

MESSRELIAN LAW INC.

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Attorneys for Artin Torossian

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

LILLIAN DAVENPORT, on behalf of the
State of California, and others similarly
situated and aggrieved,

Plaintiff,

vs.

BROOKDALE SENIOR LIVING
COMMUNITIES, INC., a Delaware
Corporation; EMERITUS
CORPORATION, a Washington
Corporation; and DOES 1-100, inclusive,

Defendants.

Case No.: STK-CV-UOE-2023-0009791

*[Case assigned for all purposes to the Hon.
Barbara Kronlund, Dept. 10D]*

**DECLARATION OF HAROUT
MESSRELIAN IN SUPPORT OF
MOTION FOR APPROVAL OF PAGA
SETTLEMENT**

Date: TBD

Time: 9:00 a.m.

Dept.: 10D

Complaint Filed: September 13, 2023

Trial Date: None Set

DECLARATION OF HAROUT MESSRELIAN

I, HAROUT MESSRELIAN, declare and state as follows:

1. I am an attorney duly licensed to practice before all the Courts of the State of California. I am the managing attorney of Messrelian Law Inc. and the attorney of record for Plaintiff Artin Torossian ("Plaintiff").

2. I am experienced in handling employment law matters and specifically wage and hour representative and individual actions. My qualifications are as follows: I received my JD from Loyola Law School in 2010. I started my own law firm in 2011 - the Law Offices of Harout Messrelian. Since 2016, I have been the founder and principal attorney at Messrelian Law, Inc. Since 2011, I have filed and handled over 300 civil actions and/or claims involving representative actions under the Private Attorneys General Act ("PAGA") and/or wage and hour claims on behalf of my clients and have been appointed Class Counsel in the following class action cases - *Zohrab Mekhitarian v. Triple Play Motors dba Bob Smith Toyota*, Los Angeles Superior Court Case No. 19STCV22411 (ADR Services, Inc., Case Number 20-2668-RWT); *Carina Camberos, on behalf of herself and others similarly situated, v. Great American Chicken Corp, Inc.*, Los Angeles Superior Court Case No. 21STCV32015; *Robert Garcia, on behalf of himself and others similarly situated v. HD Supply Management Inc.*, San Bernardino Superior Court Case No. CIVSB202806; and *Alfredo Betancourt v. L3 Technologies, Inc.*, San Mateo County Superior Court, Case no. 23-CIV-05704 (appointed Class Counsel and granted final approval of class action settlement by the court). I have a practice that encompasses cases in the Los Angeles Superior Courts, the Orange County Superior Courts, the Riverside County Superior Courts, the San Bernardino County Superior Courts, the Alameda County Superior Courts, Santa Clara County Superior Courts, San Mateo County Superior Courts, and the Monterey County Superior Courts.

3. Except as otherwise indicated, I have personal knowledge of all matters set forth herein and, if called as a witness, could and would competently testify thereto under oath.

4. This Declaration is submitted in support of Plaintiffs Motion for Approval of PAGA Settlement.

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1 5. On or around October 2023, Plaintiff Artin Torossian retained my office to represent
2 him in his wage and hour claims against Defendant Brookdale Employee Services, LLC. On
3 October 31, 2023, my office submitted a letter to the California Labor and Workforce
4 Development Agency ("LWDA") on behalf of Artin Torossian indicating his intent to pursue
5 civil penalties pursuant to the Private Attorneys General Act (Labor Code § 2698, et seq.)
6 ("PAGA") against Brookdale Employee Services, LLC for failure to: (1) pay all regular,
7 minimum, and overtime wages owed; (2) provide all lawful meal periods; (3) authorize and
8 permit all lawful rest periods; (4) reimburse all necessary business expenses; (5) issue
9 accurate itemized waged statements; and (6) timely pay all final wages during and upon
10 separation from employment. Thereafter, on January 5, 2024, my office drafted and filed a
11 PAGA and individual action complaint against Defendant Brookdale Employee Services,
12 LLC in Los Angeles County Superior Court, titled *Arlin Torossian v. Brookdale Employee*
13 *Services, LLC*, Case No. 24STCV00323, alleging that Defendant failed to: (1) pay all regular,
14 minimum, and overtime wages owed; (2) provide all lawful meal periods; (3) authorize and
15 permit all lawful rest periods; (4) reimburse all necessary business expenses; (5) issue
16 accurate itemized waged statements; (6) timely pay all final wages during and upon
17 separation from employment; (7) provide Plaintiffs personnel file and pay records and (8)
18 comply with California's unfair competition laws. Ultimately, Torossian's lawsuit was
19 dismissed due to Torossian joining the instant lawsuit on a collective basis.
20

21 6. I directly participated in all of the material aspects of this litigation. The work
22 that I performed on this matter included, but was not limited to, the following: initial client
23 intake and research of Defendant company; performing pre-LWDA notice investigation;
24 drafting and filing the LWDA notice; drafting and filing the initial complaint on this matter
25 on behalf of Plaintiff; attendance and participation at the private mediation; reviewing the
26 Memorandum of Understanding; reviewing the long-form PAGA settlement agreement; and
27 phone and email communications with co-counsel and with our client. This does not include
28 additional time that will be devoted to this case, such as any court appearances for settlement

1 approval. The attorney's fees are reasonable in this case based on the percentage of recovery
2 method and as cross-referenced against the Lodestar. To date, I have investigated and
3 prosecuted this matter for **44.6** hours starting on or around October 30, 2023 through the
4 present. At \$750/hour (15th year attorney), that equates to **\$33,450.00** in attorney's fees.

5 7. Myself and the other Plaintiffs' attorneys in this case are experienced in
6 prosecuting PAGA lawsuits. Counsel for the Defendants are experienced in defending PAGA
7 cases. Based on my own independent investigation and evaluation, I am of the opinion that
8 the PAGA Settlement on the terms set forth in the Agreement are fair, reasonable and
9 adequate and are in the best interests of Plaintiffs, the Aggrieved Employees, and the State, in
10 light of all known facts and circumstances and the risks inherent in litigation. The attorneys'
11 fees award provided for in the Settlement Agreement is therefore reasonable given the result
12 achieved.

13 8. I support the analysis provided by co-counsel in their concurrently filed
14 declarations explaining the background and events of this action, the contribution of
15 Plaintiffs, the investigation and discovery completed by the parties, Plaintiffs' counsel's
16 calculation of the maximum potential liability and penalties in this action, as well as the
17 concomitant risks of moving forward.

18 9. In terms of the costs incurred by my firm in prosecuting the *Arlin Torossian* matter,
19 the total costs are **\$691.44**, which are compromised of: PAGA filing fees of \$75.00, lawsuit
20 filing fee of \$454.22, service of lawsuit fee of \$125.00, and miscellaneous court filing fees of
21 \$37.22.

22 I declare under penalty of perjury, under the laws of the State of California and the
23 United States, that the foregoing is true and correct.

24 Executed on this 30th day of July, 2025, at Glendale, California.

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Harout Messrelian