

Alexandra K. Piazza (SBN 341678)
BERGER MONTAGUE PC
8241 La Mesa Blvd, Suite A
La Mesa, CA 91942
Tel.: (619) 489-0300
Fax: (215) 875-4620
apiazza@bergermontague.com

[additional counsel listed on following page]

*Attorneys for Plaintiffs, the Proposed
California Class, and Aggrieved Employees*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA**

GEROSKA GAY, PATRICIA YOUNG,
PHILIP JACKSON, and VANESSA
MARTINEZ, individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

PREMIUM RETAIL SERVICES, LLC, a
Delaware limited liability company;
PREMIUM RETAIL SERVICES, INC., a
Delaware corporation; EZAT RAHIMI, an
individual; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: C23-2216

CLASS ACTION

Assigned for All Purposes To:
Hon. Benjamin T. Reyes, II

**DECLARATION OF ENOCH J. KIM
IN SUPPORT OF MOTION FOR
FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

*[filed concurrently with Plaintiffs' Notice of
Motion and Motion; Declaration of
Alexandra K. Piazza; Declaration of
Madely Nava of Apex Class Action, LLC;
Declaration of David D. Bibiyan;
Memorandum of Points and Authorities;
and [Proposed] Order]*

Hearing Information:

Date: July 22, 2026

Time: 9:00 a.m.

Dept.: 16

Complaint Filed: September 5, 2023
Trial Date: None Set

1 David D. Bibiyan (SBN 287811)
Vedang J. Patel (SBN 328647)
2 **BIBIYAN LAW GROUP, P.C.**
1460 Westwood Boulevard
3 Los Angeles, CA 90024
Tel.: (310) 438-5555
4 Facsimile: (310) 300-1705
david@tomorrowlaw.com
5 vedang@tomorrowlaw.com

6 Roman Shkodnik (SBN 285152)
Enoch J. Kim (SBN 261146)
7 Antonia McKee (SBN 344511)
D. LAW INC.
8 250 N Madison Avenue, 2nd Floor
9 Pasadena, CA 91101
Tel.: (818) 962-6465
10 r.shkodnik@d.law
e.kim@d.law
11 a.bliznets@d.law

12 *Attorneys for Plaintiffs, the Proposed*
13 *California Class, and Aggrieved Employees*

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

I, Enoch J. Kim, declare as follows:

1. I am an attorney licensed and admitted to practice before all courts of the State of California, the United States District Court for the Central, Southern, Eastern, and Northern Districts of California. I am Senior Counsel at D.Law, Inc. and counsel for Plaintiff Geroska Gay on behalf of himself and all other similarly situated employees of Defendant Premium Retail Services, LLC (“Defendant”).

2. All of the matters set forth herein are within my personal knowledge. I submit this Declaration in support of Plaintiffs’ Motion for Final Approval of Class Action and PAGA Settlement (“Motion”).

Procedural History

3. On June 28, 2023, Geroska Gay (“Plaintiff Gay”) filed his Class Action Complaint in Contra Costa County Superior Court, Case No. C23-1599. Plaintiff Gay’s Complaint alleged violations of the California Labor Code for: (1) Failure to Pay Minimum Wages; (2) Failure to Pay Wages and Overtime Under Labor Code § 510; (3) Meal-Period Liability Under Labor Code § 226.7; (4) Rest Break Liability Under Labor Code § 226.7; (5) Failure to Pay Vacation Wages; (6) Failure to Comply with Labor Code § 245 *et seq.* and 246; (7) Reimbursement of Necessary Expenditures Under Labor Code § 2802; (8) Failure to Comply with Labor Code § 2751; (9) Violation of Labor Code § 226(a); (10) Violation of Labor Code § 221; (11) Failure to Keep Required Payroll Records Under Labor Code §§ 1174 and 1174.5; (12) Penalties Pursuant to Labor Code § 203; and (13) Violation of Business & Professions Code § 17200 *et seq.* (“*Gay Complaint*”). Plaintiff Gay submitted a PAGA notice (LWDA-CM-965091-23) to the Labor and Workforce Development Agency (“LWDA”) on June 28, 2023. On August 7, 2023, Defendants removed the *Gay Complaint* to the U.S. District Court for the Northern District of California, Case No. 3:23-cv-03963. On September 5, 2023, Plaintiff Gay filed a lawsuit in Contra Costa County Superior Court against Defendants, Case No. C23-2216, seeking penalties under the Private Attorney General Act of 2004, Labor Code § 2698 *et seq.* (“the Action”).

1 4. On August 17, 2023, Patricia Young and Philip Jackson filed their Class and
2 Representative Complaint in the Southern District of California, Case No. 3:23-CV-01515. The
3 *Young* Complaint asserts class and representative action claims for: (1) Failure to Provide
4 Regular Pay/Minimum Wages; (2) Failure to Provide Overtime Premium Pay; (3) Failure to
5 Authorize, Permit and/or Make Available Meal and Rest Periods; (4) Failure to Maintain and
6 Provide Accurate and Compliant Wage Records; (5) Failure to Reimburse Work Related
7 Expenses; (6) Waiting Time Penalties; (7) Violation of California’s Unfair Business Practices;
8 and (8) Civil Penalties Under the Private Attorneys’ General (“*Young* Complaint”).

9 5. On September 21, 2023, Vanessa Martinez filed her Class Action Complaint in
10 the Santa Clara County Superior Court. The *Martinez* Complaint asserts class action claims for:
11 (1) failure to pay overtime wages; (2) failure to pay minimum wages; (3) failure to provide meal
12 periods; (4) failure to provide rest periods; (5) waiting time penalties; (6) wage statement
13 violations; (7) failure to pay timely wages; (8) failure to indemnify; (9) violation of Labor Code
14 § 227.3; and (9) unfair competition. (“*Martinez* Complaint”.) Premium removed the *Martinez*
15 Complaint to the U.S. District Court for the Northern District of California on November 22,
16 2023, Case No. 5:23-cv-06084. On August 23, 2024, Martinez filed a lawsuit in Santa Clara
17 County Superior Court, Case No. 24-CV-445918, seeking penalties under the Private Attorney
18 General Act of 2004, Labor Code § 2698 *et seq.* (“*Martinez* PAGA Action”).

19 6. To effectuate the Settlement, the Parties agreed that Plaintiffs would file a First
20 Amended Class and Representative Action Complaint in this Action to add Plaintiffs Patricia
21 Young, Philip Jackson, and Vanessa Martinez as named Class Representatives, and to add all
22 claims and causes of actions from their actions. Plaintiffs filed the Stipulation and Consolidated
23 Complaint on May 15, 2025.

24 **Request for Attorneys’ Fees and Costs**

25 7. Under the preliminarily approved Settlement, Class Counsel requests a Class Counsel
26 Fees Award of \$1,000,000.00 in attorneys’ fees and a Class Counsel Costs Award not to exceed
27 \$65,000.00 for reimbursement of actual reasonable litigation costs. This request is fair,
28 reasonable, and adequate to compensate Class Counsel for the substantial work they have put

1 into this case and, moreover, the risk they assumed by taking it in the first place. The attorneys’
2 fees award is intended to reimburse Class Counsel for all uncompensated work that they have
3 already done and for all the work they will continue to do in carrying out and overseeing the
4 administration of the Settlement.

5 **The Lodestar Method**

6 8. Class Counsel’s lodestar calculation supports the requested attorneys’ fees. The
7 lodestar calculation typically proceeds in three steps. First, a trial court must determine a baseline
8 guide or “lodestar” figure based on the time spent and reasonable hourly compensation for each
9 attorney involved in the case. *Serrano v. Priest* (1975) 20 Cal.3d 25, 48. The court then sets a
10 reasonable hourly fee to apply to the time expended, with reference to the prevailing rates in the
11 geographical area in which the action is pending. *Bihun v. AT&T Information System* (1993) 13
12 Cal.App.4th 976, 997. Finally, a “multiplier” is selected with reference to the following factors:
13 (1) the novelty and difficulty of issues involved, (2) the skill displayed in presenting them, (3)
14 the extent to which the nature of the litigation precluded other employment by the attorneys, and
15 (4) the contingent nature of the fee award, based on the uncertainty of prevailing on the merits
16 and of establishing eligibility for the award. *Serrano, supra*, 20 Cal.App.3d at 49.

17 9. Class Counsel charges rates commensurate with the prevailing market rates in the Los
18 Angeles area for attorneys of comparable experience and skill handling complex litigation. I
19 have knowledge about the hourly rates charged by Los Angeles County attorneys and paralegals.
20 Based on the information I have, I believe that our stated hourly rates are reasonable and
21 appropriate for attorneys and paralegals with comparable expertise, experience, and
22 qualifications.

23 10. Working closely with the other attorneys and paralegals in my firm, including on
24 motions for attorneys’ fees, I am aware of the experience and achievements of the counsel
25 involved in this matter as well as the rates which would be charged if our work was on an hourly
26 basis. Based on this information, I believe that my rate and the rates of the attorneys and
27 paralegals in my firm are reasonable, appropriate, and fully consistent with the market rate for
28 attorneys with comparable expertise, experience, and qualifications in Los Angeles.

1 11. I am Senior Counsel at D.Law. I was admitted to the California Bar in December
2 2008. I received my J.D. from Pepperdine University School of Law and B.S. from University of
3 Southern California. Since graduating from law school, I have dedicated virtually my entire
4 career on the practice of employment law. I have practiced employment law from the plaintiff's
5 side, defense side, and from an in-house position. I have significant experience specifically
6 working on wage and hour class and PAGA actions from the plaintiff's side as well as the
7 defense side, with the majority of my experience coming from the plaintiff's side.

8 12. Attorney Roman Shkodnik is Senior Counsel at D.Law and counsel of record for
9 Plaintiff. He received his Bachelor of Arts in history and political science from the University of
10 California, Los Angeles, in 2007. He then earned his Juris Doctorate from Loyola Law School in
11 May of 2011. Upon graduating from law school, he has exclusively focused his practice on
12 representing employees including in wage-and-hour class actions. During his career, he has
13 represented employees in over 100 wage-and-hour class action lawsuits as lead or co-lead
14 counsel (including in the Central, Southern, Eastern and Northern Districts of California), and he
15 has obtained six and seven figure settlements against a range of defendants, including Fortune
16 500 companies. These cases have involved the gamut of wage-and-hour claims, including claims
17 for failure to pay minimum wages, unpaid wages and overtime, inaccurate pay statements, and
18 failure to pay timely wages - similar to claims at issue in the present matter. He is experienced
19 and qualified to evaluate the representative claims, to evaluate settlement versus trial on a fully
20 informed basis, and to evaluate the viability of the defenses.

21 13. Associate Attorney Emma Geesaman received her Bachelor of Arts in political science
22 from Boston University in 2019. She then earned her Juris Doctorate from Case Western Reserve
23 University Law School in May of 2023. Upon graduating from law school, she has exclusively
24 focused her practice on representing employees including in wage-and-hour class actions.

25 14. I have also reviewed the files and billable records for former Associate Attorney
26 Robert Payaslyan. Robert Payaslyan received his Bachelor of Science in criminal justice/law
27 enforcement administration from California State University, Los Angeles in 2018. He then
28 earned his Juris Doctorate from the University of California, Irvine School of Law in 2021.

1 15. Attorney Norayr Zakaryan received his bachelor's degree from the University of
2 California, Los Angeles in 2017 and his Juris Doctorate degree from the University of California
3 College of the Law, San Francisco (formerly known as UC Hastings) in 2024. Since starting his
4 professional career, he has focused on plaintiff's side employment law and has been appointed as
5 class and PAGA counsel in other wage and hour settlements in California state court.

6 16. Attorney Antonia McKee received her bachelor's degree from the University of
7 California, Davis in 2020, and her Juris Doctorate degree from Southwestern Law School,
8 accelerated SCALE program, in 2021. Since starting her professional career, she has focused on
9 plaintiff's side employment law and has been appointed as class and PAGA counsel in other
10 wage and hour settlements in California state court.

11 17. Class Counsel spent significant time and resources reaching this settlement. The
12 hourly rates shown below are the usual and customary rates charged for each individual in all of
13 our cases. A breakdown of D.Law's lodestar as of June 10, 2026 is reflected below:

Name	Position	Hours	Rate	Lodestar
Enoch J. Kim	Senior Counsel	2.4	\$1,045	\$2,508.00
Roman Shkodnik	Senior Counsel	24.0	\$1,045	\$25,080.00
Emma Geesaman	Associate Attorney	36.9	\$475	\$17,527.50
Robert Payaslyan	Former Associate Attorney	10.3	\$585	\$6,025.50
Norayr Zakaryan	Associate Attorney	7.3	\$475	\$3,467.50
Antonia McKee	Associate Attorney	3.4	\$585	\$1,989.00
Total		84.3		\$56,697.50

14
15
16
17
18
19
20
21
22
23
24 18. Multiplying the total hours billed by D.Law Class Counsel to the litigation by their
25 reasonable hourly rates yields a lodestar of \$56,697.50.

26 19. This case was not straightforward. Class Counsel had to spend time researching and
27 analyzing each of these claims and issues in order to adequately assess the liability of Defendant.
28 Class Counsel then had to develop the evidence necessary through informal discovery to

1 establish Defendant's liability. This was done through carefully sifting through hundreds of
2 pages of documents. Class Counsel have devoted a substantial amount of time on this case,
3 including but not limited to researching various legal issues prior to and after filing this Action;
4 drafting and reviewing pleadings; conducting informal discovery and meeting and conferring
5 with defense counsel; reviewing and analyzing the documents produced by Defendant; regularly
6 communicating with Plaintiff; preparing for and attending mediation; negotiating and finalizing
7 the Settlement including several revisions thereof; drafting documents for preliminary and final
8 approval, including documents for the administration of the settlement; briefing for the hearing
9 on the motion for preliminary approval of the class action and PAGA settlement; and
10 coordinating and overseeing the administration of the Settlement.

11 20. In sum, Class Counsel had to come up with creative approaches to these issues in
12 litigating the case and, ultimately, negotiating and crafting the Settlement. To this end, Class
13 Counsel has devoted a tremendous amount of time and energy. Class Counsel have spent a
14 substantial number of hours working on this case. This time commitment was necessary in order
15 to research, construct and prosecute viable legal claims in the face of stiff opposition, but it has
16 come at a cost. In particular, the time Class Counsel have devoted to this case has prevented
17 them from investing that time in other cases that might have settled during the pendency of this
18 litigation and yielded significant attorneys' fees. Despite these considerations, Class Counsel
19 zealously represented Plaintiff and the Class and obtained a favorable result.

20 21. Such is not always the case. Indeed, Class Counsel has invested time and money into
21 numerous other cases, including class actions, that have fizzled for one reason or another,
22 leaving Class Counsel completely without any compensation for their effort. Here, Class Counsel
23 has achieved a beneficial settlement for the Class, but this was by no means a foregone
24 conclusion; indeed, their efforts might well have been frustrated by any number of obstacles with
25 which they were presented along the way. Nor would class certification be guaranteed. However,
26 Class Counsel was able to navigate the shoals of unpredictability to achieve a desirable result,
27 and they have done so without receiving any compensation to speak of thus far because they took
28 this case on a contingency-fee basis.

22. From the foregoing analysis, Class Counsel's requested attorneys' fees are fair and reasonable.

Costs

23. The preliminarily approved settlement calls for the payment of up to \$65,000.00 for Class Counsel's costs. The actual total costs incurred through final settlement administration of this Action for D.Law are \$2,793.06. D.Law's Cost Log is attached hereto as **Exhibit A**. Class Counsel incurred costs including, but not limited to, filing fees (e.g. complaint, stipulation, motions), service of process, and attorney-service costs for court filings, all of which were necessarily and reasonably incurred to prosecute this Action and achieve a settlement that significantly benefits the Class.

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

Executed this 24th day of June 2026, at Pasadena, California

/s/ Enoch J. Kim
Enoch J. Kim

EXHIBIT A

Gay v. Premium Retail Services, Inc. (PAGA)

Litigation Costs

DATE	DETAILS	PROVIDER	AMOUNT
6/28/2023	PAGA Letter	LWDA	\$ 75.00
7/3/2023	Summons & Complaint (Class)	Rapid Legal	\$ 464.27
7/14/2023	Process of Service (Class)	Rapid Legal	\$ 206.00
9/6/2023	Summons & Complaint (PAGA)	Rapid Legal	\$ 1,495.30
9/15/2023	Notice of Change of Address (Class)	Rapid Legal	\$ 17.10
9/19/2023	Summons (PAGA)	Rapid Legal	\$ 17.10
10/4/2023	Process of Service (PAGA)	Rapid Legal	\$ 229.69
10/24/2023	POS of Summons (PAGA)	Rapid Legal	\$ 17.10
12/13/2023	Notice of Unavailability (PAGA)	Rapid Legal	\$ 13.39
1/11/2024	Case Management Conference Statement (PAGA)	Rapid Legal	\$ 15.04
10/28/2024	Notice of Change of Address & CMC (PAGA)	Rapid Legal	\$ 15.19
8/20/2024	Notice of Disassociation of RP (PAGA)	Rapid Legal	\$ 15.19
4/4/2025	Ntc of Disassociation & Association of Counsel (PAGA)	Rapid Legal	\$ 16.69
5/14/2025	Stipulation and Order for Leave to File Amended Complaint (PAGA)	Rapid Legal	\$ 38.23
5/15/2025	Notice of Association of Counsel (PAGA)	Rapid Legal	\$ 17.53
5/15/2015	Notice of Association of Counsel (Class)	Rapid Legal	\$ 17.53
5/21/2025	Amended Complaint (PAGA)	Rapid Legal	\$ 17.53
10/31/2025	Case Management Conference Statement (PAGA)	Rapid Legal	\$ 17.53
12/19/2025	Notice of Unavailability (Class)	Rapid Legal	\$ 17.53
12/22/2025	Notice of Unavailability (PAGA)	Rapid Legal	\$ 17.53
2/26/2026	Notice of Change of Address; Notice of Disassociation (PAGA)	Rapid Legal	\$ 17.53
3/4/2026	Notice of Change of Address; Notice of Disassociation (Class)	Rapid Legal	\$ 17.53
6/10/2026	Notice of Change of Handling Attorney (Class)	Rapid Legal	\$ 17.53

Total \$ 2,793.06