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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES—SPRING STREET COURTHOUSE**

KEITH PENDER, individually, and on
behalf of other members of the general
public similarly situated and other aggrieved
employees pursuant to the California Private
Attorneys General Act,

Plaintiff,

v.

CONGREGATIONAL HOMES, INC., an
unknown business entity; and DOES 1
through 100, inclusive,

Defendant.

Case No.: 21STCV29229

Honorable William F. Highberger
Department SSC10

CLASS ACTION

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

[Notice of Motion and Motion for Final
Approval of Class Action Settlement, Class
Counsel Fees Payment, Class Counsel
Litigation Expenses Payment, and Class
Representative Enhancement Payment;
Declaration of Class Representative (Keith
Pender); Declaration of Settlement
Administrator (Yami Burns); and [Proposed]
Final Approval Order and Judgment filed
concurrently herewith]

Date: December 1, 2023
Time: 10:00 a.m.
Department: SSC10

Complaint Filed: August 9, 2021
FAC Filed: April 19, 2023
Trial Date: None Set

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

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 Keith Pender (“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 July 27, 2023, in Department SSC10 of the above-entitled Court, the Honorable William F. Highberger entered the Order Granting Preliminary Approval of Class Action Settlement (“Preliminary Approval Order”) preliminarily approving the settlement memorialized in the Joint Stipulation of Class Action and PAGA Settlement and Release of Claims (“Settlement,” “Agreement,” or “Settlement Agreement”) entered into between Plaintiff and Defendant Congregational Homes, Inc. (together with Plaintiff, the “Parties”), and conditionally certified the Class for settlement purposes. The Court also preliminarily appointed Plaintiff Keith Pender to represent the Class (“Class Representative”), and preliminarily appointed and designated Lawyers *for* Justice, PC as counsel for the Class (“Class Counsel”). The Court also 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 Phoenix Settlement Administrators. (“Phoenix” 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 Enhancement Payment (“Motion for Final Approval”), no Class Members have objected to the Settlement or the contemplated request for Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment, Class Representative Enhancement Payment, Settlement Administrator 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 been actively engaged in litigating this matter since prior to the commencement of the above-captioned action, which was filed on August 9, 2021.

5. Before initiating the case, Lawyers *for* Justice, PC investigated and researched the facts and circumstances underlying the pertinent factual and legal issues and applicable law. This required thorough discussions and interviews between attorneys at our firm and Plaintiff, and research into the various legal issues involved in the case, namely, the current state of the law as it applied to class certification, off-the-clock theory, meal and rest periods, regular rate, rounding, wage-and-hour enforcement, the claims of Plaintiff, and potential defenses. After conducting an 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 individuals who are current and former 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 action for class certification and trial, prior to reaching the Settlement. Class Counsel conducted significant investigation and informal discovery regarding the facts of the case, including and not limited to, the exchange, review, and analysis of a large volume of information, documents, and data obtained from Plaintiff, Defendant, and other sources. The information, data, and documents that Class Counsel reviewed and analyzed included and was not limited to: Plaintiff’s employment records, a detailed sampling of Class Members’ time and pay data, Defendant’s Employee Handbooks operations and employment policies, practices, and procedures documents, among other information and documents. Class Counsel interviewed Plaintiff and other percipient witnesses to gather information regarding the facts and circumstances surrounding Plaintiff’s and putative class members’ employment and to analyze and assess class certification-related and trial-related issues. Counsel for the Parties also met and

1 conferred on numerous occasions, e.g., to discuss issues relating to the pleadings, case
2 management, the production of information, documents, and data in the course of litigation and
3 mediation and settlement negotiations, and mediation and settlement negotiations. Class
4 Counsel also drafted pleadings and the mediation brief and prepared for and attended court
5 proceedings, mediation, and settlement negotiations, among other tasks.

6 7. As outlined herein, the Parties have conducted significant formal and informal
7 discovery and investigation during the course of litigating the case and mediation and settlement
8 negotiations. Class Counsel analyzed a large volume of information, documents, and data
9 obtained from Plaintiff, Defendant, and other sources. The information, documents, and data
10 provided a critical understanding of the nature of the work performed by the Class Members and
11 PAGA Group Members, as well as Defendant's operations and employment policies, practices,
12 and procedures, and were used in analyzing liability, damages, and penalties valuation issues in
13 connection with all phases of the litigation, and ultimately in connection with the mediation and
14 settlement negotiation process. Class Counsel also performed significant research into the
15 applicable law, which is evolving as it relates to class certification, representative PAGA claims,
16 off-the-clock theory, meal and rest periods, regular rate, rounding, wage-and-hour law and
17 enforcement, Plaintiff's claims and damages, and Defendant's defenses thereto, as well as facts
18 discovered.

19 8. After conducting significant investigation of the facts and law during the
20 prosecution of the case, counsel for the Parties engaged in extensive settlement negotiations to
21 try to resolve the case. These efforts included participating in a formal, full-day mediation
22 conducted by Lynn Frank, Esq., a well-respected mediator experienced in mediating complex
23 labor and employment matters. During all settlement discussions, the Parties conducted their
24 negotiations at arm's length in an adversarial position. In the course of litigation and mediation
25 and settlement discussions, the Parties exchanged extensive information and considered all
26 aspects of the case, including but not limited to, the risks and delays of further litigation, the
27 risks to the Parties of proceeding with class certification and/or representative adjudication, the
28 law relating to off-the-clock theory, meal and rest periods, regular rate, rounding, PAGA

1 representative actions, and wage-and-hour law and enforcement, as well as the evidence
2 produced and analyzed, and the possibility of appeals, among other things. Arriving at a
3 settlement that was acceptable to the Parties was not easy. Defendant contended that
4 individualized questions of fact predominate over any common issues, and these issues would
5 pose challenges to class certification and representative adjudication. Defendant and its counsel
6 felt very strongly about Defendant's ability to prevail on the merits and to obtain a denial of
7 class certification, while Plaintiff and Class Counsel disagreed with these contentions and
8 believed that they would be able to obtain class certification and would prevail at trial. With the
9 aid of the mediator's evaluation, the Parties agreed that the matter was well-suited for settlement
10 given the legal issues relating to Plaintiff's principal claims, as well as the costs and risks to the
11 Parties that would attend further litigation. These risks of further litigation include, and are not
12 limited to, a determination that the claims are unsuitable for class treatment and/or
13 representative adjudication, class de-certification after certification of a class, allowing a jury to
14 decide the claims asserted in the case, and the real possibility of no recovery after years of
15 litigation.

16 9. By way of the accompanying Motion for Final Approval, Class Counsel seeks
17 attorneys' fees in the amount of \$584,933.33, which is one-third (1/3) of the Maximum
18 Settlement Amount of \$1,754,800.00, although the Settlement provides for attorneys' fees of up
19 to thirty-five percent (35%). Pursuant to the contingency-fee agreement entered into by and
20 between Plaintiff and Class Counsel, Plaintiff has agreed to a contingency fee of at least one-
21 third (1/3) of the recovery. The attorneys' fees sought are commensurate with: (1) the risk that
22 Class Counsel took in commencing the case; (2) the time, effort, and expense that Class Counsel
23 dedicated to the case; (3) the skill and determination that Class Counsel has shown; (4) the
24 results that Class Counsel has achieved in the case; (5) the value of the settlement that Class
25 Counsel has achieved; and (6) the other cases that Class Counsel has turned down in order to
26 devote its time and efforts to this matter. The nature of the work performed, skill exercised, and
27 the outcome in this matter—which involves an outstanding monetary recovery involving a
28 Maximum Settlement Amount of \$1,754,800.00, Net Settlement Amount of no less than

1 \$1,003,096.44 to be paid to Participating Class Members (with an average gross payment of no
2 less than approximately \$1,304.42 per Participating Class Member), payment of \$32,500.00 to
3 PAGA Group Members (with an average payment of approximately \$42.04 per PAGA Group
4 Member), and payment of \$97,500.00 to the State of California—support both the application of
5 a lodestar multiplier and the percentage fee requested.

6 10. I am aware that common and acceptable rates for contingency representation in
7 wage-and-hour class action and representative action litigation are normally in the range of
8 33.3% to 50%.

9 11. While not necessarily required to be demonstrated because the percentage fee is
10 proper for this settlement, Class Counsel has incurred many hours of work in connection with
11 prosecuting the case such that the award of attorneys' fees is also justified under a lodestar
12 analysis with a multiplier of 1.20. Attorneys at Lawyers for Justice, PC have spent a total of
13 **577.20 hours** performing tasks and obtaining recovery in the case. Attached hereto as
14 **"EXHIBIT A"** is an Attorney Task and Time Chart that sets forth in detail the nature of the legal
15 services provided by attorneys at Lawyers for Justice, PC and the time incurred in performing
16 those services. These hours include work done by myself and several other attorneys at Lawyers
17 for Justice, PC. Additionally, separate from the hours referenced herein, Lawyers for Justice, PC
18 had litigation support personnel actively engaged in assisting with the prosecution of this matter.

19 12. The work performed in this particular matter, the background of Lawyers for
20 Justice, PC, as well as the individual backgrounds, training, and experience of the attorneys who
21 worked on this matter, in litigating complex wage-and-hour actions, and in particular,
22 employment class and representative actions, support a reasonable blended hourly rate of
23 compensation at the blended rate of at least \$850 for work performed by Lawyers for Justice, PC.
24 Lawyers for Justice, PC has been awarded attorneys' fees, compensating the firm at the blended
25 rate of at least \$850 per hour for legal services performed, by courts granting approval of
26 settlements in other wage-and-hour cases: final approval of the class and representative action
27 settlement in *David Dugan v. TEC Equipment, Inc., et al.* (Los Angeles Superior Court Case No.
28 19STCV01591) was granted on July 8, 2021, and the award of attorneys' fees involved

1 compensation at the rate of \$936.47 per hour; final approval of the class and representative
2 action settlement in *Larry Greenwood, et al. v. Scan Health Plan* (Los Angeles Superior Court
3 Case No. BC715157) was granted on April 20, 2021, and the award of attorneys' fees involved
4 compensation at the rate of \$919.57 per hour; and final approval of the class and representative
5 action settlement in *Seth Swan v. Pace Supply Corp.* (Sonoma County Superior Court Case No.
6 SCV258764) was granted on February 6, 2019, and the award of attorneys' fees involved
7 compensation at the rate of \$855.96 per hour.

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

9 ***EDUCATION***

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

18 ***JUDICIAL EXTERNSHIPS***

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

24 ***LITIGATION AND CLASS ACTION EXPERIENCE***

25 15. In December of 2004, I obtained a license to practice law from the California
26 State Bar.

27 16. For over a decade, Lawyers *for* Justice, PC has almost exclusively focused on the
28 prosecution of consumer and employment class and representative actions, involving wage-and-

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

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

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

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

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

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

d) LFJ, in association with co-counsel therein, represented the plaintiffs in a wage-and-hour class action against a national retailer involving allegations of misclassification

1 of the “Store Manager” position. On June 10, 2011, the court granted plaintiffs’ motion for class
2 certification. On August 26, 2013, the court granted final approval of the class action settlement.
3 The Los Angeles County Superior Court Case Number is BC424012.

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

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

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

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

25 i) LFJ, in association with co-counsel therein, represented the plaintiff in a
26 wage-and-hour class and PAGA representative action involving allegations of misclassification
27 of the salaried residential “Property Manager” position. On September 17, 2015, the court
28 granted plaintiff’s motion for class certification. On October 20, 2017, the court granted final

1 approval of the class and PAGA representative action settlement. The Los Angeles County
2 Superior Court Case Number is BC474784.

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

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

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

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

23 n) LFJ, in association with co-counsel therein, represented the plaintiffs in a
24 wage-and-hour class and PAGA representative action against a full-service bank, on behalf of
25 non-exempt employees. On November 18, 2016, the court granted final approval of the class and
26 PAGA representative action settlement. The San Francisco County Superior Court Case Number
27 is CJC-13-004839 and the Judicial Council Coordination Proceeding Number is 4839.
28

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

5 p) LFJ, on behalf of the plaintiff and respondent in a PAGA representative
6 action, successfully opposed in the trial court, and briefed and argued an appeal with respect to
7 the employer's motion to compel arbitration, which resulted in a published opinion by the
8 California Court of Appeal in favor of employees. *Roberto Betancourt v. Prudential Overall*
9 *Supply* (Cal. App. 4th Dist., Mar. 7, 2017) 9 Cal.App.5th 439, review denied, cert. denied (U.S.
10 Supreme Court Docket No. 17-254). The Riverside County Superior Court Case Numbers are
11 RIC1503952 and RICJCCP5046, and the Judicial Council Coordination Proceeding Number is
12 5046.

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

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

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

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

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

27 ee) LFJ, in association with co-counsel therein, represents the plaintiff in a
28 wage-and-hour class action against a parking company on behalf of non-exempt employees. On

September 3, 2019, the court granted the plaintiff's motion for class certification and certified a class. The Santa Clara County Superior Court Case Number is 16CV292208 and the Judicial Council Coordination Proceeding Number is 4886.

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

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

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

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

jj) LFJ, in association with co-counsel therein, represented the plaintiff in a wage-and-hour class and PAGA representative action against a large national drug testing

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.

nn) LFJ represents the plaintiffs in a wage-and-hour class action against a manufacturer and distributor of commercial dish and glass cleaning machines and supplies for the restaurant and hospitality industries, on behalf of hourly-paid or non-exempt employees. On July 13, 2023, the court granted the plaintiffs' motion for class certification and certified a class. The Los Angeles County Superior Court Case Number is BC707670.

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LITIGATION COSTS AND EXPENSES INCURRED BY CLASS COUNSEL

18. To date, Lawyers for Justice, PC has borne all of the risks and costs of litigation and will not receive any compensation until recovery is obtained in the above-captioned action. Lawyers for Justice, PC seeks reimbursement of **\$12,770.23** in litigation costs and expenses incurred in this matter, as reflected in “**EXHIBIT B**” attached hereto. These expenses were reasonable and necessary in the prosecution of this matter and to obtain the Settlement.

CLASS REPRESENTATIVE ENHANCEMENT PAYMENT TO PLAINTIFF

19. In recognition of his efforts and work serving as the Class Representative, the Settlement provides for a Class Representative Enhancement Payment in the amount of \$10,000.00 to Plaintiff Keith Pender. The requested Enhancement Payment is fair and appropriate. Plaintiff spent a substantial amount of time and effort in producing relevant documents and information and provided the facts and evidence necessary to attempt to prove the allegations. Plaintiff was available whenever Class Counsel needed him and actively tried to obtain and provide information that would facilitate the pursuit of the class and PAGA claims. Plaintiff spent numerous hours speaking with Class Counsel about his claims, describing his work experience with Defendant, and gathering and reviewing documents. Accordingly, it is appropriate for Plaintiff Keith Pender to receive \$10,000.00 as a reasonable Class Representative Enhancement Payment, in addition to his individual settlement payment.

20. I submit that the Settlement is fair, reasonable, and adequate. In addition, the Settlement is in the best interests of Plaintiff, Class Members, the State of California, and PAGA Group Members.

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

Executed this 6th day of November 2023, at Glendale, California.



Edwin Aiwanian

EXHIBIT A

KEITH PENDER V. CONGREGATIONAL HOMES, INC.
(Los Angeles County Superior Court Case No. 21STCV29229)

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	14.50
Pre-Lawsuit Investigation of the Merits of Plaintiff Keith Pender’s (“Plaintiff”) Claims and the Merits of the Claims of the Putative Class Members	11.50
Pre-Lawsuit Investigation of Potential Damages Exposure of Defendant Congregational Homes, Inc. (“Defendant”) with Respect to the Damages Sustained by Plaintiff and the Putative Class Members	9.50
Pre-Notice Investigation of the Merits of the Private Attorneys General Act (“PAGA”) Claim on Behalf of the State of California with Respect to Plaintiff and the Aggrieved Employees	8.20
Pre-Notice Investigation of Potential Civil Penalties Exposure of Defendant with Respect to the Employment of Plaintiff and the Aggrieved Employees	7.90
Legal Research and Analysis of Latest Decisions Regarding Off-the-Clock, Meal and Rest Break, Wage Orders, Representative PAGA, and Class Certification Decisions in California, Including all New and Relevant Enforcement Guidance and Division of Labor Standard Enforcement (DLSE) Materials	8.10
Investigation of Defendant, Defendant’s Business Relationships, and the Industry in which Defendant Operates	3.50

Investigation of Defendant's Licenses and Registrations and Investigation/Citation/Violations Report(s) By Government Entities (Including, <i>Inter Alia</i> , the California Department of Public Health and Similar Regulatory Agencies)	4.80
Investigation of Defendant's Organizational, Corporate, and Executive Reporting Structure as They Relate to the Employment and Management of the Putative Class Members and Aggrieved Employees	3.70
Investigation of Defendant's Financial Circumstances, Including, <i>Inter Alia</i> , Donor Restricted Funds, State Restricted Funds, and Progressive Facility Arrangements	5.80
Investigation Regarding Defendant's Executives, Officers, and Leadership with a Focus on Involvement in Wage-and-Hour Issues to Evaluate Willfulness and Uniformity, and Research and Analysis of Defendant's Past and Recent Litigation History Involving Labor, Wage-and-Hour, and Other Related Employment Issues	3.90
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	4.30
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 (e.g. Medical, Hospitality, Residential, Facilities/Maintenance, Security, Administrative, Etc.), Including Differences Between Them to Determine Whether Those Differences Will Cause Individual Issues to Predominate Over Common Issues	10.40
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	6.80

Research and Investigation Re: Workforce, Staffing Models, and Staffing Levels at Locations at Which Putative Class Members and Aggrieved Employees Worked Throughout California	6.30
Research and Investigation Re: Defendant's Written and Non-Written Policies, Practices, and Procedures Relating to Reporting Time, Scheduling, Timekeeping, Pre-Shift Meetings, Reports and Charting, Pass Downs, Rounding, Meal/Rest Breaks, On-Premises Breaks, On-Duty Meal Agreements, Meal/Rest Premiums, Non-Discretionary Bonus/Incentive/Shift Differential Pay, Regular Rate Calculation, Overtime Compensation, Emergencies, Health and Safety, Donning and Doffing, Dress Code, Footwear, Supplies/PPE, Tools/Equipment, Use of Personal Cell Phones, and Reimbursement of Business-Related Expenses	25.50
Research and Investigation Re: Software Programs, Systems, and Other Technology Defendant Uses to Conduct Its Everyday Business, Including Timekeeping, Payroll, Client/Customer Relations Management, Project Management, Maintenance, Communication, Document and Information Sharing, Surveillance, and Security Systems, with a Focus on What Documents (Both Paper and Electronic) Are Created in the Normal Course of Business Relating to Overtime Worked, Off-the-Clock Time Worked Pre/Post Shift, and During Meal Breaks	5.40
Research and Analysis of Potential Defenses Defendant May Raise, Including <i>De Minimis</i> Work, Non-Compensable Off-the-Clock Work, Waiver, and Compliant Policies	8.50
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	5.80
Research and Preliminarily Outline Issues Important to Class Certification and Trial Manageability	38.50
Research and Investigation on the Impact of COVID-19 Pandemic on Defendant, Its Operations, and Putative Class Members' and Aggrieved Employees' Work	9.50
Meet and Communicate with Plaintiff Keith Pender Throughout the Pendency of the Case	41.50

Investigate Putative Class Members, Aggrieved Employees, and/or Percipient Witnesses	12.50
Meet, Communicate with, and/or Conduct Interviews of Putative Class Members and/or Percipient Witnesses Regarding Class Certification Issues, e.g., Commonality and Manageability of Trial	15.50
Meet, Communicate with, and/or Conduct Interviews of Putative Class Members, Aggrieved Employees, and/or Percipient Witnesses Regarding Liability	13.50
Meet, Communicate with, and/or Conduct Interviews of Putative Class Members, Aggrieved Employees, and/or Percipient Witnesses Regarding Violation Rates and Damages and Penalties Exposure	11.50
Pleadings and Court Filings	
Research and Draft Plaintiff's Class Action Complaint for Damages and Legal Research and Analysis of All Claims Involved (filed on August 9, 2021)	7.80
Review Court's Notice of Case Assignment (filed on August 9, 2021)	0.10
Review Court's Initial Status Conference Order (Complex Litigation) (filed on August 23, 2021)	0.20
Review Court's Minute Order Re: Court Order Re: Newly Assigned Case (filed on August 23, 2021)	0.10
Draft Plaintiff's Peremptory Challenge to Judicial Officer (filed on August 26, 2021)	0.30
Review Court's Minute Order Re: Court Order Re: Peremptory Challenge to Judicial Officer (filed on August 27, 2021)	0.10
Review Court's Minute Order Re: Court Order Re: Case Reassignment (filed on September 16, 2021)	0.10
Draft Plaintiff's Notice of Posting Jury Fees (filed on December 1, 2021)	0.20
Review Defendant's Notice of Appearance (filed on December 8, 2021)	0.10

Review Court's Minute Order Re: Court Order (filed on January 26, 2022)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation to Continue the Initial Status Conference, and [Proposed] Order Thereon (filed on February 9, 2022)	1.70
Review Court's Order Granting Joint Stipulation to Continue the Initial Status Conference (filed on March 4, 2022)	0.10
Review Defendant's Notice of Change of Address (filed on June 8, 2022)	0.10
Meet and Confer with Defendant's Counsel, and Draft Joint Notice of Settlement (filed on September 12, 2022)	0.90
Review Court's Notice of Continued Non-Appearance Case Review (posted on February 28, 2023)	0.10
Review Court's Minute Order Re: Continuance of Non-Appearance Case Review (filed on March 1, 2023)	0.10
Research and Draft Plaintiff's First Amended Class Action Complaint for Damages & Enforcement Under the Private Attorneys General Act, California Labor Code §2698, Et. Seq. and Legal Research and Analysis of All Claims Involved (filed on April 19, 2023); Meet and Confer with Defendant's Counsel, and Draft Joint Stipulation Granting Plaintiff Leave to File First Amended Complaint; [Proposed] Order Thereon (filed on April 11, 2023)	5.30
Review Court's Order Granting Joint Stipulation for Plaintiff Leave to File First Amended Complaint (filed on April 13, 2023)	0.10
Review and Analyze Defendant's Answer to Plaintiff's First Amended Complaint and Research Affirmative Defenses in Defendant's Answer (served on April 5, 2023)	1.90

Appearances	
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Preliminary Approval of Class Action Settlement (July 27, 2023)	1.10
Prepare for and Telephonically Attend Hearing on Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service Award (December 1, 2023) (Anticipated)	1.50
Discovery and Deposition	
Draft Letter to Defendant Re: Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Keith Pender (served on June 15, 2021)	1.90
Review and Analyze Documents Produced by Defendant in Response to the Request for Personnel File, Pay Stubs, and Time Records for Plaintiff Keith Pender (served on July 12, 2021)	3.50
Letters and Correspondence	
Draft Notice to California Labor and Workforce Development Agency Re: Claims of Plaintiff Keith Pender for Penalties Under California Labor Code section 2698, <i>et seq.</i> (served on January 27, 2023)	4.50
Meet with, Draft Correspondence to, and Respond to Correspondence from, Defendant's Counsel	19.50
Mediation/Settlement	
Review and Analyze Information, Data, and Documents Obtained from Plaintiff, Defendant, and Other Sources Prior to Mediation • Employee Handbooks and Operations and Employment Policies, Practices, and Procedures Documents • Sampling of Employee Time Data • Sampling of Employee Pay Data	89.30

Prepare for Mediation, Including Researching Settlement-Related Issues and Merits of Claims, Drafting the Mediation Brief (submitted on August 18, 2022), Compiling the Mediation Exhibits in Support of Mediation Brief, and Performing Damages and Penalties Analysis and Calculations	38.50
Remotely Attend Mediation Session (Zoom Video Conference; September 1, 2022)	15.50
Draft, Review, Revise, Negotiate, and Finalize Memorandum of Understanding (executed on September 6, 2022)	3.50
Draft, Review, Revise, Negotiate, and Finalize Joint Stipulation of Class Action and PAGA Settlement and Release of Claims (executed on March 7, 2023) and Class Notice	22.50
Coordinate Settlement Administration with Settlement Administrator, Ongoing Monitoring of Settlement Administration, Review Weekly Reports, and Respond to Inquiries	7.50
Law and Motion	
Research and Draft Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement; Memorandum of Points and Authorities, Declaration of Brian J. St. John in Support Thereof, and [Proposed] Order Thereon (filed on May 22, 2023)	21.50
Review Court's Minute Order Re: Hearing on Motion for Preliminary Approval of Settlement (filed on July 10, 2023)	0.20
Draft Plaintiff's Supplemental Declaration of Brian J. St. John in Support of Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, Declaration of Keith Pender in Support Thereof, and [Revised Proposed] Order Thereon (filed on July 24, 2023)	7.50
Review Court's Minute Order Granting Motion for Preliminary Approval of Class Action Settlement (filed on July 27, 2023)	0.20

Review Court's Order Granting Motion for Preliminary Approval of Class Action Settlement (filed on July 27, 2023)	0.20
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Total Hours:	577.20

TASK	LAWYERS FOR JUSTICE, PC
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Review Court's Minute Order Re: Hearing on Motion for Preliminary Approval of Settlement (filed on July 10, 2023)	0.20
Draft Plaintiff's Supplemental Declaration of Brian J. St. John in Support of Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, Declaration of Keith Pender in Support Thereof, and [Revised Proposed] Order Thereon (filed on July 24, 2023)	7.50
Review Court's Minute Order Granting Motion for Preliminary Approval of Class Action Settlement (filed on July 27, 2023)	0.20

Review Court's Order Granting Motion for Preliminary Approval of Class Action Settlement (filed on July 27, 2023)	0.20
Review and Analyze Settlement Administrator's Declaration Regarding Settlement Notice Administration; and Research and Draft Plaintiff's Motion for Final Approval of Class Action Settlement, Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment, and Class Representative Enhancement Payment, Declaration of Edwin Aiwasian in Support Thereof, Declaration of Keith Pender in Support Thereof, and [Proposed] Final Approval Order and Judgment (filed on November 6, 2023) (Anticipated)	22.50
Total Hours:	577.20

EXHIBIT B

LAWYERS for JUSTICE PC CASE COST DETAIL
Pender v. Congregational Homes, Inc.

<u>Date</u>	<u>Payee</u>	<u>Expense Description</u>	<u>Amount</u>
6/15/2021	U.S. Postmaster	Postage	7.50
8/9/2021	Legal Document Server, Inc.	Attorney Service	180.23
8/9/2021	Los Angeles Superior Court	Complex Filing Fee	1,000.00
8/9/2021	Los Angeles Superior Court	Court Filing Fee	435.00
8/26/2021	Legal Document Server, Inc.	Attorney Service	65.00
8/26/2021	Legal Document Server, Inc.	Attorney Service	110.00
9/27/2021	ProLegal	Attorney Service	129.30
11/22/2021	Legal Document Server, Inc.	Attorney Service	15.20
11/23/2021	Legal Document Server, Inc.	Attorney Service	95.00
12/2/2021	Legal Document Server, Inc.	Attorney Service	21.58
12/2/2021	Legal Document Server, Inc.	Attorney Service	95.00
12/2/2021	Los Angeles Superior Court	Jury Fee	150.00
2/15/2022	Legal Document Server, Inc.	Attorney Service	15.20
2/15/2022	Legal Document Server, Inc.	Attorney Service	95.00
2/15/2022	Legal Document Server, Inc.	Attorney Service	15.20
7/15/2022	FedEx Express	Courier Service	109.88
7/25/2022	Lynn S. Frank	Mediation Fee	9,000.00
8/19/2022	Fed Express	Courier Service	59.68
9/12/2022	Legal Document Server, Inc.	Attorney Service	15.95
12/7/2022	Case Anywhere LLC	Attorney Service	91.80
1/27/2023	Labor & Workforce Development Agency	PAGA Filing Fee	75.00
3/3/2023	Case Anywhere LLC	Attorney Service	135.00
4/12/2023	Legal Document Server, Inc.	Attorney Service	17.54
4/12/2023	Los Angeles Superior Court	Stipulation Fee	20.00
4/19/2023	Legal Document Server, Inc.	Attorney Service	16.15
5/23/2023	Legal Document Server, Inc.	Attorney Service	234.57
5/23/2023	Los Angeles Superior Court	Motion Fee	60.00
6/2/2023	Case Anywhere LLC	Attorney Service	171.00
7/25/2023	Legal Document Server, Inc.	Attorney Service	177.30
8/4/2023	Legal Document Server, Inc.	Attorney Service	16.15
9/4/2023	Case Anywhere LLC	Attorney Service	141.00
Total:			12,770.23