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Attorneys for Plaintiff and the Class

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

QUENTIN COSTEIU; 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.

INTERTEK TESTING SERVICES, an
unknown business entity; INTERTEK USA
INC., an unknown business entity; and DOES
1 through 100, inclusive,

Defendants.

Case No.: 34-2016-00189662

Honorable Christopher E. Krueger
Department 54

CLASS ACTION

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

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees, Costs, and Service Award;
Declaration of Class Representative (Quentin
Costeu); Declaration of Settlement
Administrator (Lindsay Kline); and
[Proposed] Final Approval Order and
Judgment filed concurrently herewith]

Date: July 15, 2019
Time: 9:00 a.m.
Department: 54

Complaint Filed: January 26, 2016
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 Quentin Costeiu ("Plaintiff"). The facts set forth in this declaration are within my personal knowledge or based on information and belief, and, if called as a witness, I could and would competently testify as follows.

PRELIMINARY APPROVAL OF SETTLEMENT

2. On March 27, 2019, in Department 54 of the above-entitled Court, the Honorable Christopher E. Krueger issued the Order Granting Preliminary Approval of Class Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the Class Action and PAGA Settlement Agreement ("Settlement Agreement," "Settlement," or "Agreement"), and conditionally certifying the Class for settlement purposes. The Court also preliminarily appointed and designated Lawyers *for* Justice, PC as Class Counsel, Plaintiff Quentin Costeiu as Class Representative, and Simpluris, Inc. ("Simpluris") to serve as Settlement Administrator for handling the notice and settlement administration process. The Court preliminarily approved and ordered the mailing of the Notice of Settlement of Class Action and Settlement Hearing ("Class Notice") to the Class Members. The Court adopted the notice, opt-out, and objection procedures, and ordered their implementation.

3. As of the date of filing the accompanying Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Award ("Motion for Final Approval"), no Class Members have objected to the Settlement or the request for attorneys' fees, reimbursement of litigation costs and expenses, Service Award, Settlement Administration Costs, or the allocation toward penalties under the Private Attorneys General Act of 2004, California Labor Code section 2698, *et seq.* ("PAGA").

WORK PERFORMED BY CLASS COUNSEL

4. I have been actively engaged in this litigation since the lawsuit was commenced on January 26, 2016, as have several other attorneys and members in our firm.

1 5. Before initiating this lawsuit, Lawyers for Justice, PC investigated and researched
2 the facts and circumstances underlying the pertinent factual and legal issues and applicable law.
3 This required thorough discussions and interviews between attorneys at our firm and Plaintiff,
4 and research into the various legal issues involved in the case, namely, the current state of the
5 law as it applied to off-the-clock theory, meal and rest periods, representative PAGA claims,
6 wage-and-hour enforcement, Plaintiff's claims, and potential defenses. After conducting initial
7 investigation, our firm determined that Plaintiff's claims were well-suited for class-wide and
8 representative adjudication owing to what appeared to be a common course of conduct affecting
9 a similarly-situated group of current and former hourly-paid or non-exempt employees who
10 worked for Defendants Intertek USA, Inc. and Intertek Testing Services N.A., Inc. (together,
11 "Defendants") within the State of California, who were not properly compensated for, *inter alia*,
12 all hours worked, non-compliant meal and rest periods, and business expenses.

13 6. Class Counsel used the pre-mediation time period to investigate the veracity,
14 strength, and scope of the claims, and also to prepare the matter for class certification and trial.
15 The parties actively litigated this case, conducted extensive formal and informal discovery and
16 investigation into the facts of the case, and also informally exchanged information and data in
17 preparation for mediation. Class Counsel propounded multiple sets of written discovery requests
18 in various forms, reviewed Defendants' responses thereto, and served multiple deposition
19 notices. Class Counsel worked with Plaintiff Quentin Costeiu to prepare initial disclosures while
20 the action was pending in Federal Court and provide responses to requests for production of
21 documents that were propounded by Defendants. Class Counsel also prepared for and took two
22 (2) depositions of Defendants' Person Most Knowledgeable witnesses and defended the
23 deposition of Plaintiff Quentin Costeiu. Class Counsel interviewed and obtained information
24 from Plaintiff and other Class Members, including and not limited to the names of potential
25 witnesses, and reviewed and analyzed thousands of pages of documents and data produced by
26 Defendants and obtained through other sources. The documents and data reviewed and analyzed
27 by Class Counsel included, and were not limited to, Plaintiff's employment records, a detailed
28 sampling of Class Members' time and pay data, Defendants' Employee Handbook, agreements

(including, but not limited to, Six-Hour Meal Period Waiver and Second Meal Period Waiver), acknowledgements (including, but not limited to, Defendants' Acknowledgement of Receipt of Employee Handbook and Acknowledgement of Meal and Rest Period Policy), internal memoranda, forms, job descriptions, and Defendants' operations and employment practices, procedures, and policies (including, but not limited to, Defendants' Meal and Rest Period Policy), among other information and documents. Class Counsel also engaged in motion practice regarding jurisdiction, the pleadings, and trial, researched applicable law, developed damages/valuation models in preparation for mediation, and prepared for and attended court proceedings, mediation, and settlement negotiations. Counsel for the parties also met and conferred on numerous occasions, e.g., to discuss issues relating to jurisdiction, the pleadings, motion practice, discovery, and production of documents and data prior to mediation.

7. As outlined herein, the parties have conducted significant investigation and during the course of this litigation. Class Counsel analyzed thousands of pages of documents and data either produced by Defendants or obtained by Class Counsel through other sources. These documents and data provided a critical understanding of the nature of the work performed by the Class Members, as well as Defendants' operations and employment policies, practices, and procedures, and were used in analyzing liability, certification, and damages issues in connection with all phases of the litigation, and ultimately with mediation and the settlement negotiation process.

8. After conducting extensive informal and formal discovery and investigation into the facts of the case, counsel for the parties engaged in extensive settlement negotiations to try to resolve the matter. These efforts included participating in a formal, full-day mediation conducted by Louis M. Marlin, 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. Prior to and during mediation, the parties exchanged documents, information and data, and discussed various 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 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. Defendants and their counsel felt very strongly about Defendants' 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. After conducting significant formal and informal discovery and investigations, extensive settlement negotiations, and with the aid of the mediator's evaluation, the parties agreed that this 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 were unsuitable for class treatment and/or representative adjudication, and failure to obtain certification, class de-certification after certification of a class, allowing a jury to decide the claims asserted in the case, appeals, and the real possibility of no recovery after years of litigation.

9. As set forth more fully in the accompanying Motion for Final Approval, Class Counsel seeks attorneys' fees in the amount of \$385,000, which is thirty-five percent (35%) of the Gross Settlement Amount of \$1,100,000, and \$24,559.38 for reimbursement of litigation costs and expenses. Pursuant to the contingency-fee agreement entered into by and between Plaintiff and Class Counsel, Plaintiff has agreed to a contingency fee of thirty-five percent (35%) of the recovery. The attorneys' fees sought are commensurate with: (1) the risk that Class Counsel took in commencing this case; (2) the time, effort, and expense that Class Counsel dedicated to the case; (3) the skill and determination that Class Counsel has shown; (4) the results that Class Counsel has achieved throughout the litigation; (5) the value of the settlement that Class Counsel has achieved for the Class Members; and (6) the other cases that Class Counsel has turned down in order to devote its time and efforts to this matter.

10. I am aware that the common and acceptable rate for contingency representation in wage and hour class action litigation is normally 40% before trial, with the range being from 33.3% up to 50%.

11. While not necessarily required to be demonstrated because the percentage fee that is sought is proper for this settlement, Class Counsel has incurred many hours of work in connection with this matter such that the request for an award of attorneys' fees is also justified under a simple lodestar analysis. Class Counsel has spent a considerable number of hours litigating this action and has spent a total of **779.20 hours** performing tasks on behalf of Plaintiff and Class Members. Attached hereto as "**EXHIBIT A**" is an Attorney Task and Time Chart that sets forth in detail the breakdown of time for the tasks performed by Class Counsel. These hours include work done by myself and several of the firm's other members. We also had litigation support personnel actively engaged in assisting with the prosecution of this case.

12. The work performed in this particular case, the background of our firm, as well as the individual backgrounds, training, and experience of the attorneys who worked on this matter, in litigating complex wage-and-hour class and representative actions, support a reasonable hourly rate of compensation at the rate of at least \$500 for work performed by Class Counsel. Lawyers for Justice, PC has been awarded attorneys' fees, compensating the firm at the rate of at least \$500 per hour for legal services performed, by courts granting final approval in other cases: final approval of the class and representative action settlement in *Seth Swan v. Pace Supply* (Sonoma County Superior Court Case No. SCV258764) was granted on February 6, 2019, and the award of attorneys' fees involved a higher 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 a higher hourly rate of \$831.38; final approval of the class and representative action settlement in *Luis Carlos Deluna v. Amerit Fleet Solutions, Inc., et al.* (San Bernardino County Superior Court Case No. CIVDS1721564) was granted on October 19, 2018, and the award of attorneys' fees involved a higher hourly rate of \$671.72; final approval of the class and representative action settlement in *Patrick Sinay, et al. v. Essendant Co., et al.* (Los Angeles County Superior Court Case No. BC651043) was granted on September 28, 2018, and the award of attorneys' fees involved a higher hourly rate of \$624.81; final approval of the class and representative action settlement in *Samuel Guerra, et al. v. Graphic Packaging*

1 *International, Inc.* (Sacramento County Superior Court Case No. 34-2016-00203789) was
2 granted on June 5, 2018, and the award of attorneys' fees involved a higher hourly rate of \$600;
3 final approval of the class and representative action settlement in *Maryjo Ungerbuhler Anderson*
4 *v. Boyett Petroleum* (Stanislaus County Superior Court Case No. 2020582) was granted on May
5 15, 2018, and the award of attorney's fees involved a higher hourly rate of \$780.77; final
6 approval of the class and representative action settlement in *Renee Rivera, et al. v. Farmers and*
7 *Merchants Bank of Long Beach* (Los Angeles County Superior Court Case No. BC569646) was
8 granted on December 11, 2017, and the award of attorneys' fees involved a higher hourly rate of
9 \$629.96; final approval of the class and representative action settlement in *Demetrius Camarillo*
10 *v. Blue Diamond Growers* (Sacramento County Superior Court Case No. 34-2015-00175871)
11 was granted on June 30, 2017, and the award of attorneys' fees involved a higher hourly rate of
12 \$845.64; final approval of the class and representative action settlement in *Mark Aceves v.*
13 *Cambro Manufacturing Company* (Orange County Superior Court Case No. 30-2015-00810013-
14 CU-OE-CXC) was granted on April 14, 2017; final approval of the class and representative
15 action settlement in *East West Bank Wage and Hour Cases* (San Francisco County Superior
16 Court Case No. CJC-13-004839) was granted on November 18, 2016; approval of the Private
17 Attorneys General Act settlement in *Tatiana Kemp v. The Irvine Company Apartment*
18 *Communities, Inc.* (Orange County Superior Court Case No. 30-2015-00775439) was granted on
19 November 4, 2016; final approval of the class and representative action settlement in *Erick*
20 *Guzman, et al. v. Banana Republic, LLC* (Los Angeles County Superior Court Case No.
21 BC488069) was granted on August 5, 2016; final approval of the class and representative action
22 settlement in *Restoration Hardware Wage & Hour Cases* (Los Angeles County Superior Court
23 Case No. JCCP4794) was granted on April 28, 2016; and final approval of the class and
24 representative action settlement in *Kevin Coonce v. Ferguson Enterprises, Inc.* (Sacramento
25 County Superior Court Case No. 34-2021-00136285) was granted on May 22, 2014, and the
26 award of attorneys' fees involved a higher hourly rate of \$625.

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ADEQUACY OF LAWYERS for JUSTICE, PC

EDUCATION

13. 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

14. 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

15. 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 *Girardi & Keese*.

16. At *Girardi & Keese*, 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 *Girardi & Keese*, I argued approximately 100 motions, took or defended approximately 150 depositions, and prepared dozens of expert witnesses for deposition or trial.

17. Since its inception, in or around October of 2008, our firm has almost exclusively focused on the prosecution of consumer and employment class actions, involving wage-and-hour claims, race discrimination, unfair business practices or consumer fraud. Currently, we are the

attorneys of record in over a dozen employment-related putative class actions in both state and federal courts in the State of California. Our firm has successfully litigated cases involving, among other things, the executive, administrative, and other overtime exemptions to the State of California and federal overtime compensation requirements. During this relatively short time, in association with other law firms, we have recovered millions of dollars on behalf of thousands of individuals in California.

EXAMPLES OF CLASS ACTION RESULTS

18. What follows are just a few examples of the type of results we have achieved on behalf of our clients:

a) Our firm represented the plaintiffs in a wage-and-hour class and representative 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 and representative action settlement. The Los Angeles County Superior Court Case Number is BC400414.

b) Our firm 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) Our firm 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) Our firm represented the plaintiffs in a wage-and-hour class action 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.

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1 e) Our firm represented the plaintiffs in a wage-and-hour class and
2 representative action against a bank, involving allegations of misclassification of the "Assistant
3 Branch Manager" position. On August 27, 2013, the court granted final approval of the class
4 and representative action settlement. The Kern County Superior Court Case Number is S-1500-
5 CV-273194-LHB.

6 f) Our firm represented the plaintiffs in a wage-and-hour class and
7 representative action against a national wholesale distributor of plumbing and builder supplies,
8 involving allegations of misclassification of multiple salaried "manager" positions. On May 22,
9 2014, the court granted final approval of the class and representative action settlement. The
10 Sacramento County Superior Court Case Number is 34-2012-00136285.

11 g) Our firm represented the plaintiff in a wage-and-hour class action
12 involving allegations of misclassification of the "Operations Manager" position. On September
13 16, 2014, the court granted plaintiff's motion for class certification. The Los Angeles County
14 Superior Court Case Number is BC478769.

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

20 i) Our firm represented the plaintiff in a wage-and-hour class action
21 involving allegations of misclassification of the salaried residential "Property Manager" position.
22 On September 17, 2015, the court granted plaintiff's motion for class certification. The Los
23 Angeles County Superior Court Case Number is BC474784.

24 j) Our firm, in association with co-counsel, represented the plaintiffs in a
25 wage-and-hour class and representative action against a national retailer of upscale hardware and
26 home furnishings, on behalf of non-exempt employees. On April 28, 2016, the court granted
27 final approval of the class and representative action settlement. The Los Angeles County
28 Superior Court Case Number is JCCP4794.

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

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

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

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

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

25 p) Our firm, in association with co-counsel, represented the plaintiffs in a
26 wage-and-hour class and representative action against a manufacturer of food service industry
27 supplies on behalf of non-exempt employees. On April 14, 2017, the court granted final approval
28 of the class and representative action settlement. The Orange County Superior Court Case

1 Number is 30-2015-00810013-CU-OE-CXC.

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

6 r) Our firm represented the plaintiff in a wage-and-hour class and
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 representative action settlement. The
9 Sacramento County Superior Court Case Number is 34-2015-00175871.

10 s) Our firm represented the plaintiffs in a wage-and-hour class and
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 representative action settlement. The
13 Alameda County Superior Court Case Number is RG15764300.

14 t) Our firm, in association with co-counsel, represented the plaintiffs in a
15 wage-and-hour class and representative action against a property management company on
16 behalf of hourly-paid and non-exempt employees. On January 4, 2018, the court granted final
17 approval of the class and representative action settlement. The Los Angeles County Superior
18 Court Case Number is JCCP4819.

19 u) Our firm, in association with co-counsel, represented the plaintiffs in a
20 wage-and-hour class and representative action against a company that operates business centers.
21 On February 15, 2018, the court granted final approval of the class and representative action
22 settlement. The Los Angeles County Superior Court Case Number is BC498401.

23 v) Our firm, in association with co-counsel, represented the plaintiff in a
24 wage-and-hour class action against a container manufacturer, on behalf of non-exempt
25 employees. On October 15, 2018, the court granted the plaintiff's motion for class certification.
26 The Tulare County Superior Court Case Number is VCU264528.

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1 w) Our firm represented the plaintiff in a representative action under the
2 Private Attorneys General Act, against a global provider of products and services to the energy
3 industry, on behalf of hourly-paid and non-exempt employees. On November 19, 2018, the
4 Court granted approval of the settlement. The Kern County Superior Court Case Number is S-
5 1500-CV-280215-SDC.

6 **LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL**

7 19. Lawyers for Justice, PC has incurred \$24,559.38 in litigation costs and expenses
8 as reflected in "EXHIBIT B" attached hereto. These expenses were reasonable and necessary in
9 the prosecution of this case. It should be noted that Class Counsel has borne all of the risks and
10 costs of litigation and will not receive any compensation until recovery is obtained by Plaintiff
11 and Settlement Class Members.

12 **SERVICE AWARD TO PLAINTIFF**

13 20. In recognition of his efforts and work serving as Class Representative, the
14 Settlement provides for a Service Award in the amount of \$8,000 to Plaintiff Quentin Costeiu.
15 The requested Service Award is fair and appropriate. Plaintiff spent a substantial amount of time
16 and effort in producing relevant documents and past employment records and provided the facts
17 and evidence necessary to attempt to prove the allegations, including and not limited to, by way
18 of appearing for a full-day deposition and working with Class Counsel to provide initial
19 disclosures and responses to requests for production of documents that were propounded by
20 Defendants. Plaintiff was available whenever Class Counsel needed him and actively tried to
21 obtain information that would benefit the Class. Plaintiff spent numerous hours speaking with
22 Class Counsel about his claims, describing his work experiences with Defendants, and gathering
23 and reviewing documents. Accordingly, it is appropriate for Plaintiff to receive a reasonable
24 Service Award in the amount of \$8,000, in addition to his Class Member Payment, for his
25 services on behalf of the Class.

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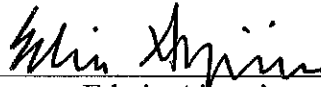
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1 21. I submit that the Settlement is fair, reasonable, and adequate. In addition, the
2 Settlement is in the best interests of Plaintiff and the Class.

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

5 Executed this 20th day of June 2019, at Glendale, California.

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Edwin Aiwazian

EXHIBIT A

COSTEIU V. INTERTEK TESTING SERVICES, ET AL.
(SACRAMENTO COUNTY SUPERIOR COURT CASE NO. 34-2016-00189662)
(UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA CASE NO. 16-CV-00583-JAM-AC)
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	24	
Pre-Lawsuit Investigation of the Merits of Plaintiff Quentin Costeiu ("Plaintiff") Claims and the Merits of the Claims of the Putative Class Members	16.50	
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendants Intertek Testing Services and Intertek USA, Inc. (collectively, "Defendants") with Respect to the Damages Sustained by Plaintiff and the Putative Class Members	18	
Pre-Lawsuit Legal Research and Analysis of Latest Off-the-Clock, Meal and Rest Break, Representative PAGA, and Certification Decisions in California, Including all New Relevant DLSE Materials	13.75	
Investigation of Defendants, Defendants' Business Relationships, and the Industry in which Defendants Operate	7.50	
Investigation of Defendants' Organizational and Corporate Structure, and Executive Reporting Structure as It Relates to the Employment and Management of the Putative Class Members	6	
Investigation of Defendants' Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues and Establishing Willfulness and Uniformity	6.25	

Analysis of Competitors in Various Relevant Geographic Areas within which Defendants Operate, and Comparing and Contrasting Defendants' Policies, Practices, and Procedures with the Policies, Practices, and Procedures of Defendants' Competitors	5.75
Research and Investigation Re: Locations Owned, Managed, or Operated by Defendants in California During the Class Period, Including Differences Between the Various Locations to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	9.25
Comparative Analysis and Cross-Checking of All Available Job Postings by Defendants 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	11.50
Research and Investigation Re: Staffing Models and Staffing Levels at Defendants' Locations Worked by Putative Class Members Throughout California	9.50
Research and Investigation Re: Defendants' Policies, Practices, and Procedures Relating to Pay, Timekeeping, Meal/Rest Breaks, Overtime Compensation, and Reimbursement of Business-Related Expenses	20
Research and Investigation Re: Various Software Programs Defendants Use to Conduct Their Everyday Business, Including Timekeeping Software, 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	4.25
Research and Analysis of Potential Defenses Defendants May Raise, Including <i>De Minimis</i> Work, Non-Compensable Off-the-Clock Work, Waiver, and Compliant Policies	5.75
Research and Investigation Re: Post-Duran vs. U.S. Bank Trial Manageability Issues, including Research Regarding Which Experts to Retain and For What Purpose	8.25
Research and Analysis of Defendants' Litigation History Involving Wage-and-Hour Issues and Other Related Employment Issues	5.50

Review and Analysis of Defendants' Written Policies, Practices, and Procedures and Related Documents Regarding Timekeeping, Compensation, Scheduling, and Wage-and-Hour Compliance	11.75
Prepare a Discovery Strategy Plan of Action, Including Topics of Inquiry Important to Certification, Liability, and Damages/Civil Penalties	6.75
Meet and Communicate with Plaintiff Quentin Costeiu Throughout the Pendency of the Case	27.50
Meet and Communicate with Putative Class Members	13
Pleadings and Court Filings	
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 January 26, 2016)	13.50
Review Court's Notice of Case Management Conference and Order to Appear (filed on January 27, 2016)	0.10
Review and Analyze Defendants' Answer to Plaintiff's Unverified Class Action Complaint and Research Affirmative Defenses in Defendants' Answer (filed on March 18, 2016)	5.50
Review Defendants' Notice to Adverse Party and the Superior Court of Filing Removal of Civil Action to the United States District Court, Eastern District (filed on March 21, 2016)	0.10
Review and Analyze Defendants' Notice of Removal of Civil Action to the United States District Court, Declaration of Kristi West in Support Thereof, and Request for Judicial Notice (filed in Federal Court on March 21, 2016)	6.25
Review Civil Cover Sheet and Corporate Disclosure Statement (filed in Federal Court on March 21, 2016)	0.10
Review Court's Order Requiring Joint Status Report, Notice of Availability of Magistrate Judge, Order Re Filing Requirements, and Notice of VDRP Availability (filed in Federal Court on March 21, 2016)	0.25

Review Defendants' Declination of Magistrate Judge Jurisdiction (filed in Federal Court on March 29, 2016)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Rule 26(F) Status Report (filed in Federal Court on May 20, 2016)	6.75
Review Court's Minute Order Regarding Status Report (filed in Federal Court on May 23, 2016)	0.10
Review Defendants' Notice of Unavailability of Counsel (filed in Federal Court on May 24, 2016)	0.10
Review Defendants' Notice of Appearance (filed in Federal Court on June 1, 2016)	0.25
Draft Notice of Appearance (filed in Federal Court on June 14, 2016)	0.50
Meet and Confer with Defendants' Counsel, and Draft Stipulated Protective Order (revised on July 18, 2016)	2
Review Defendants' Case Management Statement (filed on August 4, 2016)	0.25
Draft Plaintiff's Case Management Conference Statement (filed on August 4, 2016)	1
Review Court's Tentative Order Regarding Case Management Conference (filed on August 11, 2016)	0.10
Review Court's Notice of Hearing Regarding Trial Assignment and Notice of Hearing Regarding Settlement Conference (filed on June 23, 2017)	0.10
Meet and Confer with Defendants' Counsel, and Draft Joint Notice of Class Action Settlement (filed on September 18, 2017)	1.50
Meet and Confer with Defendants' Counsel, and Draft Joint Stipulation to Vacate or Continue the Currently Scheduled Civil Settlement Conference and Jury Trial; and [Proposed] Order Thereon (submitted on September 18, 2017)	2.50

Draft Plaintiff's Notice of Withdrawal of Plaintiff's Motion to Vacate or Continue Trial Date and all Trial-Related Dates and Deadlines (filed on October 12, 2017)	0.50
Draft Plaintiff's Notice of Entry of Judgment or Order Regarding Preliminary Approval Order (filed State on March 28, 2019)	0.25
Appearances	
Prepare for, Travel to/from, and Attend Hearing on Plaintiff's Motion to Remand and Motion to Strike (June 14, 2016)	9.75
Prepare for and Attend Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement via CourtCall (March 27, 2019)	1.50
Prepare for, Travel to/from, and Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Award (July 15, 2019) (Anticipated)	7
Discovery and Deposition	
Draft Letter to Defendants Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Quentin Costeiu (served on September 21, 2015)	1.50
Review and Analyze Documents Produced by Defendants in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Quentin Costeiu (served on October 7, 2015)	1
Draft Plaintiff's Interrogatories (Set One), Interrogatories (Set Two), Requests for Admission (Set One), Requests for Production of Documents (Set One), and Requests for Production of Documents (Set Two) to Defendant Intertek Testing Services N.A., Inc. (served on April 27, 2016)	15.50
Draft Plaintiff's Interrogatories (Set One), Interrogatories (Set Two), Requests for Admission (Set One), Requests for Production of Documents (Set One), and Requests for Production of Documents (Set Two) to Defendant Intertek Testing USA, Inc. (served on April 27, 2016)	9.25

Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant Intertek Testing Services N.A., Inc. and Requests for Production of Documents (May 30, 2016; Organizational Structure) (served on April 27, 2016)	6.50
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant Intertek Testing Services N.A., Inc. and Requests for Production of Documents (May 31, 2016; Job Duties) (served on April 27, 2016)	7.75
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant Intertek Testing USA, Inc. and Requests for Production of Documents (June 1, 2016; Organizational Structure) (served on April 27, 2016)	4
Draft Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant Intertek Testing USA, Inc. and Requests for Production of Documents (June 2, 2016; Job Duties) (served on April 27, 2016)	4.50
Review and Analyze Defendants' Notice of Deposition of Plaintiff Quentin Costeiu (served on April 27, 2016)	0.25
Review and Analyze Defendants' Requests for Production of Documents (Set One) to Plaintiff Quentin Costeiu (served on April 27, 2016)	4.75
Review and Analyze Defendants' Initial Disclosures (served on May 18, 2016)	1
Draft Plaintiff's Initial Disclosures and Produce Documents (served on May 18, 2016)	8.50
Draft Plaintiff's Objections to Defendants' Notice of Deposition of Plaintiff (served on May 26, 2016)	1.25
Draft Plaintiff's Responses to Defendants' Requests for Production of Documents (Set One) to Plaintiff (served on June 3, 2016)	14

Review and Analyze Defendant Intertek Testing Services, Inc.'s Response to Plaintiff's Interrogatories (Set One), Response to Plaintiff's Interrogatories (Set Two), Responses and Objections to Plaintiff's Requests for Admission (Set One), Responses and Objections to Plaintiff's Requests for Production of Documents (Set One), and Responses and Objections to Plaintiff's Requests for Production of Documents (Set Two) (served on June 7, 2016)	19
Review and Analyze Defendant Intertek Testing USA, Inc.'s Responses and Objections to Plaintiff's Interrogatories (Set One), Response to Plaintiff's Interrogatories (Set Two), Responses and Objections to Plaintiff's Requests for Admission (Set One), Responses and Objections to Plaintiff's Requests for Production of Documents (Set One), and Responses and Objections to Plaintiff's Requests for Production of Documents (Set Two) (served on June 7, 2016)	13
Review and Analyze Defendant Intertek Testing Services, Inc.'s Response to Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (Organizational Structure) (served on June 7, 2016)	4
Review and Analyze Defendant Intertek Testing Services, Inc.'s Response to Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (Job Duties) (served on June 7, 2016)	5.75
Review and Analyze Defendant Intertek Testing USA, Inc.'s Response to Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (Organizational Structure) (served on June 7, 2016)	3.50
Review and Analyze Defendant Intertek Testing USA, Inc.'s Response to Plaintiff's Notice of Deposition of Person Most Knowledgeable at Defendant and Requests for Production of Documents (Job Duties) (served on June 7, 2016)	5.50
Draft Plaintiff's Request for Production of Documents (Set Two) to Defendant Intertek Testing Services NA, Inc. (served on June 10, 2016)	4

Draft Plaintiff's Request for Production of Documents (Set Two) to Defendant Intertek Testing USA, Inc. (served on June 10, 2016)	2.50
Review and Analyze Documents Produced by Defendants (D-QAC-000001-000662) (served on June 27, 2016)	11
Review and Analyze Defendants' Notice of Deposition of Plaintiff Quentin Costeiu (served on June 29, 2016)	0.25
Review and Analyze Documents Produced by Defendants (D-QAC-000663-000861) (served on July 18, 2016)	3.50
Draft Plaintiff's Re-Notice of Deposition of Person Most Knowledgeable at Defendant Intertek Testing USA, Inc. and Requests for Production of Documents (August 4, 2016; Organizational Structure) (served on July 21, 2016)	1.50
Prepare for, Travel to/from, and Defend the Deposition of Plaintiff Quentin Costeiu (July 21, 2016; Sacramento, California)	17
Review Transcript from Deposition of Plaintiff Quentin Costeiu	4
Review and Analyze Documents Produced by Defendants (D-QAC-000862-000922) (served on August 1, 2016)	0.75
Prepare for, Travel to/from, and Defend the Deposition of Person Most Knowledgeable Kristi West (August 4, 2016; Sacramento, California) and Review Deposition Transcript	16.50
Review Transcript from Deposition of Defendants' Person Most Knowledgeable Kristi West	4.75
Prepare for, Travel to/from, and Defend the Deposition of Person Most Knowledgeable Heather Schuerman (September 15, 2016; Houston, Texas) and Review Deposition Transcript	17.50

Review Transcript from Deposition of Defendants' Person Most Knowledgeable Heather Schuerman	3.75
Letters and Correspondence	
Draft PAGA Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Quentin Costeiu for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on December 23, 2015)	2.75
Meet with Defendants' Counsel, and Draft Correspondence to, and Respond to Correspondence from, Defendants' Counsel	28.50
Mediation/Settlement	
Review and Analyze Mediation Data and Documents Produced by Defendants • Employee Handbooks and Policies • Sampling of Employee Time Data • Sampling of Employee Pay Data	25.25
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 Analysis/Calculations (submitted on September 27, 2016)	28.50
Travel to/from and Attend Mediation Session (September 29, 2016; Los Angeles, California)	10.25
Draft, Review, Revise, Negotiate, and Finalize Class Action and PAGA Settlement Agreement (executed on October 18, 2018) and Draft Exhibits	21.25
Coordinate Settlement Administration with Settlement Administrator, Ongoing Monitoring of Settlement Administration, and Respond to Class Inquiries	6

Law and Motion	
Draft Plaintiff's Notice of Motion and Motion to Strike Portions of Defendants' Answer to Plaintiff's Unverified Complaint; Memorandum of Points and Authorities in Support Thereof; Declaration of Edwin Aiwazian in Support Thereof, and [Proposed] Order (filed in Federal Court on April 8, 2016)	18.50
Review Court's Minute Order Regarding Motion to Strike (filed in Federal Court on April 11, 2016)	0.10
Draft Plaintiff's Notice of Motion and Motion to Remand Pursuant to 28 U.S.C. § 1447; Memorandum of Points and Authorities in Support Thereof; Declaration of Ashley H. Cruz in Support Thereof, and [Proposed] Order (filed in Federal Court on April 21, 2016)	33
Review Court's Minute Order Regarding Motion to Remand (filed in Federal Court on April 21, 2016)	0.10
Review and Analyze Defendants' Opposition to Plaintiff's Motion to Strike Portions of Defendants' Answer (filed in Federal Court on May 31, 2016)	4.50
Review and Analyze Defendants' Opposition to Plaintiff's Motion to Remand (filed in Federal Court on May 31, 2016)	5.50
Draft Plaintiff's Reply in Support of Plaintiff's Motion to Strike Portions of Defendants' Answer (filed in Federal Court on May 31, 2016)	5.25
Draft Plaintiff's Reply in Support of Plaintiff's Motion to Remand (filed in Federal Court on June 7, 2016)	6.75
Review Court's Minute Order Regarding Motion to Strike and Motion to Remand (filed in Federal Court on June 14, 2016)	0.10
Draft Plaintiff's [Proposed] Order Granting Motion to Remand and Denying Plaintiff's Motion to Strike as Moot (filed in Federal Court on June 23, 2016)	1.50
Review Court's Order Remanding Case (filed on June 27, 2016)	0.10

Draft Plaintiff's Notice of Unopposed Motion and Unopposed Motion to Vacate or Continue Trial Date and all Trial-Related Dates and Deadlines, Declaration of Joanna Ghosh in Support Thereof, and [Proposed] Order Thereon (filed on October 11, 2017)	9
Research and Draft Plaintiff's Notice of Motion and Motion Preliminary Approval of Class Action Settlement, Declaration of Edwin Aiwarzian in Support Thereof, Declaration of Quentin Costeu in Support Thereof, and [Proposed] Order (filed on March 5, 2019)	29.75
Review Court's Minute Order and Order Granting Preliminary Approval of Class Action Settlement (filed on March 27, 2019)	0.25
Review and Analyze Settlement Administrator's Declaration Regarding Settlement Notice Administration; and Research and Draft Plaintiff's Motion for Final Approval of Class Settlement, Attorneys' Fees, Costs, and Service Award, and Declaration of Edwin Aiwarzian in Support Thereof, and Revise [Proposed] Final Approval Order and Judgment (filed on June 20, 2019)	34
Total Hours:	779.20

EXHIBIT B

LAWYERS for JUSTICE, PC CASE COST DETAIL
Costeiu vs. Intertek Testing Services, et al.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
09/21/15	U. S. Postmaster	Postage	6.74
12/23/15	U. S. Postmaster	Postage	13.70
01/26/16	Sacramento Superior Court	Filing Fee	435.00
01/26/16	ProLegal	Attorney Service	167.20
02/18/16	ProLegal	Attorney Service	386.25
04/07/16	FedEx Express	Courier Service	26.11
04/20/16	ProLegal	Attorney Service	104.95
04/21/16	Golden State Overnight	Courier Service	23.01
05/11/16	Golden State Overnight	Courier Service	16.50
05/16/16	FedEx Express	Courier Service	26.24
05/23/16	Golden State Overnight	Courier Service	16.50
05/26/16	Golden State Overnight	Courier Service	44.22
06/03/16	U. S. Postmaster	Postage	8.49
06/10/16	U. S. Postmaster	Postage	5.34
06/22/16	Golden State Overnight	Courier Service	11.22
06/28/16	Jill Parker	Travel Reimbursement	592.17
07/21/16	U.S. Legal Support	Court Reporter	1,455.95
07/21/16	Arby Alwazian	Travel Reimbursement	1,550.30
07/21/16	U. S. Postmaster	Postage	4.71
08/04/16	ProLegal	Attorney Service	159.95
08/11/16	CourtCall, LLC	Attorney Service	86.00
08/16/16	Esquire Deposition Solutions, LLC	Court Reporter	2,225.15
08/16/16	Esquire Deposition Solutions, LLC	Court Reporter	1,807.95
08/19/16	D. Elliot Gonzalez	Travel Reimbursement	496.47
08/22/16	Quentin Costeiu	Travel Reimbursement	121.14
08/22/16	Golden State Overnight	Courier Service	16.50
09/07/16	Jams, Inc.	Mediation	4,200.00
09/20/16	D. Elliot Gonzalez	Travel Reimbursement	575.96
09/22/16	Jams, Inc.	Mediation	3,500.00
09/23/16	Golden State Overnight	Courier Service	17.21
09/28/16	Esquire Deposition Solutions, LLC	Court Reporter	1,271.05
09/29/16	Esquire Deposition Solutions, LLC	Court Reporter	1,249.95
11/15/16	Maryam Jafari	Travel Reimbursement	208.83
09/18/17	ProLegal	Attorney Service	118.25
10/10/17	Golden State Overnight	Courier Service	44.83
10/11/17	Sacramento Superior Court	Filing Fee	60.00
10/11/17	ProLegal	Attorney Service	120.95
09/28/18	Golden State Overnight	Courier Service	17.10
10/03/18	FedEx Express	Courier Service	30.73
03/05/19	ProLegal	Attorney Service	177.20
03/05/19	Sacramento Superior Court	Filing Fee	60.00
03/22/19	CourtCall, LLC	Attorney Service	94.00
03/28/19	ProLegal	Attorney Service	116.20
03/28/19	Sacramento Superior Court	Document Download Fee	9.80

LAWYERS *for* JUSTICE, PC CASE COST DETAIL
Costeiu vs. Intertek Testing Services, et al.

05/10/19	Golden State Overnight	Courier Service	29.36
06/20/19	Sacramento Superior Court	Filing Fee	60.00
06/20/19	ProLegal	Attorney Service	177.20
	LFJ (In-House)	Photocopies (17,420 @ \$0.15 per page)	<u>2,613.00</u>
		Total:	24,559.38