

Arby Aiwarzian (SBN 269827)
Joanna Ghosh (SBN 272479)
Vartan Madoyan (SBN 279015)
LAWYERS for JUSTICE, PC
410 West Arden Avenue, Suite 203
Glendale, California 91203
Tel: (818) 265-1020 / Fax: (818) 265-1021

Attorneys for Plaintiff

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

JESSE JOERGER, 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.

IES RESIDENTIAL, INC., an unknown
business entity; and DOES 1 through 100,
inclusive,

Defendants.

Case No. CVRI2205490

Honorable Harold W. Hopp
Department 1

CLASS ACTION

**DECLARATION OF JESSE JOERGER
IN SUPPORT OF PLAINTIFF'S
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT,
ATTORNEYS' FEES AND COSTS, AND
ENHANCEMENT PAYMENT**

[Notice of Motion and Motion for Final
Approval of Class Action Settlement,
Attorneys' Fees and Costs, and Enhancement
Payment; Declaration of Class Counsel
(Joanna Ghosh); Declaration of Settlement
Administrator (Taylor Mitzner); and
[Proposed] Order filed concurrently
herewith.]

Date: April 3, 2024
Time: 8:30 a.m.
Department: 1

Complaint Filed: December 16, 2022
FAC Filed: October 9, 2023
Jury Trial: None Set

DECLARATION OF JESSE JOERGER

I, **Jesse Joerger**, hereby declare as follows:

1. I am over 18 years of age and a resident of California. I am the named plaintiff in the above-captioned case. I have personal knowledge of the facts and statements set forth in this declaration, and if called upon to testify, I could and would competently testify thereto.

2. I was employed IES Residential, Inc. ("IES") in an hourly-paid, non-exempt position from approximately February 2020 to approximately May 2020. I decided to seek legal advice about my work experiences with IES and about pursuing my grievances. I contacted Lawyers *for* Justice, PC and spoke with attorneys there. I wanted to do whatever I could to make sure IES paid me and other employees what was owed to us for all hours worked and non-compliant meal and rest breaks. After speaking with the attorneys, I investigated complex wage-and-hour lawsuits on my own and did some research into the leading class action and employment law firms in California for approximately **5 hours**. Next, I consulted with the attorneys at Lawyers *for* Justice, PC for **7 hours** to discuss my situation, complex wage-and-hour class actions and representative actions under the Private Attorneys General Act ("PAGA") in general, and what it meant to be a named plaintiff, class representative, and PAGA representative.

3. As far as the settlement is concerned, I was available to review documents and answer any questions my attorneys had. I spent about **3 hours** reviewing the settlement documents and about **3 hours** asking questions and discussing the potential settlement with my attorneys before signing the settlement papers.

4. I have spent over **18 hours** meeting with my attorneys and fulfilling my responsibilities as a class representative in this case, which included gathering documents concerning my employment with IES, reviewing documents with my attorneys and answering their questions, answering questions and providing guidance regarding the work performed by non-exempt employees, and helping develop a strategy as to what documents and information to

1 obtain from IES. I also periodically checked in with my attorneys and their staff to make sure
2 that they had my most current information and any additional information that I had obtained.

3 5. Throughout the case, I was available to answer any questions my attorneys had,
4 and available to speak and meet with them whenever they needed me. I responded to my
5 attorneys as quickly as possible and gave them as much information and identified as many
6 documents as I could. I spent at least **10 additional hours** speaking with my attorneys about the
7 case, identifying potential witnesses, providing my attorneys with documents and information
8 concerning the case, and also describing policies, practices, and procedures of IES Residential,
9 Inc.

10 6. I have not entered into any undisclosed agreements, nor have I received any
11 undisclosed compensation in this case. The only compensation I will receive is whatever amount
12 the Court awards as an enhancement payment, as well as my share of the settlement fund as a
13 class member. Based on my understanding from the estimated amount listed in my class notice, I
14 anticipate I will receive approximately \$420.09 under the regular terms of the settlement as a
15 class member.

16 7. I believe I took on a substantial risk in agreeing to serve as the Class
17 Representative despite being made aware that there was no certainty regarding the outcome of
18 the case or how long it would take to recover the wages owed to myself and the other class
19 members.

20 8. I fully understand the risk I faced in serving as a Class Representative and that
21 doing so could make the case more complex. However, I did so to ensure that not only myself
22 but others would be able to receive what they were owed.

23 9. Since joining this lawsuit, I have considered the interests of the Class Members
24 just as I would consider my own interests. I understand and have understood throughout the
25 lawsuit that I must put the interests of the Class Members before my own interests. Although I
26 was concerned and afraid about being the Class Representative in this public lawsuit, I decided
27 to put my own interests aside and bring a lawsuit that would be beneficial not just for myself, but
28 for all employees. To the best of my knowledge, I have not yet suffered any adverse

1 consequences as a result of this lawsuit, but neither have I received any benefit for representing
2 the Class or for the help I provided my attorneys. As of this date, I have not incurred any
3 expenses to further prosecution of this action.

4 10. Furthermore, as part of the Settlement, I have agreed to a much broader individual
5 release than that agreed to by the rest of the Class. This release encompasses all claims I have
6 against the Released Parties, whether known or unknown, suspected or unsuspected through the
7 date of execution of the Settlement Agreement, including those arising under the California
8 Labor Code, Industrial Welfare Commission Wage Orders, Fair Labor Standards Act, Americans
9 with Disabilities Act, Title VII of the Civil Rights Act of 1964, Employee Retirement Income
10 Security Act, National Labor Relations Act, California Corporations Code, California Business
11 and Professions Code, California Fair Employment and House Act, California Constitution (all
12 as amended), and law of contract and tort, as well as for discrimination, harassment, retaliation,
13 wrongful termination, lost wages, benefits, other employment compensation, emotional distress,
14 medical expenses, other economic and non-economic damages, interest, attorney fees, and costs,
15 arising on or before the date of execution of the Settlement Agreement.

16 11. I believe that I have done everything that my attorneys have asked of me and have
17 tried, to the best of my ability, to represent the class and seek relief for the aggrieved employees
18 and the State of California. I think my efforts helped to get the result obtained in this case, and as
19 a class and PAGA representative, I respectfully request that the Court award me an enhancement
20 payment in the amount of **\$9,000.00** for my active participation in this case. Taking into
21 consideration the time that I have dedicated to this case, I believe that this amount is reasonable.

22 12. I am not, and have never been, a named class or PAGA representative in any
23 other case, pending or closed.

24 13. I am not related to anyone associated with Lawyers *for* Justice, PC.

25 14. I have not entered into any undisclosed agreements, nor have I received any
26 undisclosed compensation in this case. The only compensation I will receive is whatever amount
27 the Court awards as an enhancement payment, as well as my share of the settlement fund as a
28 class member.

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

3
4 Executed on March 03/05/24, at Barstow, California.

5
6

Electronically Signed	2024-03-05 23:54:27 UTC - 174.218.81.161
Jesse Tyler Joerger	
Nintex AssureSign®	00b438fc-464b-4f39-a35b-b12a0004d04c

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8 Jesse Joerger