

Edwin Aiwarzian (SBN 232943)
Joanna Ghosh (SBN 272479)
Matthew Richard Soto (SBN 353499)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiff and the Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

LATISHA ANQUNETTE JOHNSON,
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.

AMERICARE HEALTH & RETIREMENT
INC., a California corporation;
SILVERGATE FALLBROOK, an unknown
business entity; AMERICARE
HEALTHCARE & RETIREMENT, INC.,
an unknown business entity; SILVERGATE
SAN MARCOS, an unknown business
entity; SILVERGATE RETIREMENT
RESIDENCE & MEMORY CARE SUITES,
an unknown business entity; and DOES 1
through 100, inclusive,

Defendants.

Case No.: 37-2022-00051286-CU-OE-CTL

Honorable Joel R. Wohlfeil
Department C-73

CLASS ACTION

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

[Notice of Motion and Motion for Final
Approval of Class Action Settlement; Notice
of Motion and Motion for Attorneys' Fees,
Costs, and Service Award; Declaration of Class
Representative (Latisha Anqunette Johnson);
Declaration of Settlement Administrator
(Jennifer Beliveau); [Proposed] Order Granting
Final Approval of Class Action Settlement and
Judgment; and [Proposed] Order Awarding
Attorneys' Fees, Costs, and Enhancement
Payment filed concurrently herewith]

Date: July 12, 2024
Time: 9:00 a.m.
Department: C-73

Complaint Filed: December 22, 2022
Trial Date: None Set

DECLARATION OF EDWIN AIWAZIAN

I, Edwin Aiwarzian, 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 Latisha Anqunette Johnson (“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 November 3, 2023, in Department C-73 of the above-entitled Court, the Honorable Joel R. Wohlfeil preliminarily approved the Class Action and Private Attorney General Act Settlement Agreement (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff and Defendant Americare Health & Retirement Inc. (“Defendant,” together with Plaintiff referred to as the “Parties”), conditionally certified the Class for settlement purposes, preliminarily appointed Plaintiff Latisha Anqunette Johnson to represent the Class (“Class Representative”), and 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 Proposed Class Action Settlement and Hearing Date for Court Approval (“Initial 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 for handling the notice and settlement administration process.

3. As of the date of filing the accompanying Motion for Final Approval of Class Action Settlement (“Motion for Final Approval”) and accompanying Motion for Attorneys’ Fees, Costs, and Service Award (“Motion for Fees”), no Class Members have objected to the Settlement or the contemplated request for Attorneys’ Fees and Costs, Service 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 been actively engaged in litigating the above-captioned putative class action (“Action”) since prior to its commencement on December 22, 2022.

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 class certification, off-the-clock theory, meal and rest periods, wage-and-hour enforcement and penalties, 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-paid or non-exempt employees of Defendant 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 conducted significant formal and informal discovery and investigation into the facts of the case, to assess 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 exchanged, reviewed, and analyzed a volume of information, documents, and data obtained from Plaintiff, Defendant, and other sources, throughout the course of the litigation and in connection with mediation and settlement negotiations. Class Counsel propounded multiple sets of written discovery requests (such as Form Interrogatories – General (Set One), Special Interrogatories (Sets One, Two, and Three), and Requests for Production of Documents (Sets One and Two)) on Defendant, reviewed Defendant’s objections, responses, and supplemental responses thereto, and prepared and served multiple notices of deposition of Defendant’s persons most knowledgeable along with accompanying requests for production of documents. Class Counsel had the opportunity to interview and obtain information from Plaintiff, other Class Members, and percipient witnesses. The information, documents, and data

1 reviewed and analyzed by Class Counsel included, but were not limited to: Plaintiff's
2 employment records, a sampling of Class Members' time and pay records, multiple iterations of
3 Defendant's Employee Handbooks, Defendant's operations and employment practices,
4 acknowledgements (including but not limited to, Employee Handbook Acknowledgement, Cell
5 Phone and Usage of Company Phones Policy for Non-Exempt Employees Acknowledgement,
6 and Attendance and Punctuality Acknowledgement), procedures, and policies (such as but not
7 limited to, Timekeeping Policies, Overtime Policies, and Cellphone Usage Policies), among
8 other information and documents. Class Counsel developed liability, damages, and penalties
9 valuation models in the course of litigation and in connection with mediation and settlement
10 negotiations. Class Counsel also met and conferred with Defendant's counsel on numerous
11 occasions, e.g., to discuss issues relating to the pleadings, case management, discovery, the
12 production of information, documents, and data in the course of litigation and in connection
13 with mediation and settlement negotiations, as well as mediation and settlement negotiations.
14 Other work performed by Class Counsel included, and was not limited to, case strategy and
15 analysis; drafting, reviewing, and revising the pleadings, the mediation brief, and settlement
16 documents; preparing for and attending court proceedings; and preparing for and participating
17 in mediation and settlement negotiations, among other tasks.

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

Plaintiff's claims and allegations, and Defendant's defenses thereto, as well as facts discovered.

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 case. These efforts included participating in a formal, full-day mediation conducted by Jeffrey Krivis, Esq., a well-regarded mediator experienced in mediating complex labor and employment matters. During all settlement discussions, the Parties conducted their negotiations at arm's length in an adversarial position. In the course of mediation and settlement negotiations, the Parties exchanged information, documents, and data, and discussed all aspects of the case, including the risks and delays of further litigation, the risks to the parties of proceeding with class certification and trial, the law relating to class certification, off-the-clock theory, meal and rest periods, representative PAGA claims, and wage-and-hour enforcement, among other things. Arriving at a settlement that was acceptable to the Parties was not easy. Defendant contended that individualized questions of fact predominated over any common issues, and these issues would pose challenges to class certification and representative adjudication. Defendant and its counsel felt very strongly about Defendant's ability to prevail on the merits and to obtain a denial of class certification, while Plaintiff and Class Counsel believed that class certification would be obtained and that they would prevail at trial. With the aid of the mediator's evaluation and extensive settlement negotiations, the Parties ultimately agreed that the case was well-suited for settlement given the legal issues relating to Plaintiff's principal claims, as well as the costs and risks to the Parties that would attend further litigation. These risks of further litigation include, and are not limited to, a determination that the claims are unsuitable for class treatment and/or representative adjudication, class de-certification after certification of a class, allowing a jury to decide the claims asserted in the case, and the real possibility of no monetary recovery after years of litigation.

9. The Settlement Administrator confirmed that there were 64,812 Workweeks during the period of January 2, 2016 through December 2, 2021, therefore the Workweeks threshold provided in Paragraph 19 of the Settlement Agreement was exceeded by 167 Workweeks (64,812 – 64,645), and the Gross Settlement Amount was escalated by .2826%

1 resulting in the escalated Gross Settlement Amount of \$1,474,154.69.

2 10. By way of the accompanying Motion for Fees, Class Counsel seeks attorneys' fees
3 in the amount of \$514,500.00, which is thirty-five percent (35%) of the non-escalated Gross
4 Settlement Amount of \$1,470,000.00, as set forth in the Settlement Agreement and the Class
5 Notice. Pursuant to the contingency-fee agreement entered into by and between Plaintiff and
6 Class Counsel, Plaintiff has agreed to a contingency fee of at least thirty-five percent (35%) of
7 the recovery. The attorneys' fees sought are commensurate with: (1) the risk that Class Counsel
8 took in commencing the case; (2) the time, effort, and expense that Class Counsel dedicated to
9 the case; (3) the skill and determination that Class Counsel have shown; (4) the results that Class
10 Counsel have achieved throughout the litigation; (5) the value of the settlement that Class
11 Counsel have achieved in the matter; and (6) the other cases that Class Counsel have turned
12 down in order to devote their time and efforts to this matter.

13 11. I am aware that common and acceptable rates for contingency representation in
14 wage and hour class action and representative action litigation are normally in the range from
15 33.3% to 50%.

16 12. While not necessarily required to be demonstrated because the percentage fee is
17 proper for this settlement, Class Counsel have incurred many hours of work in connection with
18 prosecuting the case such that the award of attorneys' fees is also justified under a lodestar
19 analysis with a multiplier of 1.1. Attorneys at Lawyers *for* Justice, PC have spent a total of
20 **480.50 hours** performing tasks and obtaining recovery in this matter. Attached hereto as
21 **"EXHIBIT A"** is an Attorney Task and Time Chart that sets forth in detail the nature of the
22 legal services provided by attorneys at Lawyers *for* Justice, PC and the time incurred in
23 performing those services. These hours include work done by myself and several other attorneys
24 at Lawyers *for* Justice, PC. Also, separate from the hours referenced herein, Lawyers *for* Justice,
25 PC had litigation support personnel actively engaged in assisting with the prosecution of this
26 matter.

27 13. The work performed in this particular matter, the background of Lawyers *for*
28 Justice, PC, as well as the individual backgrounds, training, and experience of the attorneys who

1 worked on this matter, in litigating complex wage-and-hour matters, and in particular,
2 employment class actions, support a reasonable blended hourly rate of compensation at the rate
3 of \$1,000 per hour for work performed by Lawyers for Justice, PC.

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

5 **EDUCATION**

6 14. In May of 2004, I graduated from *Pepperdine University School of Law* with a
7 Juris Doctor degree. I have extensive formal training in dispute resolution and negotiation from
8 the Straus Institute for Dispute Resolution as part of its Masters in Dispute Resolution degree
9 program. In addition, I have previously served as a *pro bono* mediator for the Los Angeles
10 County Superior Court. In October of 2000, I obtained a Litigation Paralegal Certificate from
11 the *UCLA Extension Program*. During the summer of 2000, I studied Legal Writing at *Harvard*
12 *University*. In April of 1999, I obtained a Bachelor of Arts degree in Communication with a
13 concentration in Natural Sciences from *Pepperdine University*.

14 **JUDICIAL EXTERNSHIPS**

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

20 **LITIGATION AND CLASS ACTION EXPERIENCE**

21 16. In December of 2004, I obtained a license to practice law from the California State
22 Bar.

23 17. For over a decade, Lawyers for Justice, PC has almost exclusively focused on the
24 prosecution of consumer and employment class and representative actions, involving wage-and-
25 hour claims, race discrimination, unfair business practices or consumer fraud. Currently,
26 Lawyers for Justice, PC is the attorney of record in well over a dozen employment-related
27 putative class actions in both state and federal courts in the State of California. Lawyers for
28 Justice, PC has successfully litigated cases involving the executive, administrative, and other

overtime exemptions to the State of California and federal overtime compensation requirements.

***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

1 granted final approval of the class and PAGA representative action settlement. The Kern County
2 Superior Court Case Number is S-1500-CV-273194-LHB.

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

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

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

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

25 j) LFJ, in association with co-counsel therein, represented the plaintiffs in a
26 wage-and-hour class and PAGA representative action against a national retailer of upscale
27 hardware and home furnishings, on behalf of non-exempt employees. On April 28, 2016, the
28 court granted final approval of the class and PAGA representative action settlement. The Los

1 Angeles County Superior Court Case Numbers are BC516795 and JCCP4794, and the Judicial
2 Council Coordination Proceeding Number is 4794.

3 k) LFJ, in association with co-counsel therein, represented the plaintiffs in a
4 wage-and-hour class action against a national retailer of apparel and fashion accessories, on
5 behalf of non-exempt employees. On August 5, 2016, the court granted final approval of the
6 class action settlement. The Los Angeles County Superior Court Case Number is BC488069.

7 l) LFJ, in association with co-counsel therein, represented the plaintiffs in a
8 wage-and-hour class action against a national retailer of apparel, accessories, and home
9 products, involving allegations of misclassification of the "Department Manager" position. On
10 August 12, 2016, the court granted the plaintiffs' motion for class certification in part and
11 certified a class. On August 6, 2019, the court granted final approval of the class action
12 settlement. The Alameda County Superior Court Case Number is RG13680477.

13 m) LFJ represented the plaintiff in a PAGA representative action against a
14 real estate and property management company, on behalf of non-exempt employees. On
15 November 4, 2016, the court granted approval of the PAGA representative action settlement.
16 The Orange County Superior Court Case Number is 30-2015-00775439-CU-OE-CXC.

17 n) LFJ, in association with co-counsel therein, represented the plaintiffs in a
18 wage-and-hour class and PAGA representative action against a full-service bank, on behalf of
19 non-exempt employees. On November 18, 2016, the court granted final approval of the class
20 and PAGA representative action settlement. The San Francisco County Superior Court Case
21 Number is CJC-13-004839 and the Judicial Council Coordination Proceeding Number is 4839.

22 o) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
23 representative action against a foodservice distributor, on behalf of non-exempt employees. On
24 January 26, 2017, the court granted final approval of the class and PAGA representative action
25 settlement. The San Bernardino County Superior Court Case Number is CIVDS1507260.

26 p) LFJ, on behalf of the plaintiff and respondent in a PAGA representative
27 action, successfully opposed in the trial court, and briefed and argued an appeal with respect to
28 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 Supply* (Cal. App. 4th Dist., Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S. Supreme Court Docket No. 17-254). The Riverside County Superior Court Case Numbers are RIC1503952 and RICJCCP5046, and the Judicial Council Coordination Proceeding Number is 5046.

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

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

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

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

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

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 representative action against a global provider of flexible office space

1 solutions. On February 15, 2018, the court entered an order granting final approval of the class
2 and PAGA representative action settlement. The Los Angeles County Superior Court Case
3 Number is BC498401.

4 bb) LFJ, in association with co-counsel therein, represents the plaintiff in a
5 wage-and-hour class action against a container manufacturer, on behalf of non-exempt
6 employees. On October 15, 2018, the court granted the plaintiff's motion for class certification.
7 The Tulare County Superior Court Case Number is VCU264528.

8 cc) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
9 representative action against a behavioral health service provider on behalf of non-exempt
10 employees. On November 13, 2018, the court granted final approval of the class and PAGA
11 representative action settlement. The Alameda County Superior Court Case Number is
12 RG16811450.

13 dd) LFJ, in association with co-counsel therein, represented the plaintiff in a
14 PAGA representative action against a global provider of products and services to the energy
15 industry, on behalf of hourly-paid and non-exempt employees. On November 19, 2018, the
16 court granted approval of the PAGA representative action settlement. The Kern County
17 Superior Court Case Number is S-1500-CV-280215-SDC.

18 ee) LFJ, in association with co-counsel therein, represents the plaintiff in a
19 wage-and-hour class action against a parking company on behalf of non-exempt employees. On
20 September 3, 2019, the court granted the plaintiff's motion for class certification and certified a
21 class. The Santa Clara County Superior Court Case Number is 16CV292208 and the Judicial
22 Council Coordination Proceeding Number is 4886.

23 ff) LFJ, in association with co-counsel therein, represents the plaintiffs in a
24 wage-and-hour class and PAGA representative action against a bank on behalf of non-exempt
25 employees. On September 27, 2019, the court granted the plaintiffs' motion for class
26 certification in part and certified a class. The Alameda County Superior Court Case Number is
27 RG15757606 and the Judicial Council Coordination Proceeding Number is 4921.
28

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 37-2016-00005578-CU-OE-CTL.

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

24 kk) LFJ, in association with co-counsel therein, represented the plaintiff in a
25 wage-and-hour class and PAGA representative action against a large national drug testing
26 laboratory on behalf of non-exempt employees. On February 21, 2020, the court granted the
27 plaintiff's motion for class certification and certified a class. On October 28, 2022, the court
28

1 granted final approval of the class and PAGA representative action settlement. The San Diego
2 County Superior Court Case Number is 37-2018-00019611-CU-OE-CTL.

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

9 mm) LFJ, in association with co-counsel therein, represented the plaintiffs in a
10 wage-and-hour class and PAGA representative action against a plastic packaging company on
11 behalf of non-exempt employees. On June 8, 2020, the court granted in part the plaintiffs'
12 motion for class certification and certified a class. On November 8, 2021, the court granted
13 approval of the partial settlement of the action. On April 22, 2024, the court granted approval of
14 the PAGA settlement and entered an order dismissing the action. The San Bernardino County
15 Superior Court Case Number is CIVDS1507361.

16 nn) LFJ, in association with co-counsel therein, represented the plaintiffs in a
17 wage-and-hour class action against manufacturer and supplier of power products and services
18 on behalf of non-exempt employees. On July 31, 2020, the court granted in part the plaintiffs'
19 motion for class certification and certified a class. On August 27, 2021, the court granted final
20 approval of the class action settlement. The San Diego County Superior Court Case Number is
21 37-2015-00025968-CU-OE-CTL.

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

26 pp) LFJ represents the plaintiffs in a wage-and-hour class action against a
27 manufacturer and distributor of commercial dish and glass cleaning machines and supplies for
28 the restaurant and hospitality industries, on behalf of hourly-paid or non-exempt employees. On

July 13, 2023, the court granted the plaintiffs' motion for class certification and certified a class. The Los Angeles County Superior Court Case Number is BC707670.

LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL

19. To date, Class Counsel has borne all of the risks and costs of litigation and will not receive any compensation until recovery is obtained in this matter. Class Counsel seeks reimbursement of \$15,639.09 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 this case and to obtain the Settlement.

SERVICE AWARD TO PLAINTIFF

20. In recognition of her efforts and work serving as the Class Representative, the Settlement provides for a Service Award in the amount of \$7,500.00 to Plaintiff Latisha Anqunette Johnson. The requested Service 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 to support the prosecution of the claims. Plaintiff was available whenever Class Counsel needed her and actively tried to obtain and provide information that would facilitate the pursuit of the case. Plaintiff spent numerous hours speaking with Class Counsel about her claims, describing her work experience with Defendant, and gathering and reviewing documents. Accordingly, it is appropriate for Plaintiff Latisha Anqunette Johnson to receive \$7,500.00 as a reasonable Service Award, for her services in the case, 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, other 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 18th day of June 2024, at Glendale, California.



Edwin Aiwasian

EXHIBIT A

LATISHA JOHNSON V. AMERICARE HEALTH & RETIREMENT, INC.
San Diego County Superior Court Case No. 37-2022-00051286-CU-OE-CTL

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	8.30
Pre-Lawsuit Investigation of the Merits of Plaintiff Latisha Johnson’s (“Plaintiff”) Claims and the Merits of the Claims of the Putative Class Members	9.90
Investigation of Defendant AmeriCare Health & Retirement, Inc.’s (“Defendant”) Organizational, Corporate, and Executive Reporting Structures as They Relate to the Employment and Management of Putative Class Members	7.40
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 (If Any) to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	5.60
Comparative Analysis and Cross-Checking of All Available Job Postings, Job Reviews, and Other Online Postings and 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	4.20
Research and Investigation Re: Workforce, Staffing Models, and Staffing Levels at Location(s) at Which Putative Class Members and Aggrieved Employees Worked Throughout California	4.50

Research and Investigation Re: Defendant's Policies, Practices, and Procedures Relating to Customer and Patient Care, Scheduling, Split Shifts, Charting and Notes, Timekeeping, Rounding, Meal/Rest Breaks, Meal/Rest Premiums, On-Premises Breaks, Meal Waivers, Bonus/Incentive/Shift Differential Pay, Overtime Compensation, Emergencies, Cleaning, Health and Safety, Patient Activities, Medication Deliveries and Pickups, Uniform/Work Attire, Footwear, PPE/Supplies, Use of Personal Cell Phones, Mileage/Transportation/Use of Personal Vehicles, and Reimbursement of Business-Related Expenses	19.60
Research and Investigation Re: Various Software Programs, Systems, and Other Technology Defendant Use to Conduct Everyday Business, Including Timekeeping, Patient Care, Health Information, Information and Document Management, Communications, Security, and Surveillance 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	4.20
Research and Investigation Re: Post- <i>Duran v. U.S. Bank</i> Trial Manageability Issues, including Research Regarding Which Experts to Retain and For What Purpose	5.20
Investigation of the Impact of COVID-19 Pandemic on Defendant, Its Operations, and Class Members' and Aggrieved Employees' Work	6.10
Research and Analysis of Defendant's Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues	3.60
Meet and Communicate with Plaintiff Latisha Johnson During the Case	39.50
Investigate, Meet, Communicate with, and/or Conduct Interviews of Putative Class Members and Percipient Witnesses	11.20
Pleadings and Court Filings	
Research and Draft Plaintiff's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on January 2, 2020)	3.60
Review Court's Notice of Case Assignment and Notice of Case Management Conference (filed on January 3, 2020)	0.10
Review and Analyze Defendant's Answer to Class Action Complaint for Damages (filed on February 3, 2020) and Legal Research and Analysis of Affirmative Defenses.	0.90

Draft Plaintiff Latisha Johnson's Notice of Posting Jury Fees (filed on February 18, 2020)	0.20
Review Court's Notice of Rescheduled Hearing (filed on May 16, 2020)	0.10
Meet and Confer with Defendant's Counsel, and Draft Stipulation and Protective Order – Confidential Designation Only (filed on August 10, 2020)	1.40
Review Court's Order Granting Stipulation and Protective Order – Confidential Designation Only (filed on August 11, 2020)	0.10
Review Defendant's Case Management Statement (filed on December 28, 2020)	0.20
Draft Plaintiff's Case Management Conference (filed on January 14, 2021)	1.10
Meet and Confer with Defendant's Counsel and Draft Stipulation to Continue Case Management Conference (filed on March 19, 2021)	1.50
Review Court's Order Granting Stipulation to Continue Case Management Conference and Notice of Rescheduled Hearing (filed on March 29, 2021)	0.20
Meet and Confer with Defendant's Counsel and Draft Joint Case Management Statement (filed on August 26, 2021)	0.90
Review Court's Notice of Dismissal (filed on September 15, 2022)	0.10
Research and Draft Plaintiff's 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 (filed on December 22, 2022)	5.50
Review Court's Notice of Case Assignment and Notice of Case Management Conference (filed on December 23, 2022)	0.10
Review and Analyze Defendant's Answer to Class Action Complaint for Damages (filed on February 14, 2023) and Legal Research and Analysis of Affirmative Defenses	0.60
Review Defendant's Case Management Statement (filed on May 18, 2023)	0.20

Meet and Confer with Defendant's Counsel and Draft Joint Case Management Statement (filed on September 8, 2023)	1.20
Meet and Confer with Defendant's Counsel and Draft Case Management Conference Statement (filed on October 27, 2023)	0.90
Meet and Confer with Defendant's Counsel and Draft Joint Stipulation to Continue the Hearing on Plaintiff's Motion for Final Approval and Related Deadlines (filed on February 22, 2024)	2.30
Review Court's Order Granting Joint Stipulation to Continue the Hearing on Plaintiff's Motion for Final Approval and Related Deadlines (filed on March 5, 2024)	0.20
Meet and Confer with Defendant's Counsel and Draft Joint Stipulation to Mail Corrective Class Notices, and Continue the Hearing on Plaintiff's Motion for Final Approval and Related Deadlines; Corrective Class Notice (filed on April 2, 2024)	3.50
Review Court's Order Granting Joint Stipulation to Mail Corrective Class Notices, and Continue the Hearing on Plaintiff's Motion for Final Approval and Related Deadlines (filed on April 4, 2024)	0.20
Draft Notice of Entry of Judgment or Order (filed on April 5, 2024)	0.10
Appearances	
Prepare for and Telephonically Attend Informal Discovery Conference (November 17, 2020)	1.50
Prepare for and Telephonically Attend Case Management Conference Hearing (January 15, 2021)	1.10
Prepare for and Telephonically attend Case Management Conference Hearing (December 17, 2021)	1.20
Prepare for and Telephonically Attend Status Conference (September 15, 2023)	0.50
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (November 3, 2023)	0.50
Discovery and Deposition	
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Latisha Johnson (served on October 11, 2019)	1.90

Draft Follow-Up Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Latisha Johnson(served on November 6, 2019)	2.10
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Latisha Johnson (served on November 8, 2019)	3.50
Draft Plaintiff's Form Interrogatories – General (Set One), Special Interrogatories (Sets One, Two, and Three), and Requests for Production of Documents (Sets One and Two) to Defendant (served on April 24, 2020)	6.10
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for June 3, 2020; Document Retention and Organizational Structure) (served on April 24, 2020)	2.10
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for June 4, 2020; Wage and Hour Practices) (served on April 24, 2020)	2.50
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for June 5, 2020; Affirmative Defenses) (served on April 24, 2020)	2.80
Review Defendant's Form Interrogatories – General (Set One), Form Interrogatories – Employment (Set One), Special Interrogatories (Set One), Request for Admissions (Set One), and Requests for Production of Documents (Set One) to Plaintiff (served on June 10, 2020)	1.10
Review Defendant's Responses and Objections to Plaintiff's Form Interrogatories – General (Set One), Special Interrogatories (Sets One, Two, and Three), and Requests for Production of Documents (Sets One and Two) (served on July 24, 2020)	16.80
Draft Plaintiff's Re-Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for October 27, 2020; Document Retention and Organizational Structure) (served on April 24, 2020)	1.20
Draft Plaintiff's Re-Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for October 28, 2020; Wage and Hour Practices) (served on April 24, 2020)	1.40

Prepare and Draft Plaintiff's Objections and Responses to Defendant's Form Interrogatories – General (Set One), Form Interrogatories – Employment (Set One), Special Interrogatories (Set One), Request for Admissions (Set One), and Requests for Production of Documents (Set One) (served on September 4, 2020)	10.50
Draft Plaintiff's Re-Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for November 24, 2020; Document Retention and Organizational Structure) (served on November 3, 2020)	0.90
Draft Plaintiff's Re-Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for November 25, 2020; Wage and Hour Practices) (served on November 3, 2020)	0.90
Review Defendant's Supplemental Responses and Objections to Plaintiff's Form Interrogatories – General (Set One), Special Interrogatories (Sets One, Two, and Three), and Requests for Production of Documents (Sets One and Two) (served on November 4, 2020)	4.80
Review Defendant's Objections to Plaintiff's Re-Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for November 24, 2020; Document Retention and Organizational Structure) (served on November 19, 2020)	1.30
Review Defendant's Objections to Plaintiff's Re-Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (noticed for November 25, 2020; Wage and Hour Practices) (served on November 19, 2020)	1.80
Prepare for and Take the Deposition of Defendant's Person Most Knowledgeable Designee Gilles Giauffer (Vice President / CFO) (November 24, 2020)	14.50
Letters and Correspondence	
Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Latisha Johnson for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on April 20, 2022)	4.50
Meet with, Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	36.30

Mediation/Settlement	
Review and Analyze Information, Data, and Documents Obtained from Plaintiff, Defendant (in excess of approximately 47,000 pages), and Other Sources Prior to Mediation	68.50
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 May 4, 2017)	49.50
Telephonically Attend Mediation Session (August 4, 2021; Zoom)	12.50
Draft, Review, Revise, Negotiate, and Finalize Memorandum of Understanding Re: Class Action and PAGA Settlement (executed on August 4, 2021)	3.10
Draft, Review, Revise, Negotiate, and Finalize Class Action and PAGA Settlement Agreement (executed on March 6, 2023) and Exhibits	12.50
Review Weekly Reports and Monitor Settlement Notice Administration Process	6.50
Law and Motion	
Review Defendant's Notice and <i>Ex Parte</i> Application of Defendant Americare Health & Retirement, Inc. for Informal Discovery Conference; Declaration of Karyn Moore in Support of <i>Ex Parte</i> Application of Defendant AmeriCare Health & Retirement, Inc. for Informal Discovery Conference (filed on November 16, 2020)	1.50
Research and Draft Plaintiff's Brief in Opposition to Defendant's Notice and <i>Ex Parte</i> Application of Defendant AmeriCare Health & Retirement, Inc. for Informal Discovery Conference (filed on November 16, 2020)	2.50
Research and Draft Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, Declaration of Annabel Blanchard in Support Thereof, Declaration of Latisha Johnson in Support Thereof, and [Proposed] Order Thereon (filed on September 19, 2023)	21.50
Review Defendant's Statement of Non-Opposition to Plaintiff's Motion for Order Granting Preliminary Approval of Class Action Settlement (filed on October 19, 2023)	0.10

Review the Court's Tentative Ruling Granting Plaintiff's Motion for Preliminary Approval of Class Action Settlement (filed on October 30, 2023)	0.20
Review the Court's Order Granting Plaintiff's Motion for Preliminary Approval of Class Action Settlement (filed on October 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; Plaintiff's Motion for Final Approval of Attorneys' Fees, Costs, and Service Award; Declaration of Edwin Aiwarzian in Support Thereof; [Proposed] Order Granting Final Approval of Class Action Settlement and Judgment; and [Proposed] Order Awarding Attorneys' Fees, Costs, and Service Award (filed on June 18, 2024)	25.60
Total Hours:	480.50

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Johnson vs. Americare Health and Retirement, Inc.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
11/6/2019	U.S. Postmaster	Postage	\$8.00
1/3/2020	San Diego Superior Court	Complex Filing Fee	\$1,000.00
1/3/2020	San Diego Superior Court	Complaint Filing Fee	\$435.00
1/3/2020	One Legal	Attorney Service	\$57.31
1/15/2020	Legal Document Server, Inc.	Attorney Service	\$660.00
2/10/2020	One Legal	Attorney Service	\$9.95
2/19/2020	One Legal	Attorney Service	\$14.90
2/19/2020	San Diego Superior Court	Jury Fee	\$150.00
4/24/2020	General Logistics Systems US, Inc.	Courier Service	\$17.51
6/18/2020	General Logistics Systems US, Inc.	Courier Service	\$24.35
6/29/2020	FedEx Express	Courier Service	\$21.60
9/4/2020	General Logistics Systems US, Inc.	Courier Service	\$17.58
11/3/2020	General Logistics Systems US, Inc.	Courier Service	\$17.58
11/13/2020	CourtCall, LLC	Attorney Service	\$94.00
11/17/2020	One Legal	Attorney Service	\$9.95
11/24/2020	Esquire Deposition Solutions, LLC	Videography Service	\$790.00
11/24/2020	Esquire Deposition Solutions, LLC	Court Reporter	\$1,866.20
11/25/2020	Esquire Deposition Solutions, LLC	Cancellation Fee	\$485.00
1/8/2021	CourtCall, LLC	Attorney Service	\$94.00
3/19/2021	General Logistics Systems US, Inc.	Courier Service	\$19.68
3/22/2021	First Mediation Corporation	Mediation Fee	\$8,000.00
4/2/2021	One Legal	Attorney Service	\$12.94
4/2/2021	San Diego Superior Court	Stipulation & Order Fee	\$20.00
9/15/2021	San Diego Superior Court	Document Download Fee	\$2.00
4/20/2022	Labor & Workforce Development Agency	PAGA Filing Fee	\$75.00
4/20/2022	U.S. Postmaster	Postage	\$8.00
9/19/2022	San Diego Superior Court	Document Download Fee	\$2.00
12/23/2022	Legal Document Server, Inc.	Attorney Service	\$111.61
12/23/2022	San Diego Superior Court	Complaint Filing Fee	\$435.00
12/23/2022	San Diego Superior Court	Complex Filing Fee	\$1,000.00
3/20/2023	Legal Document Server, Inc.	Attorney Service	\$14.75
6/2/2023	Legal Document Server, Inc.	Attorney Service	\$14.95
9/7/2023	San Diego Superior Court	Document Download Fee	\$1.00
9/11/2023	Legal Document Server, Inc.	Attorney Service	\$14.95
9/21/2023	Legal Document Server, Inc.	Attorney Service	\$19.12
9/21/2023	San Diego Superior Court	Motion Fee	\$60.00
10/27/2023	One Legal	Attorney Service	\$13.33
12/12/2023	San Diego Superior Court	Document Download Fee	\$8.20
3/7/2024	Legal Document Server, Inc.	Attorney Service	\$16.34

LAWYERS for JUSTICE PC CASE COST DETAIL
Johnson vs. Americare Health and Retirement, Inc.

3/7/2024	San Diego Superior Court	Stipulation & Order Fee	\$20.00
4/4/2024	Legal Document Server, Inc.	Attorney Service	\$16.34
4/4/2024	San Diego Superior Court	Stipulation & Order Fee	\$20.00
4/5/2024	Legal Document Server, Inc.	Attorney Service	\$14.95
Total:			<u>\$15,693.09</u>