162.00
2/10/2023	Legal Document Server, Inc.	Attorney Service	15.95

LAWYERS for JUSTICE PC CASE COST DETAIL
Chavez v. American Paper Plastics, LLC

3/28/2023	Legal Document Server, Inc.	Attorney Service	15.95
4/4/2023	Legal Document Server, Inc.	Attorney Service	15.95
5/8/2023	CaseAnywhere, LLC	Attorney Service	162.00
Total:			20,525.29