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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 FRANCISCO
CHAVEZ 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 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 FRANCISCO CHAVEZ

I, **Francisco Chavez**, 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. This declaration and its contents are not intended to waive any mediation, settlement, or any attorney-client communication privileges or confidentiality.

2. I was employed by American Paper and Plastics, Inc. ("American Paper and Plastics") in an hourly-paid, non-exempt Driver position from October 2015 to November 2018. I decided to seek legal advice about my work experiences with Prime Shine. I contacted Lawyers *for* Justice, PC and spoke with attorneys there, including Brian St. John and Edwin Aiwarzian. I wanted to do whatever I could to make sure American Paper and Plastics was held accountable for not paying its employees for all hours worked (e.g., for off-the-clock work, minimum and regular pay, and overtime pay), non-compliant meal and rest breaks, and failure to reimburse expenses. After speaking with the attorneys, I investigated complex wage-and-hour lawsuits on my own and did some research into the leading class action and employment law firms in California for approximately 8 hours. Thereafter, I consulted with the attorneys at Lawyers *for* Justice, PC for 6 hours discussing my situation, complex wage-and-hour class actions and representative actions under the Private Attorneys General Act ("PAGA") in general, and what it meant to be a named plaintiff, class representative, and eventually a PAGA representative. Prior to commencing the case, I was informed of and came to understand what my duties and responsibilities would be as a class representative, and also, if class certification were to be obtained, what my duties and responsibilities would be in that event.

3. 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 American Paper and Plastics, reviewing documents with my attorneys, answering questions and providing guidance regarding the duties of hourly and non-exempt employees, and helping develop a strategy as to what documents and

1 information to obtain from American Paper and Plastics. I routinely checked in with my
2 attorneys and their staff to make sure that they had all of my most current information and any
3 additional information that I had obtained.

4 4. As the case progressed, I was available to answer any questions my attorneys had,
5 and available to speak and meet with my attorneys whenever they needed me. I responded to
6 them as quickly as possible and gave them as much information and identified as many
7 documents as I could. I spent at least 10 additional hours speaking with my attorneys about the
8 case, identifying potential witnesses, providing my attorneys with documents and information
9 concerning the case, and also describing policies, practices, and procedures of American Paper &
10 Plastics.

11 5. As far as the settlement is concerned, I was available to review documents and
12 answer any questions my attorneys had. I spent about 3 hours reviewing the settlement
13 agreement and about 3 hours asking questions and discussing the potential settlement, mediation
14 and outcome thereof, settlement paperwork, and amended settlement paperwork with my
15 attorneys before signing the settlement papers.

16 6. I understand that a settlement has been reached in my case and what my duties
17 and responsibilities are as a class and PAGA representative. For example, I am aware that if the
18 settlement is granted preliminary approval, the Court will certify a class for settlement purposes,
19 and likely appoint me as the representative of the class and my attorneys as counsel for the class.
20 I also understand that my duties will include checking in on, monitoring, and conferring with my
21 attorneys and counsel for the class to facilitate the notice and settlement administration process,
22 and to provide information that the Court needs to assess whether the settlement is fair,
23 reasonable, and adequate. Further, if any individuals who are potential class members contact
24 me, I will take steps to have them referred to the Court-appointed settlement administrator so that
25 these individuals may receive the necessary information and notice they may be eligible to
26 receive in connection with the settlement and contemplated final approval hearing.

27 7. I believe that I have done everything that my attorneys have asked of me and have
28 tried, to the best of my ability, to represent the class and seek relief for the aggrieved employees

1 and the State of California. I think my efforts helped to get the result obtained in this case, and
2 as a class and PAGA representative, I respectfully request that the Court award me an incentive
3 award in the amount of \$7,500.00 for my active participation in this case. Taking into
4 consideration the time that I have dedicated to this case, I believe that this amount is reasonable.

5 8. I am not related to anyone associated with Lawyers *for* Justice, PC.

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

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

12 Executed this ⁰⁹ day of February 2023, at Covina, California.

13  Electronically Signed 2023-02-09 22:34:35 UTC - 172.58.31.8
Nintex AssureSign® 69e090e-0d79-4d72-9c7a-af530159888c

14 Francisco Chavez