

Edwin Aiwarzian (SBN 232943)
Arby Aiwarzian (SBN 269827)
Joanna Ghosh (SBN 272479)
Brian J. St. John (SBN 304112)
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 LOS ANGELES - SPRING STREET COURTHOUSE**

MELISSA GARCIA, 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,

v.

WOLFORD AMERICA, INC., an unknown
business entity; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 21STCV07870

Honorable Elihu M. Berle
Department SSC6

CLASS ACTION

**DECLARATION OF EDWIN AIWAZIAN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT,
CLASS COUNSEL FEES PAYMENT,
CLASS COUNSEL LITIGATION
EXPENSES PAYMENT, AND CLASS
REPRESENTATIVE SERVICE PAYMENT**

[Notice of Motion and Motion for Final
Approval of Class Action and PAGA
Settlement, Class Counsel Fees Payment, Class
Counsel Litigation Expenses Payment, and
Class Representative Service Payment;
Declaration of Class Representative (Melissa
Garcia); Declaration of Settlement
Administrator (Lindsay Kline); and [Proposed]
Final Approval Order and Judgment filed
concurrently herein]

Date: October 30, 2023
Time: 9:00 a.m.
Department: SSC6

Complaint Filed: March 1, 2021
FAC Filed: October 4, 2022
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 Melissa Garcia (“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 May 18, 2023, in Department SSC6 of the above-entitled Court, the Honorable Elihu M. Berle preliminarily approved the Class Action and PAGA Settlement Agreement executed on October 10, 2022 (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff and Defendant Wolford America, Inc. (“Defendant”), and conditionally certified the Class for settlement purposes. The Court preliminarily appointed Plaintiff Melissa Garcia 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 Action Settlement (“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 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, Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment, and Class Representative Service Payment (“Motion for Final Approval”), no Class Members have objected to or requested exclusion from the Settlement or the contemplated request for Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment, Class Representative Service Payment, Administration Expenses Payment, or allocation for the penalties under the Private Attorneys General Act of 2004, California Labor Code section 2698, *et seq.* (“PAGA”).

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 March 1, 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-paid and/or non-exempt employees who worked for 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 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 formal and 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. Class Counsel propounded multiple sets of formal written discovery requests on Defendant (specifically, Form Interrogatories – General (Set One); Requests for Production of Documents (Set One); and Special Interrogatories (Sets One & Two)) and noticed the deposition of Defendant's persons most knowledgeable regarding job duties and organizational structure of Defendant. 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, multiple iterations of Defendant's Employee Handbook, supplements and amendments thereto, company policy acknowledgements, internal memoranda, job descriptions, new hire orientation documents, Defendants' operations and employment practices, forms, procedures, and policies (Staff Exclusive Policy, Electronic Resources Policy, Cell Phone and Handheld Mobile Device Usage policy, Meal and Rest Periods policy, Attendance and Punctuality policy, Dress Code Agreement, and Commissioned Sales Employment Agreement), 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, formal and 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 formal and 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 Aggrieved 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, rounding, regular rate of pay calculations, 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 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 litigation, mediation, and settlement negotiations, the parties exchanged information 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, the evidence produced and analyzed, and the possibility of appeals, among other things. Arriving at a settlement that was acceptable to the parties was not easy. Defendant contended that individualized questions of fact predominate over any common issues, and these issues would pose challenges to class certification and representative adjudication. Defendant and its counsel felt strongly about Defendant's ability to prevail on the merits and obtain a denial of class certification, while, Plaintiff and Class Counsel disagreed with these contentions and believed that they would be able to obtain class certification and prevail at trial. With the aid of the mediator's evaluation, the parties ultimately agreed that the matter was well-suited for settlement given the legal issues relating to Plaintiff's principal claims, factual circumstances, 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. Pursuant to Section 8 of the Settlement Agreement, the Gross Settlement Amount is subject to increase if the Workweeks during the period from March 1, 2017 to March 17, 2022 exceed 2,784. The Settlement Administrator has confirmed that the Workweeks threshold of 2,784 has not been exceeded during the period from March 1, 2017 to March 17, 2022 and the

1 Gross Settlement Amount remains \$375,000.00.

2 10. By way of the accompanying Motion for Final Approval, Class Counsel seeks
3 attorneys' fees in the amount of \$131,250.00, which is thirty-five percent (35%) of the Gross
4 Settlement Amount of \$375,000.00, 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 has shown; (4) the results that Class
10 Counsel has achieved throughout the litigation; (5) the value of the settlement that Class Counsel
11 has achieved in the case; and (6) the other cases that Class Counsel has turned down in order to
12 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 litigation are normally in the range of 33.3% to 50%.

15 12. While not necessarily required to be demonstrated because the percentage fee is
16 proper for this settlement, Class Counsel has incurred many hours of work in connection with
17 prosecuting the case such that the award of attorneys' fees is also justified under a lodestar
18 analysis.. Attorneys at Lawyers for Justice, PC have spent a total of **348.0 hours** performing
19 tasks and obtaining recovery in this matter. Attached hereto as "**EXHIBIT A**" is an Attorney
20 Task and Time Chart that sets forth in detail the nature of the legal services provided by
21 attorneys at Lawyers for Justice, PC and the time incurred in performing those services. These
22 hours include work done by myself and several other attorneys at Lawyers for Justice, PC.
23 Additionally, separate from the hours referenced herein, Lawyers for Justice, PC had litigation
24 support personnel actively engaged in assisting with the prosecution of this matter.

25 13. The work performed in this particular matter, the background of our firm, as well
26 as the individual backgrounds, training, and experience of the attorneys who worked on this case,
27 in litigating complex wage-and-hour actions, and in particular, employment class and
28 representative actions, support a reasonable blended hourly rate of compensation at the rate of

\$725 for work performed by Lawyers for Justice, PC. Lawyers for Justice, PC has been awarded attorneys' fees, compensating the firm at the blended rate of at least \$725 per hour for legal services performed, by courts granting approval of settlements in other wage-and-hour 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 an hourly rate of \$936.47; 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 an hourly rate of \$919.57; final approval of the class action settlement in *Thereasa Carrozzella v. Basalite Concrete Products, LLC* (Sacramento County Superior Court Case No. 34-2017-00220214-CU-OE-GDS) was granted on February 21, 2020, and the award of attorneys' fees involved an hourly rate of \$766.05; final approval of the class and representative action settlement in *Alice Rutledge, et al. v. Healthport Technologies, LLC* (Alameda County Superior Court Case No. RG16835813) was granted on June 11, 2019, and the award of attorneys' fees involved an hourly rate of \$764.82; 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 an hourly rate of \$855.96; final approval of the class and representative action settlement in *Stanley Bland, et al. v. Telecare Corporation* (Alameda County Superior Court Case No. RG16811450) was granted on November 21, 2018, and the award of attorneys' fees involved an hourly rate of \$831.38; final approval of the class and representative action settlement in *Maryjo Ungerbuhler Anderson v. Boyett Petroleum* (Stanislaus County Superior Court Case No. 2020582) was granted on May 15, 2018, and the award of attorney's fees involved an hourly rate of \$780.77; and final approval of the class and representative action settlement in *Demetrius Camarillo v. Blue Diamond Growers* (Sacramento County Superior Court Case No. 34-2015-00175871) was granted on June 30, 2017, and the award of attorneys' fees involved an hourly rate of \$845.64.

///

///

ADEQUACY OF LAWYERS *for* JUSTICE, PC

EDUCATION

14. In May of 2004, I graduated from *Pepperdine University School of Law* with a Juris Doctor degree. I have 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, 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,

1 involving wage-and-hour claims, race discrimination, unfair business practices or consumer
2 fraud. Currently, Lawyers *for* Justice, PC is the attorney of record in well over a dozen
3 employment-related putative class actions in both state and federal courts in the State of
4 California. Lawyers *for* Justice, PC has successfully litigated cases involving the executive,
5 administrative, and other overtime exemptions to the State of California and federal overtime
6 compensation requirements. During this relatively short time, in association with other law
7 firms, Lawyers *for* Justice, PC has recovered millions of dollars on behalf of thousands of
8 individuals in California.

9 ***EXAMPLES OF RESULTS IN WAGE AND HOUR CLASS ACTION AND***
10 ***REPRESENTATIVE ACTION CASES***

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

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

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

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

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

6 e) LFJ, in association with co-counsel therein, represented the plaintiff in a
7 wage-and-hour class and PAGA representative action against a bank, involving allegations of
8 misclassification of the “Assistant Branch Manager” position. On August 27, 2013, the court
9 granted final approval of the class and PAGA representative action settlement. The Kern County
10 Superior Court Case Number is S-1500-CV-273194-LHB.

11 f) LFJ, in association with co-counsel therein, represented the plaintiff in a
12 wage-and-hour class and PAGA representative action against a national wholesale distributor of
13 plumbing and builder supplies, involving allegations of misclassification of multiple salaried
14 “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA
15 representative action settlement. The Sacramento County Superior Court Case Number is 34-
16 2012-00136285.

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

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

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

1 of the salaried residential “Property Manager” position. On September 17, 2015, the court
2 granted plaintiff’s motion for class certification. On October 20, 2017, the court granted final
3 approval of the class and PAGA representative action settlement. The Los Angeles County
4 Superior Court Case Number is BC474784.

5 j) LFJ, in association with co-counsel therein, represented the plaintiffs in a
6 wage-and-hour class and PAGA representative action against a national retailer of upscale
7 hardware and home furnishings, on behalf of non-exempt employees. On April 28, 2016, the
8 court granted final approval of the class and PAGA representative action settlement. The Los
9 Angeles County Superior Court Case Numbers are BC516795 and JCCP4794, and the Judicial
10 Council Coordination Proceeding Number is 4794.

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

15 l) LFJ, in association with co-counsel therein, represented the plaintiffs in a
16 wage-and-hour class action against a national retailer of apparel, accessories, and home products,
17 involving allegations of misclassification of the “Department Manager” position. On August 12,
18 2016, the court granted the plaintiffs’ motion for class certification in part and certified a class.
19 On August 6, 2019, the court granted final approval of the class action settlement. The Alameda
20 County Superior Court Case Number is RG13680477.

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

25 n) LFJ, in association with co-counsel therein, represented the plaintiffs in a
26 wage-and-hour class and PAGA representative action against a full-service bank, on behalf of
27 non-exempt employees. On November 18, 2016, the court granted final approval of the class and
28

1 PAGA representative action settlement. The San Francisco County Superior Court Case Number
2 is CJC-13-004839 and the Judicial Council Coordination Proceeding Number is 4839.

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

7 p) LFJ, on behalf of the plaintiff and respondent in a PAGA representative
8 action, successfully opposed in the trial court, and briefed and argued an appeal with respect to
9 the employer's motion to compel arbitration, which resulted in a published opinion by the
10 California Court of Appeal in favor of employees. *Roberto Betancourt v. Prudential Overall*
11 *Supply* (Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S. Supreme Court
12 Docket No. 17-254). The Riverside County Superior Court Case Numbers are RIC1503952 and
13 RICJCCP5046, and the Judicial Council Coordination Proceeding Number is 5046.

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

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

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

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

6 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
7 representative action against a food company on behalf of non-exempt employees. On June 30,
8 2017, the court granted final approval of the class and PAGA representative action settlement.
9 The Sacramento County Superior Court Case Number is 34-2015-00175871.

10 v) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
11 representative action against a chocolate company on behalf of non-exempt employees. On July
12 19, 2017, the court granted final approval of the class and PAGA representative action
13 settlement. The Alameda County Superior Court Case Number is RG15764300.

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

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

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

28 ///

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

7 aa) LFJ, in association with co-counsel therein, represented the plaintiffs in a
8 wage-and-hour class and PAGA representative action against a global provider of flexible office
9 space solutions. On February 15, 2018, the court granted final approval of the class and PAGA
10 representative action settlement. The Los Angeles County Superior Court Case Number is
11 BC498401.

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

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

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

26 ee) LFJ, in association with co-counsel therein, represents the plaintiff in a
27 wage-and-hour class action against a parking company on behalf of non-exempt employees. On
28 September 3, 2019, the court granted the plaintiff's motion for class certification and certified a

1 class. The Santa Clara County Superior Court Case Number is 16CV292208 and the Judicial
2 Council Coordination Proceeding Number is 4886.

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

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

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

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

26 jj) LFJ, in association with co-counsel therein, represented the plaintiff in a
27 wage-and-hour class and PAGA representative action against a large national drug testing
28 laboratory on behalf of non-exempt employees. On February 21, 2020, the court granted the

plaintiff's motion for class certification and certified a class. On October 28, 2022, the court granted final approval of the class and PAGA representative action settlement. The San Diego County Superior Court Case Number is 37-2018-00019611-CU-OE-CTL.

kk) LFJ, in association with co-counsel therein, represents the plaintiffs in a wage-and-hour class and PAGA representative action against a national retailer of sportswear, footwear, and camping equipment on behalf of non-exempt employees. On March 16, 2020, the 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.

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 \$13,728.14 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.

SERVICE PAYMENT TO PLAINTIFF

21. In recognition of her efforts and work serving as the Class Representative and for her general release of individual claims, the Settlement provides for a Class Representative

1 Service Payment in the amount of \$7,500.00 to Plaintiff. The requested Service Payment is fair
2 and appropriate. Plaintiff spent a substantial amount of time and effort in producing relevant
3 documents and information and provided the facts and evidence necessary to attempt to prove
4 the allegations. Plaintiff was available whenever Class Counsel needed her and actively tried to
5 obtain information that would facilitate the pursuit of the class and PAGA claims. Plaintiff spent
6 numerous hours speaking with Class Counsel about her claims, describing her work experience
7 with Defendant, and gathering and reviewing documents. Accordingly, it is appropriate for
8 Plaintiff to receive \$7,500.00 as a reasonable Service Payment in addition to her individual
9 settlement payments under the Settlement.

10 22. I submit that the Settlement is fair, reasonable, and adequate. In addition, the
11 Settlement is in the best interests of Plaintiff, Class Members, the State of California, and
12 Aggrieved Employees.

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 13th day of July 2023, at Glendale, California.

16
17 

18 Edwin Aiwasian
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

MELISSA GARCIA V. WOLFORD AMERICA INC.
Los Angeles County Superior Court Case No. 21STCV07870

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	9.70
Pre-Lawsuit Investigation of the Merits of Plaintiff Melissa Garcia (“Plaintiff”) Claims and the Merits of the Claims of the Putative Class Members	8.30
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendant Welford America, Inc. (“Defendant”) with Respect to Plaintiff and the Putative Class Members	7.10
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	7.20
Investigation of Defendant, Defendant’s Business Relationships, and the Industry in which Defendant Operates	3.40
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	2.70

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	3.80
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	4.10
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	4.50
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	4.90
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, Meal and Rest Breaks, On-Premises Breaks, Meal/Rest Premiums, Overtime Compensation, Use of Personal Cell Phones, and Reimbursement of Business-Related Expenses	20.50
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	3.30

of Business Relating to Overtime Worked, Off-the-Clock Time Worked Pre/Post-Shift, Rounding, the Regular Rate of Pay, and Time Worked During Meal Breaks	
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	6.90
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
Research and Investigation of Impact of COVID-19 Pandemic on Defendant, Its Operations, and Putative Class Members' and Aggrieved Employees' Work	4.40
Meet and Communicate with Plaintiff Francisco Chavez Throughout the Pendency of the Case	35.80
Investigate, Meet and Communicate with, and/or Conduct Interviews of Putative Class Members and Percipient Witnesses	11.50
Pleadings and Court Filings	
Draft Plaintiff's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on March 1, 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 22, 2021)	0.20
Draft Plaintiff's Initial Status Conference Statement (filed on April 27, 2021)	1.50
Review Court's Minute Order Re: Initial Status Conference (filed on May 4, 2021)	0.10
Draft Notice of Ruling Re: Initial Status Conference (filed on May 5, 2021)	0.20
Review Defendant's Initial Status Conference Statement (served on June 28, 2021)	0.20

Draft Plaintiff's Updated Case Management Conference Statement (filed on June 28, 2021)	0.40
Review Defendant's Notice of Posting Jury Fees (served on July 2, 2021)	0.10
Review Court's Minute Order Re: Initial Status Conference (filed on July 6, 2021)	0.10
Review Defendant's Notice of Appearance (served on July 6, 2021)	0.10
Meet and Confer with Defendant's Counsel, and Draft [Proposed] Order Authorizing Electronic Service (filed on July 8, 2021)	1.30
Draft Notice of Ruling (filed on July 12, 2021)	0.20
Review Court's Order Authorizing Electronic Service (filed on July 15, 2021)	0.10
Review and Analyze Defendant Welford America Inc.'s Answer to Plaintiff Melissa Garcia's Class Action Complaint and Research Affirmative Defenses (served on August 6, 2021)	3.50
Meet and Confer with Defendant's Counsel, and Draft Joint Status Conference Statement (filed on September 9, 2021)	1.20
Review Court's Minute Order Re: Status Conference (filed on October 5, 2021)	0.10
Review Defendant's Notice of Ruling Regarding Status Conference on October 5, 2021 (served on October 6, 2021)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Status Report and Notice of Settlement (filed on May 3, 2022)	1.60
Review Court's Minute Order Re: Post-Mediation Status Conference (filed on May 11, 2022)	0.10
Draft Plaintiff's Notice Re: May 11, 2022 Post-Mediation Status Conference (filed on May 11, 2022)	0.30

Research and Draft Plaintiff's First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code section 2698, <i>Et Seq.</i> (filed on October 4, 2023); Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation and [Proposed] Order Granting Plaintiff Leave to File First Amended Complaint (filed on September 29, 2022)	3.90
Review Court's Order Granting Plaintiff Leave to File First Amended Complaint (filed on October 3, 2022)	0.10
Review and Analyze Defendant Welford America Inc.'s Answer to Plaintiff Melissa Garcia's First Amended Class Action Complaint (served on November 3, 2022)	1.20
Review Defendant's Substitution of Attorney (served on May 15, 2023)	0.10
Appearances	
Prepare for and Remotely Attend Initial Status Conference (May 4, 2021)	0.50
Prepare for and Remotely Attend Initial Status Conference (July 6, 2021)	1.0
Prepare for and Telephonically Attend Status Conference (October 5, 2021)	1.10
Prepare for and Telephonically Attend Post-Mediation Status Conference (May 11, 2022)	0.60
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Settlement (September 30, 2022)	0.80
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Settlement (December 8, 2022)	2.80
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Settlement (May 9, 2023)	1.50

Prepare for Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Litigation Costs, and Incentive Award (September 14, 2023) (Anticipated)	1.50
Discovery and Deposition	
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Melissa Garcia (served on November 18, 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 Melissa Garcia (served on December 31, 2020)	2.30
Draft Plaintiff's Form Interrogatories - General (Set One), Special Interrogatories (Set One) Special Interrogatories (Set Two), and Requests for Production of Documents (Set One) to Defendant (served on July 19, 2021)	7.30
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (August 25, 2021; Organizational Structure) (served on July 19, 2021)	2.90
Draft Plaintiff Sweat's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (August 26, 2021; Job Duties) (served on July 19, 2021)	3.40
Letters and Correspondence	
Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Melissa Garcia for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on May 9, 2022)	4.50
Meet with, Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	20.50
Mediation/Settlement	
Review and Analyze Information, Data, and Documents Obtained from Defendant (served on March 17, 2022 and April 20, 2022), Plaintiff, and Other Sources Prior to Mediation	23.70

• Employee Handbook, Employment and Operations Policies, Practices, and Procedures Documents, and Training Materials • Time Data Sampling • Pay Data Sampling	
Prepare for Mediation, Including Researching Settlement-Related Issues and Merits of Claims, Drafting the Mediation Brief (submitted on April 21, 2022), Compiling the Mediation Exhibits in Support of Mediation Brief, and Performing Damages and Penalties Analysis and Calculations	18.10
Telephonically Attend Mediation Session (April 28, 2022; Zoom Video Conference)	15.50
Draft, Review, Revise, Negotiate, and Finalize Memorandum of Understanding (executed on April 29, 2022)	1.30
Draft, Review, Revise, Negotiate, and Finalize Class Action and PAGA Settlement Agreement and Court Approved Notice of Class Action Settlement and Date for Final Court Approval (executed on October 10, 2022)	19.50
Coordinate Settlement Administration with Settlement Administrator, Ongoing Monitoring of Settlement Administration, Review Weekly Reports, and Respond to Inquiries	5.50
Law and Motion	
Review Court's Minute Order Re: Hearing on Motion for Preliminary Approval (filed on September 30, 2022)	0.10
Research and Draft Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action and PAGA Settlement; Memorandum of Points and Authorities, Declaration of Brian J. St. John in Support Thereof, Declaration of Melissa Garcia in Support Thereof, and [Proposed] Order Thereon (filed on October 14, 2022)	17.60

Review Court's Minute Order Re: Motion for Preliminary Approval of Settlement (filed on December 8, 2022)	0.10
Draft Supplemental Declaration of Brian J. St. John in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement (filed on December 8, 2022)	1.50
Draft Notice of December 8, 2022 Hearing on Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement (filed on December 9, 2022)	0.40
Review Court's Notice Re: Continuance of Hearing and Order (filed on January 23, 2023)	0.10
Review Court's Minute Order Re: Motion for Preliminary Approval of Settlement (filed on May 9, 2023)	0.10
Draft Notice of May 9, 2023 Preliminary Approval Hearing (filed on May 12, 2022)	0.20
Draft [Revised Proposed] Order Granting Preliminary Approval of Class Action and PAGA Settlement (submitted on May 16, 2023)	0.30
Review Court's Order Granting Preliminary Approval of Class Action and PAGA Settlement (filed on May 18, 2023)	0.20
Draft Notice of Entry of Judgment or Order (filed on May 25, 2023)	0.10
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, Costs, and Class Representative Service Payment, and Declaration of Edwin Aiwasian in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on July 13, 2023) (Anticipated)	18.50
Total Hours:	348.00

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Garcia v. Wolford America, Inc.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
11/17/2020	U.S. Postmaster	Postage	6.95
3/1/2021	Legal Document Server, Inc.	Attorney Service	180.23
3/1/2021	Los Angeles Superior Court	Complaint Filing Fee	435.00
3/1/2021	Los Angeles Superior Court	Complex Filing Fee	1,000.00
4/2/2021	Legal Document Server, Inc.	Attorney Service	115.25
4/16/2021	Legal Document Server, Inc.	Attorney Service	112.25
4/23/2021	Legal Document Server, Inc.	Attorney Service	210.25
4/23/2021	Los Angeles Superior Court	Jury Fee	150.00
4/27/2021	Legal Document Server, Inc.	Attorney Service	410.00
4/27/2021	General Logistics Systems US, Inc.	Courier Service	21.65
5/5/2021	Legal Document Server, Inc.	Attorney Service	65.00
5/5/2021	Legal Document Server, Inc.	Attorney Service	110.00
6/28/2021	General Logistics Systems US, Inc.	Courier Service	29.61
6/28/2021	Legal Document Server, Inc.	Attorney Service	175.00
7/9/2021	Legal Document Server, Inc.	Attorney Service	175.00
7/11/2021	Los Angeles Superior Court	Remote Hearing Fee	15.00
7/13/2021	Legal Document Server, Inc.	Attorney Service	175.00
8/19/2021	First Mediation Corporation	Mediation Fee	9,000.00
10/4/2021	Case Anywhere LLC	Attorney Service	144.00
1/4/2022	Case Anywhere LLC	Attorney Service	120.00
4/8/2022	Case Anywhere LLC	Attorney Service	120.00
5/4/2022	Legal Document Server, Inc.	Attorney Service	15.20
5/11/2022	Legal Document Server, Inc.	Attorney Service	15.20
7/5/2022	Case Anywhere LLC	Attorney Service	132.00
9/30/2022	Legal Document Server, Inc.	Attorney Service	17.30
9/30/2022	Los Angeles Superior Court	Stipulation Fee	20.00
10/5/2022	Case Anywhere LLC	Attorney Service	126.00
10/5/2022	Legal Document Server, Inc.	Attorney Service	15.95
10/14/2022	Legal Document Server, Inc.	Attorney Service	35.95
10/14/2022	Los Angeles Superior Court	Motion Fee	60.00
12/9/2022	Legal Document Server, Inc.	Attorney Service	15.95
12/12/2022	Legal Document Server, Inc.	Attorney Service	15.95
1/5/2023	Case Anywhere LLC	Attorney Service	180.00
4/15/2023	Case Anywhere LLC	Attorney Service	120.00
5/11/2023	Los Angeles Superior Court	Document Download Fee	2.00
5/15/2023	Legal Document Server, Inc.	Attorney Service	16.15
5/17/2023	Legal Document Server, Inc.	Attorney Service	16.15
5/26/2023	Legal Document Server, Inc.	Attorney Service	16.15
7/2/2023	Case Anywhere LLC	Attorney Service	138.00
Total:			13,728.14