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

MELISSA CLACK, individually, and on
behalf of other members of the general public
similarly situated,

Plaintiff,

v.

LAVENDER HILLS ASSISTED LIVING,
LLC, a California limited liability company;
and DOES 1 through 100, inclusive,

Defendants.

EVELYN MCOMIE, individually, and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act,

Plaintiff,

v.

LAVENDER HILLS ASSISTED LIVING,
LLC, a California limited liability company;
and DOES 1 through 100, inclusive,

Defendants.

Case No.: CVCV21-0197865 (Lead)
(Consolidated with Case No. 24CV-0205758)

Honorable Stephen H. Baker
Department 64

CLASS ACTION

**DECLARATION OF MARIA
HALWADJIAN IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Complaint Filed: July 27, 2021
Trial Date: None Set

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DECLARATION OF MARIA HALWADJIAN

I, Maria Halwadjian, 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 Melissa Clack (“Plaintiff Clack”) in the above-captioned class action entitled *Clack v. Lavender Hills Assisted Living, LLC*, Shasta County Superior Court, Case No. CVCV21-0197865 (“*Clack* Class Action”), and for Evelyn McOmie (“Plaintiff McOmie”) (together with Plaintiff Clack, “Plaintiffs”) in the above-captioned consolidated representative action entitled *McOmie v. Lavender Hills Assisted Living, LLC*, Shasta County Superior Court, Case No. 24CV-0205758 (“*McOmie* PAGA Action”) (together with the *Clack* Class Action, “Actions”). 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 thereto.

EXPERIENCE AND ADEQUACY OF LAWYERS *for* JUSTICE, PC

2. For over a decade, Lawyers *for* Justice, PC 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, Lawyers *for* Justice, PC is attorney of record in dozens of employment-related putative class actions in both state and federal courts in the State of California. Lawyers *for* Justice, PC is comprised of attorneys who focus on litigating complex wage-and-hour class and Private Attorneys General Act (“PAGA”) representative actions. 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. Lawyers *for* Justice, PC, sometimes in association with other law firms, has recovered millions of dollars on behalf of thousands in California.

3. Edwin Aiwarzian is the Managing Member and Shareholder of Lawyers *for* Justice, PC. He received his Bachelor of Arts degree from Pepperdine University in April of 1999 and earned a Juris Doctor degree from Pepperdine University School of Law in May of 2004. He has 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, he has

1 previously served as a pro bono mediator for the Los Angeles County Superior Court. In October
2 of 2000, he obtained a Litigation Paralegal Certificate from the UCLA Extension Program. During
3 the summer of 2000, he studied Legal Writing at Harvard University. From approximately
4 September 2002 to approximately December 2002, he served as a Judicial Extern to the Honorable
5 Kim McLane Wardlaw of the United States Court of Appeals for the Ninth Circuit. From
6 approximately June 2002 to approximately August 2002, he served as a Judicial Extern to the
7 Honorable Earl Johnson, Jr. of the California Court of Appeal for the Second Appellate District.
8 In December of 2004, he obtained a license to practice law from the California State Bar. From
9 approximately December 2004 to approximately August 2008, he was employed by a prominent
10 plaintiff-side law firm. Since in or around October of 2008, through his work at Lawyers *for*
11 Justice, PC, he has almost exclusively focused on the prosecution of consumer and employment
12 class actions. While employed by Lawyers *for* Justice PC, he has argued over one hundred (100)
13 motions, taken or defended over one hundred fifty (150) depositions, prepared dozens of expert
14 witnesses for deposition or trial, and attended over one hundred seventy-five (175) mediations.
15 Together with other attorneys at the firm, and in many cases in conjunction with co-counsel, he
16 has successfully litigated cases involving the executive, administrative, and other overtime
17 exemptions to the State of California and federal overtime compensation requirements. Under his
18 supervision, Lawyers *for* Justice, PC has successfully obtained class certification by contested
19 motion practice in approximately sixteen (16) cases in the last decade and litigated over 1,000
20 class action or representative action cases.

21 4. Arby Aiwarzian is a Member and Shareholder of Lawyers *for* Justice, PC. He
22 received his Bachelor of Arts degree from University of California, Los Angeles and graduated
23 magna cum laude. He earned a Juris Doctor degree, cum laude, from Southwestern Law School.
24 From approximately May 2007 to approximately July 2007, he served as a Judicial Extern to the
25 Honorable Earl Johnson, Jr. of the California Court of Appeal for the Second Appellate District.
26 From approximately August 2008 to approximately December 2008, he served as a Judicial Extern
27 to the Honorable Kim McLane Wardlaw of the United State Court of Appeals for the Ninth Circuit.
28 He was admitted to practice law in California in 2010. He is admitted to practice before all courts

of the State of California and all United States District Courts in the State of California. He has worked on many wage-and-hour class action and representative action cases, taking the lead in taking and defending depositions, arguing motions, and attending mediations. He has played an integral role in preparing matters for class certification, including and not limited to, successful certification of a class in *Upson v. Sur La Table* (Los Angeles County Superior Court Case No. BC424012), *Montazemi v. Regus Management* (Los Angeles County Superior Court Case No. BC478769), and *Abdulhaqq v. Urban Outfitters* (Alameda County Superior Court Case No. RG13680477). Under his supervision, dozens of class action or representative cases have resulted in settlements that have been granted court approval. He has handled over one hundred and fifty (150) mediations and worked on over two hundred and fifty (250) class action or representative action cases which have resulted in settlement.

5. Joanna Ghosh is a Managing Member of Lawyers for Justice, PC. She received a Bachelor of Arts degree from California State University, Los Angeles in 2006, a Master of Science degree from the London School of Economics in 2007, and a Juris Doctor degree from Georgetown University Law Center in 2010. She is admitted to practice in California (since 2010) and in New York (since 2013) and is also admitted to practice in all U.S. District Courts in California, the U.S. Bankruptcy Court for the Central District of California, and the U.S. Supreme Court. She has taken and defended dozens of depositions and successfully handled motion practice in class action cases regarding discovery (including and not limited to, regarding class contact information), class certification (both contested class certification and stipulated class certification), arbitration agreements, coordination, intervention. She has successfully handled briefing and oral argument on appeal and obtained notable decisions regarding Private Attorneys General Act and employer efforts to compel arbitration of such claims, e.g., *Betancourt v. Prudential Overall Supply*, 9 Cal.App.5th 439 (Cal. Ct. App., Mar. 7, 2017), cert. denied (Cal., May 24, 2017), cert. denied (U.S., Dec. 11, 2017) and *ZB, N.A. v. Superior Court*, 8 Cal.5th 175 (2019). She also has extensive experience with class actions, including and not limited to working on cases to obtain class certification through contested motion practice and working on cases in the post-certification stage (e.g., post-certification discovery, appeal, statistical sampling and pilot

1 study, and trial preparation in conjunction with co-counsel in a case involving a certified class
2 consisting of approximately 2,600 individuals). She also has extensive experience with class action
3 and/or representative action settlements, and she has handled this process in over five hundred
4 (500) cases. Under her, Edwin Aiwasian, and Arby Aiwasian's supervision, Lawyers *for* Justice,
5 PC has handled the class certification and court approval process for hundreds of class action
6 and/or representative action matters that have successfully resolved. She is a member of the
7 California Employment Lawyers Association and, on several occasions, has been a speaker
8 regarding topics in wage and hour law at the organization's continuing legal education events.

9 6. I am a Member of Lawyers *for* Justice, PC. I received my Bachelor's degree from
10 the University of California, Santa Barbara in 2019, and earned my Juris Doctor degree from the
11 Southwestern Law School in 2024. I was admitted to practice law in California in November of
12 2024. From approximately May 2022 to approximately August 2022, I served as a Judicial Extern
13 to the Honorable Andre Birotte Jr. at the United States District Court for the Central District of
14 California. I am admitted to practice before all courts of the State of California and all federal
15 district courts in the State of California. Since joining Lawyers *for* Justice, PC, I have worked on
16 wage and hour class action and PAGA representative matters. My work has included, *inter alia*,
17 researching and drafting pleadings, administrative notice exhaustion, drafting, negotiating, and
18 finalizing stipulations and settlement agreements, engaging in motion practice, claims evaluation
19 and analysis, and making court appearances.

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

22 7. What follows are just a few examples of the type of results Lawyers *for* Justice, PC
23 ("LFJ") has achieved on behalf of its clients:

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

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

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

11 d) LFJ, in association with co-counsel therein, represented the plaintiffs in a
12 wage-and-hour class action against a national retailer involving allegations of misclassification of
13 the “Store Manager” position. On June 10, 2011, the court granted plaintiffs’ motion for class
14 certification. On August 26, 2013, the court granted final approval of the class action settlement.
15 The Los Angeles County Superior Court Case Number is BC424012.

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

21 f) LFJ, in association with co-counsel therein, represented the plaintiff in a
22 wage-and-hour class and PAGA representative action against a national wholesale distributor of
23 plumbing and builder supplies, involving allegations of misclassification of multiple salaried
24 “manager” positions. On May 22, 2014, the court granted final approval of the class and PAGA
25 representative action settlement. The Sacramento County Superior Court Case Number is 34-
26 2012-00136285.

27 g) LFJ, in association with co-counsel therein, represented the plaintiff in a
28 wage-and-hour class action against a multinational corporation that provides global workplace

1 solutions, involving allegations of misclassification of the “Operations Manager” position. On
2 September 16, 2014, the court granted plaintiff’s motion for class certification. The Los Angeles
3 County Superior Court Case Number is BC478769.

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

9 i) LFJ, in association with co-counsel therein, represented the plaintiff in a
10 wage-and-hour class and PAGA representative action involving allegations of misclassification of
11 the salaried residential “Property Manager” position. On September 17, 2015, the court granted
12 plaintiff’s motion for class certification. On October 20, 2017, the court granted final approval of
13 the class and PAGA representative action settlement. The Los Angeles County Superior Court
14 Case Number is BC474784.

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

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

25 l) LFJ, in association with co-counsel therein, represented the plaintiffs in a
26 wage-and-hour class action against a national retailer of apparel, accessories, and home products,
27 involving allegations of misclassification of the “Department Manager” position. On August 12,
28 2016, the court granted the plaintiffs’ motion for class certification in part and certified a class. On

1 August 6, 2019, the court granted final approval of the class action settlement. The Alameda
2 County Superior Court Case Number is RG13680477.

3 m) LFJ represented the plaintiff in a PAGA representative action against a real
4 estate and property management company, on behalf of non-exempt employees. On November 4,
5 2016, the court granted approval of the PAGA representative action settlement. The Orange
6 County Superior Court Case Number is 30-2015-00775439-CU-OE-CXC.

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

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

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

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

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

6 s) LFJ, in association with co-counsel therein, represented the plaintiffs in a
7 wage-and-hour class and PAGA representative action against a lumber and hardware company on
8 behalf of non-exempt employees. On April 26, 2017, the court granted final approval of the class
9 and PAGA representative action settlement. The Orange County Superior Court Case Number is
10 30-2014-00747750-CU-OE-CXC.

11 t) LFJ represented the plaintiff in a wage-and-hour class and PAGA
12 representative action against a property management company, on behalf of non-exempt
13 employees. On June 14, 2017, the court granted final approval of the class and PAGA
14 representative action settlement. The Los Angeles County Superior Court Case Number is
15 BC586234.

16 u) LFJ represented the plaintiff in a wage-and-hour class and PAGA
17 representative action against a food company on behalf of non-exempt employees. On June 30,
18 2017, the court granted final approval of the class and PAGA representative action settlement. The
19 Sacramento County Superior Court Case Number is 34-2015-00175871.

20 v) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
21 representative action against a chocolate company on behalf of non-exempt employees. On July
22 19, 2017, the court granted final approval of the class and PAGA representative action settlement.
23 The Alameda County Superior Court Case Number is RG15764300.

24 w) LFJ represented the plaintiff in a PAGA representative action, against the
25 parent company of several restaurants, on behalf of hourly-paid, non-exempt employees. On
26 October 18, 2017, the court granted approval of the PAGA representative action settlement. The
27 Los Angeles County Superior Court Case Number is BC569664.
28

1 x) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
2 representative action against a manufacturer of plastic containers on behalf of non-exempt
3 employees. On October 31, 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 BC577233.

6 y) LFJ, in association with co-counsel therein, represented the plaintiffs in a
7 wage-and-hour class and PAGA representative action against a bank on behalf of non-exempt
8 employees. On December 11, 2017, the court granted final approval of the class and PAGA
9 representative action settlement. The Los Angeles County Superior Court Case Number is
10 BC569646.

11 z) LFJ, in association with co-counsel therein, represented the plaintiffs in a
12 wage-and-hour class and PAGA representative action against a property management company
13 on behalf of hourly-paid and non-exempt employees. On January 4, 2018, the court granted final
14 approval of the class and PAGA representative action settlement. The Los Angeles County
15 Superior Court Case Number is JCCP4819 and the Judicial Council Coordination Proceeding
16 Number is 4819.

17 aa) LFJ, in association with co-counsel therein, represented the plaintiffs in a
18 wage-and-hour class and PAGA representative action against a global provider of flexible office
19 space solutions. On February 15, 2018, the court granted final approval of the class and PAGA
20 representative action settlement. The Los Angeles County Superior Court Case Number is
21 BC498401.

22 bb) LFJ, in association with co-counsel therein, represents the plaintiff in a
23 wage-and-hour class action against a container manufacturer, on behalf of non-exempt employees.
24 On October 15, 2018, the court granted the plaintiff's motion for class certification. On March 20,
25 2023, the court granted final approval of the class action settlement. The Tulare County Superior
26 Court Case Number is VCU264528.

27 cc) LFJ represented the plaintiffs in a wage-and-hour class and PAGA
28 representative action against a behavioral health service provider on behalf of non-exempt

employees. On November 13, 2018, the court granted final approval of the class and PAGA representative action settlement. The Alameda County Superior Court Case Number is RG16811450.

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

ee) LFJ, in association with co-counsel therein, represents the plaintiff in a 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. On November 7, 2024, the court granted final approval of the class action settlement. 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, represented 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

1 for class certification and certified a class. On November 2, 2023, the court granted final approval
2 of the class and PAGA representative action settlement. The San Bernardino County Superior
3 Court Case Number is CIVDS1505744.

4 ii) LFJ, in association with co-counsel therein, on behalf of the plaintiff and
5 respondent in a PAGA representative action, successfully opposed in the trial court, and briefed
6 and argued an appeal with respect to the employer's motion to compel arbitration, resulting in a
7 notable decision from the California Supreme Court clarifying the law regarding PAGA claims,
8 *ZB, N.A. v. Superior Court* (2019) 8 Cal.5th 175. On February 21, 2020, the court granted approval
9 of the PAGA representative action settlement. The San Diego County Superior Court Case
10 Number is 37-2016-00005578-CU-OE-CTL.

11 jj) LFJ, in association with co-counsel therein, represents the plaintiff in a
12 wage-and-hour class and PAGA representative action against a large national drug testing
13 laboratory on behalf of non-exempt employees. On February 21, 2020, the court granted the
14 plaintiff's motion for class certification and certified a class. On October 28, 2022, the court
15 granted final approval of the class and PAGA representative action settlement. The San Diego
16 County Superior Court Case Number is 37-2018-00019611-CU-OE-CTL.

17 kk) LFJ, in association with co-counsel therein, represents the plaintiffs in a
18 wage-and-hour class and PAGA representative action against a national retailer of sportswear,
19 footwear, and camping equipment on behalf of non-exempt employees. On March 16, 2020, the
20 court granted in part the plaintiff's motion for class certification and certified a class. The
21 Riverside County Superior Court Case Numbers are RIC1507504 and RICJCCP4930, and the
22 Judicial Council Coordination Proceeding Number is 4930.

23 ll) LFJ, in association with co-counsel therein, represented the plaintiffs in a
24 wage-and-hour class and PAGA representative action against a plastic packaging company on
25 behalf of non-exempt employees. On June 8, 2020, the court granted in part the plaintiffs' motion
26 for class certification and certified a class. On November 8, 2021, the court granted approval of
27 the partial settlement of the action. On April 22, 2024, the court granted approval of the PAGA
28

1 settlement and entered an order dismissing the action. The San Bernardino County Superior Court
2 Case Number is CIVDS1507361.

3 mm) LFJ in association with co-counsel therein, represented the plaintiffs in a
4 wage-and-hour class action against manufacturer and supplier of power products and services on
5 behalf of non-exempt employees. On July 31, 2020, the court granted in part the plaintiffs' motion
6 for class certification and certified a class. On August 27, 2021, the court granted final approval
7 of the class action settlement. The San Diego County Superior Court Case Number is 37-2015-
8 00025968-CU-OE-CTL.

9 nn) LFJ represented the plaintiff in a wage-and-hour class action against a
10 nutritional products manufacturer on behalf of non-exempt production line employees. On
11 December 13, 2021, the court granted the plaintiff's motion for class certification in part and
12 certified a class. On January 16, 2024, the court granted final approval of the class and PAGA
13 representative action settlement. The Solano County Superior Court Case Number is FCS051001.

14 oo) LFJ represents the plaintiffs in a wage-and-hour class action against a
15 manufacturer and distributor of commercial dish and glass cleaning machines and supplies for the
16 restaurant and hospitality industries, on behalf of hourly-paid or non-exempt employees. On July
17 13, 2023, the court granted the plaintiffs' motion for class certification and certified a class. On
18 June 2, 2025, the court granted final approval of the class action settlement and entered an order
19 dismissing the action. The Los Angeles County Superior Court Case Number is BC707670.

20 pp) LFJ represents the plaintiffs in a wage-and-hour class action against a chain
21 of restaurants on behalf of non-exempt employees. On July 22, 2024, the court granted in part the
22 plaintiffs' motion for class certification and certified a class. The San Francisco Superior Court
23 Case Number is CGC-20-582809.

24 **SUMMARY OF WORK PERFORMED AND SETTLEMENT TERMS**

25 8. On July 27, 2021, Plaintiff Clack initiated a putative class action by filing a Class
26 Action Complaint for Damages ("Clack Class Complaint") against Defendant in the Superior
27 Court of California for the County of Shasta ("Court"), Case No. CVCV21-0197865 ("Clack Class
28 Action"), on behalf of herself and all other all current and former hourly-paid or non-exempt

employees who worked for Defendant within the State of California, alleging the following causes of action: (1) failure to pay overtime wages in violation of California Labor Code §§ 510 and 1198; (2) failure to provide meal periods or pay premium pay in lieu thereof in violation of California Labor Code §§ 226.7 and 512(a); (3) failure to provide rest breaks or pay premium pay in lieu thereof in violation of California Labor Code § 226.7; (4) failure to pay minimum wages in violation of California Labor Code §§ 1194, 1197, and 1197.1; (5) failure to pay all wages timely upon termination of employment in violation of California Labor Code §§ 201 and 202; (6) failure to timely pay wages during employment in violation of California Labor Code § 204; (7) failure to provide accurate itemized wage statements in violation of California Labor Code § 226(a); (8) failure to keep requisite payroll records in violation of California Labor Code § 1174(d); (9) failure to reimburse necessary business expenses in violation of California Labor Code §§ 2800 and 2802; and (10) unfair business practices in violation of California Business and Professions Code section 17200, et seq.

9. On June 5, 2024, Plaintiff McOmie submitted written notice to the LWDA of her intent to pursue civil penalties for various alleged California Labor Code violations against Defendant pursuant to the California Labor Code Private Attorneys General Act of 2004 (“PAGA”), California Labor Code section 2699, et seq (“First McOmie PAGA Letter”). Plaintiff McOmie alleged violations of California Labor Code sections 201, 202, 203, 204, 226(a), 226.7, 510, 512(a), 551, 552, 558, 1174(d), 1194, 1197, 1197.1, 1198, 2800 and 2802, and of Industrial Welfare Commission (“IWC”) Wage Order Nos. 4-2001 and 5-2001.

10. On August 15, 2024, Plaintiff McOmie initiated a PAGA representative action by filing a Complaint for Enforcement Under the Private Attorneys General Act, California Labor Code § 2698, Et Seq. (“McOmie PAGA Complaint”) against Defendant in the Shasta County Superior Court, Case No. 24CV-0205758 (“McOmie PAGA Action”) (together with “Clack Class Action”, the “Litigation”), thereby asserting a single claim for civil penalties pursuant to PAGA based on alleged violations of California Labor Code sections 201, 202, 203, 204, 226(a), 226.7, 510, 512(a), 558, 1174(d), 1194, 1197, 1197.1, 1198, 2800 and 2802, and IWC Wage Order Nos. 4-2001 and 5-2001.

1 11. On September 16, 2024, Plaintiff McOmie submitted a second written notice to the
2 LWDA stating her intent to pursue civil penalties for the same alleged California Labor Code
3 violations against Janet Coulter, Mark Coulter, and Robert O'Brien who are individuals against
4 whom Plaintiff McOmie alleged she could assert the same legal claims as Defendant ("Second
5 McOmie PAGA Letter").

6 12. On May 20, 2025, the Parties filed a joint stipulation seeking an order to consolidate
7 the Clack Class Action and the McOmie PAGA Action. On May 21, 2025, the Court issued an
8 order consolidating the Actions.

9 13. Lawyers for Justice, PC has been actively engaged in this litigation from the
10 inception of the above-captioned *Clack* Class Action, which was commenced by Plaintiff Clack
11 on July 27, 2021, and the above-captioned *McOmie* PAGA Action, which was commenced by
12 Plaintiff McOmie on August 15, 2024. Lawyers for Justice, PC has fully and actively participated
13 in the litigation process throughout the pendency of this case, and since joining forces with and
14 associating the attorneys at Domb & Rauchwerger LLP, we have worked closely with them to
15 prosecute the Actions, and our work with them has been a coordinated and combined effort.
16 Together, Lawyers for Justice, PC and Domb & Rauchwerger LLP (together, "Class Counsel")
17 have worked cooperatively in a coordinated and combined effort to strategize and prosecute the
18 Actions.

19 14. Before initiating the above-captioned action, Lawyers for Justice, PC conducted
20 extensive investigation and research into the facts and circumstances underlying the pertinent
21 factual and legal issues and applicable law. This required thorough discussions and interviews
22 between attorneys at our firm and Plaintiffs, and research into the various legal issues involved in
23 the case, namely, the current state of the law as it applied to class certification, off-the-clock
24 theory, meal and rest periods, wage-and-hour enforcement, Plaintiffs' claims and damages, and
25 potential defenses. After conducting initial investigation, our firm determined that Plaintiff's
26 claims were well-suited for class action treatment and representative adjudication owing to what
27 appeared to be a common course of conduct affecting a similarly situated group of current and
28 former non-exempt employees employed by Defendant Lavender Hills Assisted Living LLC.

1 (“Defendant”) in California, who were not properly compensated for, *inter alia*, all hours worked,
2 non-compliant meal and rest periods, and unreimbursed business expenses.

3 15. Collectively, Class Counsel investigated the veracity, strength, and scope of the
4 claims, and worked on preparing the cases for class certification and trial, prior to reaching the
5 settlement. This matter involved extensive and ongoing investigations and research into legal and
6 factual issues, and formal and informal discovery. Plaintiffs’ Counsel propounded multiple sets of
7 formal written discovery, to which Defendant provided responses and objections. Class Counsel
8 obtained information from Plaintiffs and percipient witnesses, reviewed and analyzed a volume of
9 information, documents, and data obtained from Plaintiffs, Defendant, and other sources,
10 researched applicable law, and undertook analyses and calculations of the value of claims,
11 damages, and penalties exposure. The Parties also conducted additional mediation-related
12 discovery. In total, Defendant produced thousands of pages of relevant documents and data in this
13 action, including a large sampling of the time sheets and payroll records for the Class. Class
14 Counsel also met and conferred with Defendant’s counsel on numerous occasions, e.g., to discuss
15 issues relating to the pleadings, case management, formal and informal discovery, production of
16 information, documents, and data in the course of litigation, mediation, and settlement
17 negotiations, and the mediation and settlement negotiations. Other work that Class Counsel has
18 performed and/or will perform include, *inter alia*, case strategy and analysis; drafting, reviewing,
19 and revising the pleadings, motion-related papers, and settlement-related papers; case
20 management; claims assessment and evaluation; and preparing for and attending court proceedings
21 and the mediation and settlement negotiations.

22 16. As outlined herein, the parties have conducted significant investigations and
23 discovery during the course of litigating the case. Class Counsel analyzed a volume of information,
24 documents, and data obtained from Plaintiffs, Defendant, and other sources. This information,
25 documents, and data provided a critical understanding of the nature of the work performed by class
26 members and aggrieved employees, as well as Defendant’s operations and employment policies,
27 practices, and procedures, and were used in analyzing liability, damages, and penalties valuation
28 issues in connection with all phases of the litigation, and ultimately, in connection with the

1 mediation and settlement negotiation process. Accordingly, sufficient investigation and review of
2 information has taken place in order for the parties to be sufficiently informed of the nature and
3 extent of the claims, and to enable all parties to fully evaluate the settlement for its fairness,
4 adequacy, and reasonableness. Class Counsel analyzed class data and time and wage records to
5 determine violations rates and model potential recoveries for the Settlement Class, including, *inter*
6 *alia*, for unpaid minimum, regular, and overtime wages, failure to provide meal and rest breaks
7 and associated premiums, failure to timely pay wages during employment, failure to timely pay
8 wage upon termination and associated waiting time penalties, unreimbursed business expenses,
9 and other California Labor Code violations.

10 17. After conducting significant investigation of the facts and law during the prosecution
11 of the case, counsel for the parties engaged in mediation and extensive settlement negotiations to
12 try to resolve the case. These efforts included participating in mediation on March 27, 2023 with
13 the Hon. Howard Broadman (Ret.), a respected mediator for wage and hour class actions. The
14 mediation occurred after an extensive exchange of formal and informal discovery, including
15 mediation data. The mediation did not result in settlement and litigation continued.

16 18. The parties participated in a second day of mediation on February 12, 2025 with
17 mediator Doug Leach, Esq. Prior to the second day of mediation, the parties continued to
18 exchange formal and informal discovery. With Mr. Leach's assistance, the parties were able to
19 reach a global settlement in principle to resolve both the Class and PAGA claims for \$469,500.00.
20 During all settlement discussions, the parties conducted their negotiations at arm's length in an
21 adversarial position. In the course of mediation and settlement negotiations, the parties discussed
22 all aspects of the cases, including the risks and delays of further litigation proceedings, class
23 certification, and/or trial, the law relating to, *inter alia*, class certification, manageability, off-the-
24 clock theory, meal and rest periods, PAGA representative claims, and wage-and-hour
25 enforcement, as well as the evidence produced and analyzed, and the possibility of appeals, among
26 other things. Arriving at a settlement that was acceptable to the parties was not easy. After
27 conducting extensive investigations, formal and informal discovery, and continued settlement
28 negotiations, and with the aid of the mediator's evaluation, the parties ultimately agreed to resolve

1 the case given the legal issues relating to Plaintiff's principal claims, as well as the costs and risks
2 to both sides that would attend further litigation, and the real possibility of no recovery after years
3 of litigation. Thereafter, on March 25, 2025, the Parties executed a Memorandum of
4 Understanding ("MOU") memorializing the essential terms of the agreement. After the Parties
5 executed the MOU, my office associated Domb & Rauchwerger LLP into the case in order to
6 facilitate getting the long form Settlement finalized and approved through the preliminary and
7 final approval processes.

8 19. If the Court approves the Settlement, Defendant will pay \$469,500.00 pursuant to
9 the Settlement (the "Total Settlement Amount"). The Net Settlement Amount will be calculated
10 by deducting the following amounts from the Total Settlement Amount: (1) attorneys' fees in the
11 amount of up to \$164,325.00 (which is up to thirty-five percent (35%) of the Total Settlement
12 Amount) and reimbursement of litigation costs and expenses of up to \$30,000.00, to Class
13 Counsel; (2) service payments of up to \$7,500.00 each to Plaintiffs (\$15,000.00 total); (3) PAGA
14 penalties of \$70,000.00, of which seventy-five percent (75%), or \$52,500.00, will be paid to the
15 Labor Workforce Development Agency ("LWDA"), and twenty-five percent (25%), or
16 \$17,500.00, will be distributed to PAGA Members; and (4) administration expenses payment
17 estimated not to exceed \$7,550.00, to the Settlement Administrator.

18 20. The Parties have agreed to retain ILYM Group, Inc. ("ILYM") to handle
19 administration of the Settlement, and the Parties respectfully request that this Court appoint ILYM
20 to serve as the Settlement Administrator. The administration expenses payment are estimated not
21 to exceed \$7,500.00 and will be paid from the Total Settlement Amount, subject to Court approval.

22 21. The Settlement provides for an Enhancement Award in an amount of up to \$7,500.00
23 each to Plaintiffs (\$15,000.00 total), to be paid out of the Total Settlement Amount. Prior to the
24 final approval hearing, Plaintiffs will file a motion for final approval and, at that time, also move
25 this Court to award the Enhancement Awards to Plaintiffs. The contemplated Enhancement
26 Awards are fair and reasonable, in light of Plaintiffs' broader general release of claims and
27 California Civil Code section 1542 waiver, as well as her time and effort expended to pursue the
28 case. By initiating and pursuing the Actions, Plaintiffs undertook the responsibilities of serving in

1 a representative capacity for the Settlement Class. Plaintiffs were available whenever Class
2 Counsel needed them, actively tried to obtain and provide information, and spent a substantial
3 amount of time and effort providing the facts and evidence necessary to facilitate the prosecution
4 of the cases. Accordingly, it is appropriate and just for Plaintiffs to receive a reasonable service
5 award, in addition to their individual settlement payments under the Settlement.

6 22. The Settlement provides for attorneys' fees up to \$164,325.00. Prior to the final
7 approval hearing, Plaintiffs will move this Court for an award of attorneys' fees, and show why
8 awarding the full amount of attorneys' fees is fair and reasonable. The attorneys' fees
9 contemplated under the settlement are fair and reasonable considering (1) the risk Class Counsel
10 took in commencing the case; (2) the time, effort, and expense Class Counsel dedicated to the
11 case; (3) the skill and determination Class Counsel have shown; (4) the results Class Counsel have
12 achieved throughout the litigation; (5) the value of the settlement that Class Counsel have achieved
13 for Plaintiffs and the Settlement Class; and (6) the other cases Class Counsel have turned down in
14 order to devote their time and efforts to this matter.

15 23. The Settlement also provides for reimbursement of litigation costs and expenses in
16 an amount up to \$30,000.00. Prior to the final approval hearing, Plaintiffs will move this Court for
17 an award of reimbursement of Class Counsel's litigation costs and expenses in the precise amount
18 that will be demonstrated in the motion, but not to exceed \$30,000.00.

19 24. On June 5, 2024, Lawyers *for* Justice, PC provided written notice by online
20 submission to the Labor and Workforce Development Agency and by certified mail to Defendant,
21 on behalf of Plaintiff McOmie, of Plaintiff McOmie's intent to pursue civil penalties under PAGA
22 against Defendant for alleged violations of the California Labor Code and Industrial Welfare
23 Commission Wage Orders, a true and correct copy of which is attached hereto as "EXHIBIT A."
24 The LWDA did not respond to the notice letter that was sent on behalf of Plaintiff.

25 25. Class Counsel and Plaintiffs have entered into a written fee split agreement by which
26 Lawyers *for* Justice, PC will receive eighty percent (80%) of any attorneys' fees awarded by the
27 Court, and Domb & Rauchwerger LLP will receive twenty percent (20%) of any attorneys' fees
28 awarded by the Court.

Maria Halwadjian
Maria Halwadjian

EXHIBIT A

June 5, 2024

BY ONLINE SUBMISSION

California Labor & Workforce Development Agency
PAGAfiling@dir.ca.gov

Re: LAVENDER HILLS ASSISTED LIVING LLC

Dear Representative:

We have been retained to represent Evelyn Mcomie against Lavender Hills Assisted Living LLC (including any and all affiliates, subsidiaries, parents, directors, officers, agents, and executive employees) (collectively referred to as “Lavender Hills Assisted Living”) for violations of California wage-and-hour laws. Ms. Mcomie seeks penalties for violations of the California Labor Code, which are recoverable under California Labor Code section 2698, et seq., the Labor Code Private Attorneys General Act of 2004 (“PAGA”) and all other remedies available under PAGA.

Ms. Mcomie seeks these remedies on behalf of the State of California and “aggrieved employees,” as defined herein. This letter is sent in compliance with the reporting requirements of California Labor Code section 2699.3.

Lavender Hills Assisted Living employed Ms. Mcomie as an hourly-paid, non-exempt employee from approximately December 2020 to approximately October 2023, in the State of California.

The “aggrieved employees” that Ms. Mcomie may seek penalties on behalf of are all current and former hourly-paid or non-exempt employees who worked for any of the above-referenced entities within the State of California.

Based on the following facts and theories, Lavender Hills Assisted Living has violated and/or continues to violate, among other provisions of the California Labor Code and applicable wage law, California Labor Code sections 201, 202, 203, 204, 226(a), 226.7, 510, 512(a), 551, 552, 558, 1174(d), 1194, 1197, 1197.1, 1198, 2800 and 2802, and IWC Wage Orders including *inter alia*, Wage Orders 4-2001, and 5-2001.

Lavender Hills Assisted Living required aggrieved employees to perform work before their scheduled shifts, after their scheduled shifts, during off-the-clock meal breaks, and/or during rest breaks and failed to compensate aggrieved employees for this time. Such work included, but was not limited to, responding to work-related inquiries, completing COVID screening protocols.

California Labor Code sections 510 and 1198 require employers to pay time-and-a-half or double time overtime wages, and make it unlawful to work employees for hours longer than eight hours in one day and/or over forty hours in one week without paying the premium overtime rates at one-

and-one-half times or double the regular rate of pay, including additional remuneration. During the relevant time period, Ms. Mcomie and other aggrieved employees worked in excess of 8 hours in a day and 40 hours in a week. Therefore, Ms. Mcomie and other aggrieved employees were entitled to receive certain wages for overtime compensation, but they were not paid for all overtime hours worked.

California Labor Code sections 226.7 and 512 require employers to pay an employee one additional hour of pay at the employee's regular rate for each meal or rest period that is not provided. During the relevant time period, Lavender Hills Assisted Living required Ms. Mcomie and other aggrieved employees to work during meal and rest periods and failed to compensate them properly for non-compliant meal and rest periods including, *inter alia*, short, late, interrupted, and missed meal and rest periods.

California Labor Code sections 201 and 202 provide that if an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately, and if an employee quits his or her employment, his or her wages shall become due and payable not later than seventy-two (72) hours thereafter, unless the employee has given seventy-two (72) hours' notice of his or her intention to quit, in which case the employee is entitled to his or her wages at the time of quitting. During the relevant time period, Lavender Hills Assisted Living failed to pay Ms. Mcomie and other aggrieved employees all wages due to them within any time period specified by California Labor Code sections 201 and 202, including earned and unpaid minimum, overtime, and premium wages as discussed above.

California Labor Code section 204 requires that all wages earned by any person in any employment between the 1st and the 15th days, inclusive, of any calendar month, other than those wages due upon termination of an employee, are due and payable between the 16th and the 26th day of the month during which the labor was performed, and that all wages earned by any person in any employment between the 16th and the last day, inclusive, of any calendar month, other than those wages due upon termination of an employee, are due and payable between the 1st and the 10th day of the following month. California Labor Code section 204 also requires that all wages earned for labor in excess of the normal work period shall be paid no later than the payday for the next regular payroll period. During the relevant time period, Lavender Hills Assisted Living failed to pay Ms. Mcomie and other aggrieved employees all wages due to them within any time period specified by California Labor Code section 204, including earned and unpaid minimum, overtime, and premium wages as discussed above.

California Labor Code section 226 requires employers to make, keep and provide complete and accurate itemized wage statements to their employees. During the relevant time period, Lavender Hills Assisted Living did not provide Ms. Mcomie and other aggrieved employees with complete and accurate itemized wage statements. The wage statements they received from Lavender Hills Assisted Living were in violation of California Labor Code section 226(a). The violations include, but are not limited to, the failure to include the total hours worked by Ms. Mcomie and other aggrieved employees, including time spent working off-the-clock and during meal and rest periods as discussed above.

California Labor Code sections 551 and 552 require that every person employed in any occupation of labor is entitled to one day's rest in a seven-day workweek, that no employer of labor shall cause

his employees to work more than six days in a workweek, and that an employer shall pay a civil penalty in the amounts of fifty dollars (\$50) for each aggrieved employee per pay period for the initial violation and one hundred dollars (\$100) for each aggrieved employee per pay period for each subsequent violation. During the relevant time period, Ms. Mcomie and the aggrieved employees were required to regularly and/or consistently work in excess of six (6) days in a workweek. During the relevant time period, Ms. Mcomie and the aggrieved employees were required to work in excess of thirty (30) hours in a week and/or six (6) hours in any one (1) day thereof, during workweeks in which they were required to work in excess of six (6) days. During the relevant time period, Ms. Mcomie and the aggrieved employees were required to work in excess of six (6) days in a workweek without accumulating or being provided the opportunity to take at least one (1) day of rest, and when Ms. Mcomie and the aggrieved employees accumulated days of rest, they were not actually provided the opportunity to take the equivalent of one (1) day's rest in seven (7) during each calendar month.

California Labor Code sections 1174(d) requires an employer to keep, at a central location in the state or at the plants or establishments at which employees are employed, payroll records showing the hours worked daily by and the wages paid to, and the number of piece-rate units earned by and any applicable piece rate paid to, employees employed at the respective plants or establishments. These records shall be kept with rules established for this purpose by the commission, but in any case shall be kept on file for not less than two years. During the relevant time period, Lavender Hills Assisted Living failed to keep accurate and complete payroll records showing the actual hours worked daily and the wages earned by Ms. Mcomie and other aggrieved employees, including earned and unpaid minimum, overtime, and premium wages as discussed above.

California Labor Code sections 1194, 1197, and 1197.1 provide the minimum wage to be paid to employees, and the payment of a lesser wage than the minimum so fixed is unlawful. During the relevant time period, Lavender Hills Assisted Living did not provide Ms. Mcomie and other aggrieved employees with the minimum wages to which they were entitled for work performed "off-the-clock."

California Labor Code section 1198 provides that "The employment of any employee ... under conditions of labor prohibited by the [Industrial Wage Orders] is unlawful." The applicable Industrial Wage Orders, including *inter alia*, Wage Orders 4-2001, and 5-2001, require that for each workday an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee's usual or scheduled day's work, the employee shall be paid for half the usual or scheduled day's work, but in no event for less than two (2) hours nor more than four (4) hours, at the employee's regular rate of pay. Further, if an employee is required to report for work a second time in any one workday and is furnished less than two (2) hours of work on the second reporting, said employee shall be paid for two (2) hours at the employee's regular rate of pay. During the relevant time period, Lavender Hills Assisted Living failed to pay Ms. Mcomie and other aggrieved employees half the usual or scheduled day's work in an amount no less than two (2) hours nor more than four (4) hours at the employee's regular rate of pay for workdays in which Ms. Mcomie and the other aggrieved employees reported to work and were furnished less than half the usual or scheduled day's work. During the relevant time period, Lavender Hills Assisted Living failed to pay Ms. Mcomie and other aggrieved employees for two (2) hours at the employee's regular rate of pay on days in which Ms. Mcomie and the other

aggrieved employees were required to report for work a second time in one workday and were furnished less than two (2) hours of work upon the second reporting.

California Labor Code sections 2800 and 2802 require an employer to reimburse its employee for all necessary expenditures incurred by the employee in direct consequence of the discharge of his or her job duties or in direct consequence of his or her obedience to the directions of the employer. During the relevant time period, Ms. Mcomie and other aggrieved employees incurred necessary business-related expenses and costs that were not fully reimbursed by Lavender Hills Assisted Living. These costs include, but are not limited to, the use of personal phones for work-related tasks.

Therefore, on behalf of all aggrieved employees, Ms. Mcomie seeks all applicable penalties arising out of the above-referenced wage, hour, and payroll practices, or which could be assessed and collected by the Labor and Workforce Development Agency, for violation of the California Labor Code pursuant to PAGA, including civil penalties pursuant to Labor Code section 558.

If you have any questions or require additional information, please do not hesitate to contact us. Thank you for your attention to this matter and the noble cause you advance each and every day.

With kind regards,

A handwritten signature in dark ink, reading "Gabriella Sole". The signature is fluid and cursive, with the first name "Gabriella" being more prominent than the last name "Sole".

Gabriella Sole, Esq.

Cc: (By U.S. Certified Mail / Return Receipt Requested)

Lavender Hills Assisted Living LLC
c/o Mr. Mark L Coulter
Agent for Service of Process
4860 Sunnyhill Lane
Redding, CA 96002

Lavender Hills Assisted Living LLC
c/o Jamie Marie Bossuat
KROLOFF BELCHER SMART PERRY & CHRISTOPHERSON
Attorney
7540 Shoreline Drive
Stockton, CA 95219