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Attorneys for Plaintiff Michael Corbin

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

MICHAEL CORBIN, individually, and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act;

Plaintiff,

vs.

PARIS BAGUETTE AMERICA, INC., a
Delaware corporation; PARIS BAGUETTE –
BON DOUX, INC., a Delaware corporation;
PARIS BAGUETTE U.S.A., INC., a
Delaware corporation; PARIS BAGUETTE
FAMILY, INC., a Delaware corporation; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: 22CV014555

Honorable Sarah Sanford-Smith
Dept. 17

**DECLARATION OF JOANNA GHOSH IN
SUPPORT OF PLAINTIFF'S MOTION FOR
ORDER APPROVING SETTLEMENT
PURSUANT TO CALIFORNIA LABOR
CODE PRIVATE ATTORNEYS GENERAL
ACT AND ENTERING JUDGMENT**

Date: March 12, 2025
Time: 3:00 p.m.
Dept.: 17

Complaint Filed: July 18, 2022
Trial Date: None Set

DECLARATION OF JOANNA GHOSH

I, Joanna Ghosh, 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 Michael Corbin (“Plaintiff”) in the above-captioned action (the “Action”). The facts set forth in this declaration are within my personal knowledge or based on information and belief, and, if called as a witness, I could and would competently testify thereto.

SUMMARY OF WORK PERFORMED

2. Plaintiff has satisfied the prerequisites under California Labor Code section 2699.3(a), including, and not limited to, providing the California Labor and Workforce Development Agency (“LWDA”) and the employer with written notice of the specific provisions of the California Labor Code that are alleged to have been violated, including the facts and theories to support the alleged violations, by way of written correspondence on April 22, 2022. The notice was sent by U.S. Certified Mail to the employer and the notice was submitted to the LWDA by way of online submission on the LWDA’s website.

3. From the inception of the Action, which was filed on July 18, 2022, several attorneys and staff members at Lawyers *for* Justice, PC have worked on the matter. Lawyers *for* Justice, PC eventually joined forces with other counsel, Protection Law Group, LLP (together, the firms are referred to as “Plaintiff’s Counsel”), who were associated in as co-counsel for Plaintiff. Plaintiff’s Counsel have worked cooperatively to strategize and prosecute the Action. Ultimately, Plaintiff’s Counsel’s efforts and Plaintiff’s efforts have been successful in reaching the settlement.

4. Before initiating the Action, Lawyers *for* Justice, PC conducted extensive investigation and research into the facts and circumstances underlying the pertinent factual and legal issues and applicable law. This required thorough discussions and interviews between attorneys at Lawyers *for* Justice, PC and Plaintiff, and research into the various legal issues involved in the Action, namely, the current state of the law as it applied to off-the-clock theory, meal breaks, rest periods, Private Attorneys General Act (“PAGA”) claims, manageability, arbitration agreements, wage-and-hour enforcement, Plaintiff’s allegations, and potential

1 defenses.

2 5. Together, Plaintiff's Counsel investigated the veracity, strength, and scope of the
3 PAGA claim and allegations, and were preparing the case for trial, prior to reaching the settlement.
4 Plaintiff's Counsel conducted extensive investigation, formal and informal discovery, and review
5 and analysis of a large volume of information, documents, and data. Plaintiff propounded Special
6 Interrogatories (Set One), Form Interrogatories – General (Set One), and Requests for Production
7 of Documents (Set One) on Paris Baguette America, Inc., Paris Baguette-Bon Doux, Inc., Paris
8 Baguette U.S.A., Inc., and Paris Baguette Family, Inc. (collectively, "Defendants"). Plaintiff also
9 noticed the depositions of Defendants' Persons Most Qualified.

10 6. Plaintiff's Counsel also met and conferred with Defendants' counsel on numerous
11 occasions, e.g., to discuss issues relating to pleadings, case management, motion practice, the
12 production of information, documents, and data in the course of litigation and in connection with
13 mediation and settlement discussions, and mediation and settlement discussions. Plaintiff's
14 Counsel also invested time researching the applicable law, which is evolving as it relates to PAGA
15 representative actions, manageability, off-the-clock theory, meal breaks, rest periods, arbitration
16 agreements, wage-and-hour enforcement, Plaintiff's allegations, and Defendants' defenses
17 thereto, as well as the facts discovered.

18 7. After engaging in investigations, formal and informal discovery, and exchange,
19 review, and analysis of a large volume of information, data, and documents, as well as extensive
20 mediation and settlement negotiation efforts, Plaintiff and ultimately reached an agreement to
21 resolve the Action.

22 8. Collectively, the mediation and settlement negotiation efforts included a full-day
23 private mediation with David Rotman, Esq., a neutral and well-regarded mediator with extensive
24 experience in complex wage and hour matters. The parties considered various aspects of the case,
25 including the risks and delays of further litigation, the risks of proceeding with trial, the law
26 relating to representative PAGA actions, manageability, off-the-clock theory, meal breaks, rest
27 periods, arbitration agreements, wage-and-hour enforcement, and the evidence produced and
28 analyzed by the parties. The settlement discussions were at all times at arm's-length and the parties

1 were adversarial. With the aid of the mediator's evaluation, the parties ultimately reached the
2 settlement after receiving and accepting the mediator's proposal.

3 9. Based on investigation and information discovered, Plaintiff's Counsel believe that
4 there is sufficient evidence to support the allegations that Defendants violated the California Labor
5 Code. While Plaintiff's Counsel believe that the PAGA claim has merit and that Plaintiff will
6 ultimately succeed on the PAGA claim, Plaintiff and Plaintiff's Counsel also recognize
7 Defendants' defenses, the costs of further litigation, and multiple risks to recovery.

8 10. Plaintiff and Plaintiff's Counsel have also considered the uncertainty and risk of the
9 outcome of further litigation, including the difficulties and delays inherent in such litigation. In
10 order to prevail on the PAGA claim, Plaintiff would have to prove that Defendants engaged in the
11 alleged California Labor Code violations and demonstrate that Defendants' conduct warrants the
12 imposition of penalties. Plaintiff's core allegation is that Defendants have violated the California
13 Labor Code by failing to pay overtime and minimum wages, failing to provide compliant meal
14 and rest periods and associated premiums, failing to timely pay wages during employment and
15 upon termination of employment, failing to provide complete and accurate wage statements,
16 failing to keep complete and accurate payroll records, and failing to reimburse necessary business-
17 related expenses.

18 11. From the inception of this litigation, Defendants indicated that they would
19 aggressively litigate the case and contended that they would ultimately succeed in the Action.
20 Defendants maintained several defenses to Plaintiff's allegations, which, if successfully argued
21 and proven, had the potential to eliminate or substantially reduce recovery. Defendants
22 maintained, and continue to maintain, that they did not violate any provision of the California
23 Labor Code or applicable Industrial Welfare Commission Wage Orders, and that they did not
24 engage in a uniform policy and systematic scheme of wage abuse against their non-exempt
25 employees. Defendants contend that they complied with all applicable statutes and regulations
26 throughout the time period at issue, including the California Labor Code and applicable Industrial
27 Welfare Wage Orders. Defendants further deny, and continue to deny, that the Action is
28 appropriate for representative adjudication for any purpose other than the settlement.

12. Even if Defendants failed on their defenses, Plaintiff would inevitably face other challenges in court. For example, Defendants challenged Plaintiff's standing as an aggrieved employee and denied that any of Defendants' other employees with respect to whom Plaintiff seeks civil penalties, were aggrieved. Aside from challenges relating to standing, Defendants would have likely sought bifurcation of discovery and/or trial of the PAGA claim — multiple courts have taken such an approach, for example, limiting discovery or trial of the issues to Plaintiff. Defendants further contended that an important feature of the PAGA statute is that a trial court has discretion to reduce the penalties to be assessed against the employer pursuant to California Labor Code section 2699(e)(1)-(2). As discussed above, Defendants deny and continue to deny that they ever violated any provision of the California Labor Code or applicable Industrial Welfare Commission Wage Orders. However, assuming, *arguendo*, that any violations occurred, Defendants argued that the violations would not be viewed as subsequent violations giving rise to heightened penalties. Defendants also argued that the Court was unlikely to assess cumulative penalties for the maximum number of possible, separate California Labor Code violations, because it would be unjust, arbitrary, oppressive, and/or confiscatory—especially where certain conduct may be regulated by multiple provisions of the California Labor Code that are interrelated and work in tandem.

13. Counsel for the parties invested time reviewing, analyzing, and considering relevant information, documents, and data regarding Plaintiff's and aggrieved employees' employment with Defendants, and this information made it possible to calculate the potential value and strength of the PAGA claim. Accordingly, the parties have conducted sufficient investigation and review of information to be sufficiently apprised of the nature and extent of the PAGA claim asserted in this matter, and to enable both sides to fully evaluate the settlement for its fairness, adequacy, and reasonableness. The parties have also considered the settlement negotiations and the recommendations of the mediator, who is experienced in mediating complex labor and employment matters. The parties have agreed that the case is well-suited for settlement given the legal issues relating to the PAGA claim, as well as the costs and risks to both sides that would attend further litigation. The settlement takes into account the strengths and weaknesses of each

side's position and the uncertainty of how the case might have concluded as litigation continued, at trial, in arbitration proceedings, and/or upon appeal.

14. As set forth more fully in the accompanying motion and application, Plaintiff's Counsel seek attorneys' fees in the amount of \$97,125.00, which represents 35% of the Gross Settlement Amount. Pursuant to the contingency-fee agreement entered into by and between Plaintiff and Lawyers for Justice, PC, Plaintiff has agreed to a contingency fee of at least 35% of the recovery.

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

16. While not necessarily required to be demonstrated because a percentage of the fund is proper for this settlement, it should be noted that Plaintiff's Counsel has performed many hours of work in connection with prosecuting this matter such that the requested attorneys' fees award is also justified under a simple lodestar analysis. Attorneys at Lawyers for Justice, PC have spent a total of 86.40 hours performing tasks to obtain a recovery on behalf of Plaintiff, the State of California, and the PAGA Members. Attached as **EXHIBIT 3** to the accompanying declaration of Heather Davis of Protection Law Group, LLP, is an Attorney Task and Time Chart that sets forth in detail the nature of the legal services provided by attorneys at Lawyers for Justice, PC and Protection Law Group, LLP and the time incurred by them in performing those services. The hours listed in that chart include work done by myself and several other attorneys at Lawyers for Justice, PC. Also, separate from the hours referenced herein and in the chart, Lawyers for Justice, PC had litigation support personnel actively engaged in assisting with the prosecution of the case.

17. The work performed in this particular case, the background of Lawyers for Justice, PC, as well as the individual backgrounds, training, and experience of the attorneys who worked on this matter, in litigating complex wage-and-hour class and PAGA representative actions,

support a reasonable blended hourly rate of compensation of \$850 per hour for work performed by Lawyers for Justice, PC. Lawyers for Justice, PC has been awarded attorneys' fees, compensating the firm at the rate of at least \$850 per hour for legal services performed, by courts granting approval of settlements in other wage-and-hour class action and/or representative action cases: final approval of the class and representative action settlement in *David Dugan v. TEC Equipment, Inc., et al.* (Los Angeles Superior Court Case No. 19STCV01591) was granted on July 8, 2021, and the award of attorneys' fees involved compensation at the rate of \$936.47 per hour; 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 compensation at the rate of \$919.57 per hour; and 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 compensation at the rate of \$855.96 per hour.

18. For over a decade, Lawyers for Justice, PC has almost exclusively focused on the prosecution of consumer and employment class actions and representative 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 and representative 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. Lawyers for Justice, PC, sometimes in association with other law firms, has recovered millions of dollars on behalf of thousands of individuals in California.

19. Edwin Aiwarzian is the Managing Member and Shareholder of Lawyers for Justice, PC. He received his Bachelor of Arts degree from Pepperdine University in April of 1999 and earned a Juris Doctor degree from Pepperdine University School of Law in May of 2004. He has 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, he has previously served as a pro bono mediator for the Los Angeles County Superior Court. In October

of 2000, he obtained a Litigation Paralegal Certificate from the UCLA Extension Program. During the summer of 2000, he studied Legal Writing at Harvard University. From approximately September 2002 to approximately December 2002, he 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, he served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the California Court of Appeal for the Second Appellate District. In December of 2004, he obtained a license to practice law from the California State Bar. Since in or around October of 2008, through his work at Lawyers *for* Justice, PC, he has almost exclusively focused on the prosecution of consumer and employment class actions. While employed by Lawyers *for* Justice PC, he has argued over 100 motions, taken or defended over 150 depositions, prepared dozens of expert witnesses for deposition or trial, and attended over 175 mediations. Together with other attorneys at the firm, and in some cases in conjunction with co-counsel, he has successfully litigated cases involving the executive, administrative, and other overtime exemptions to the State of California and federal overtime compensation requirements. Under his supervision, Lawyers *for* Justice, PC has successfully obtained class certification by contested motion practice in approximately 16 cases in the last decade and litigated over 1,000 class action or representative action cases.

20. Arby Aiwarzian is a Member and Shareholder of Lawyers *for* Justice, PC. He received his Bachelor of Arts degree from University of California, Los Angeles and graduated magna cum laude. He earned a Juris Doctor degree, cum laude, from Southwestern Law School. From approximately May 2007 to approximately July 2007, he served as a Judicial Extern to the Honorable Earl Johnson, Jr. of the California Court of Appeal for the Second Appellate District. From approximately August 2008 to approximately December 2008, he served as a Judicial Extern to the Honorable Kim McLane Wardlaw of the United State Court of Appeals for the Ninth Circuit. He was admitted to practice law in California in 2010. He is admitted to practice before all courts of the State of California and all United States District Courts in the State of California. He has worked on many wage-and-hour class action and representative action cases, taking the lead in taking and defending depositions, arguing motions, and attending mediations. He has played an

1 integral role in preparing matters for class certification, including and not limited to, successful
2 certification of a class in *Upson v. Sur La Table* (Los Angeles County Superior Court Case No.
3 BC424012), *Montazemi v. Regus Management* (Los Angeles County Superior Court Case No.
4 BC478769), and *Abdulhaqq v. Urban Outfitters* (Alameda County Superior Court Case No.
5 RG13680477). Under his supervision, dozens of class action or representative cases have resulted
6 in settlements that have been granted court approval. He has handled over 150 mediations and
7 worked on over 250 class action or representative action cases which have resulted in settlement.

8 21. I, Joanna Ghosh, am a Managing Member of Lawyers for Justice, PC. I received a
9 Bachelor of Arts degree from California State University, Los Angeles in 2006, a Master of
10 Science degree from the London School of Economics in 2007, and a Juris Doctor degree from
11 Georgetown University Law Center in 2010. I am admitted to practice in California (since 2010)
12 and in New York (since 2013), and I am admitted to practice in all U.S. District Courts in
13 California, the U.S. Bankruptcy Court for the Central District of California, and the U.S. Supreme
14 Court. I have taken and defended dozens of depositions and successfully handled motion practice
15 in class action cases regarding discovery (including and not limited to, regarding class contact
16 information), class certification (both contested class certification and stipulated class
17 certification), arbitration agreements, coordination, and intervention. I have successfully handled
18 briefing and oral argument on appeal and obtained notable decisions regarding Private Attorneys
19 General Act claims and employer efforts to compel arbitration of such claims, e.g., *Betancourt v.*
20 *Prudential Overall Supply* (Cal. Ct. App., Mar. 7, 2017) 9 Cal.App.5th 439, cert. denied (Cal.,
21 May 24, 2017), cert. denied (U.S., Dec. 11, 2017) and *ZB, N.A. v. Superior Court* (2019) 8
22 Cal.5th175. I have significant experience with class actions, including and not limited to working
23 on cases to obtain class certification through contested motion practice and working on cases in
24 the post-certification stage (e.g., post-certification discovery, appeal, statistical sampling and pilot
25 study, and trial preparation in conjunction with co-counsel in a case involving a certified class
26 consisting of approximately 2,600 individuals). I also have extensive experience with class action
27 and/or representative action settlements, and have handled this process in over 500 cases. Under
28 Edwin Aiwazian, Arby Aiwazian, and my supervision, Lawyers for Justice, PC has handled the

1 class certification and court approval process for hundreds of class action and/or representative
2 action matters that have successfully resolved. I am a member of the California Employment
3 Lawyers Association and, on several occasions, have been a speaker regarding topics in wage and
4 hour law at the organization's continuing legal education events.

5 **LITIGATION COSTS AND EXPENSES INCURRED BY**
6 **LAWYERS *for* JUSTICE, PC**

7 22. To date, Plaintiff's Counsel have borne the risks and costs of litigation of the Action,
8 and will not receive any compensation until recovery is obtained in the case. Lawyers *for* Justice,
9 PC seeks reimbursement of \$632.42 for litigation costs and expenses incurred in connection with
10 the Action and resolution thereof, as reflected in the Case Cost Detail attached hereto as
11 "EXHIBIT 1." These costs and expenses were reasonable and necessary in the prosecution of the
12 Action and to obtain and implement the settlement.

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

15 Executed this 13th day of February 2025, at Los Angeles, California.

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19 _____
20 Joanna Ghosh
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EXHIBIT 1

LAWYERS *for* JUSTICE, PC CASE COST DETAIL
Corbin vs. Paris Baguette America, Inc. et al. (PAGA)

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
12/7/2021	U.S. Postmaster	Postage	\$7.38
2/4/2022	U.S. Postmaster	Postage	\$7.58
4/22/2022	U.S. Postmaster	Postage	\$16.00
4/22/2022	Labor & Workforce Development Agency	PAGA Filing Fee	\$75.00
7/19/2022	Legal Document Server, Inc.	Attorney Service	\$48.06
7/19/2022	Alameda Superior Court	Complaint Filing Fee	\$435.00
9/30/2022	Legal Document Server, Inc.	Attorney Service	\$18.70
11/8/2022	Legal Document Server, Inc.	Attorney Service	\$18.70
4/28/2023	Alameda Superior Court	Document Download Fee	\$1.00
2/15/2024	Alameda Superior Court	Document Download Fee	\$5.00
Total:			<u>\$632.42</u>