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8 Attorneys for Plaintiff,
9 ERIC AYALA, and all others similarly situated
10 (additional attorneys listed on next page)

11 **IN THE UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 ERIC AYALA and ADRIAN
14 AVILES, on behalf of themselves and
15 all others similarly situated, and as
16 “aggrieved employees” on behalf of
17 other “aggrieved employees” under
18 the Labor Code Private Attorneys
19 General Act of 2004,

20 *Plaintiff(s),*

21 vs.

22 UPS SUPPLY CHAIN SOLUTIONS,
23 INC., a Delaware corporation; UPS
24 SUPPLY CHAIN SOLUTIONS
25 GENERAL SERVICES, INC., a
26 Delaware corporation; and DOES 1
27 10, inclusive,

Defendant(s).

Case No.: 5:20-cv-00117-PSG-AFM

**DECLARATION OF ERIC AYALA IN
SUPPORT OF MOTION FOR AWARD
OF ATTORNEYS’ FEES AND COSTS,
SETTLEMENT ADMINISTRATION
COSTS, AND CLASS
REPRESENTATIVE SERVICE
AWARDS**

Date: January 14, 2022

Time: 1:30 p.m.

Courtroom: 6A

Judge: Hon. Philip S. Gutierrez



SPIVAK LAW

ATTORNEYS FOR PLAINTIFF ADRIAN AVILES

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Ayala, et al. v. UPS Supply Chain Solutions, Inc.

Decl. Ayala ISO Motion for Attorneys' Fees and
Costs, Admin. Costs, and Class Rep. Service
Awards

DECLARATION OF ERIC AYALA

I, ERIC AYALA, states as follows:

1. I am a resident in the city of Colton, San Bernardino County, California and am over 18 years of age. I am the plaintiff in this action and am represented by David Spivak of The Spivak Law Firm in this action. Except as otherwise stated, I have personal knowledge of all matters set forth in this declaration and could and would competently testify thereto if called upon to do so as a witness.

2. I understand that, as a Class Representative, I have certain duties and responsibilities to the Settlement Class Members and believe that I have fairly represented the interests of all the Settlement Class Members during the entire course of this case.

3. My counsel provided me with information regarding class actions, how they work, and what my duties would be as a Class Representative. I agreed to serve as a Class Representative so that I could seek to recover wages and penalties on behalf of myself and other employees like me.

4. I understand that the Settlement in this case is subject to this Court’s approval to ensure that it is in the best interest of the Settlement Class as a whole. I have no conflicts with the Settlement Class Members.

5. I understand that my attorneys are submitting an application to this Court for a Class Representative Service Award to compensate me for my unique contributions to the success of this action as a Class Representative in the amount of \$20,000.00. This amount is only about 1.1% of the Gross Settlement Amount of \$1,800,000.00. I believe this amount is fair and reasonable compensation for my efforts in this case and the risks I have taken in pursuing a fair recovery for the Settlement Class Members.

6. I have provided Defendants with a general release of any and all claims, known or unknown, I may have against the Defendants. By agreeing to settle the case in the best interest of the Settlement Class Members, I have given up



1 the right to pursue individual claims for unpaid overtime wages, meal and rest
2 period premium wages, penalties and other causes of action mentioned in the
3 operative complaint and recover substantially more for the same than being a Class
4 Representative and seeking relief on behalf of the Settlement Class Members. I did
5 not seek an individual settlement for my claims, and instead chose to prosecute this
6 matter on behalf of my coworkers. By pursuing the claims of all Settlement Class
7 Members, I have also rendered my own individual payment uncertain and delayed
8 its payment by several months (at the least).

9 7. As the Class Representative, I assumed a fiduciary role to the
10 Settlement Class. I agreed to (1) consider the interests of the Settlement Class just
11 as I would consider my own interests and, in some cases, to put the interests of the
12 Settlement Class before my own interests; (2) actively participate in the complaint,
13 as necessary, by among other things, answering interrogatories, producing
14 documents to Defendants and giving deposition and trial testimony if requested; (3)
15 travel to give such testimony and other related work; (4) recognize and accept that
16 any resolution of the lawsuit by dismissal or settlement, is subject to Court's
17 approval, and must be in the best interest of the Settlement Class as a whole; (5)
18 follow the progress of the lawsuit and provide all relevant facts to my attorneys; (6)
19 champion many other people with similar claims and injuries because of the
20 importance of the case and the necessity that all Settlement Class Members benefit
21 from the lawsuit; and (7) fight for a resolution in which the individual recoveries to
22 each Settlement Class Member, including me, may be relatively small. I agreed to
23 shoulder all of these responsibilities in exchange for a proportionate share of funds
24 made available for distribution to the Settlement Class Members. I had no guarantee
25 of a Class Representative Service Award.

26 8. I have demonstrated my commitment to the Settlement Class by,
27 among other things, retaining experienced counsel, providing counsel with
28 documents and extensively speaking with them to assist in identifying the claims



1 asserted in this case, preparing for and submitting to a full day of examination by
2 deposition, assisting them in contacting the Settlement Class Members and
3 gathering information from them, meaningfully participating in two sessions of
4 mediation and subsequent negotiations that led to the Settlement. Since the
5 inception of the case, I have regularly contacted my counsel to follow the progress
6 of the case. I have also spent time carefully reviewing the Settlement, and other case
7 related documents on my own and with my counsel to make sure that the Settlement
8 and other work my attorneys performed are in the best interest of the Settlement
9 Class Members. Since the Court granted the preliminary approval of the Settlement,
10 I have regularly contacted my counsel to follow the progress of the case. Including
11 travel time, I have spent over 122 hours of my time in connection with this case to
12 date. Attached as **Exhibit A** to this declaration is a true and correct copy of an
13 activity log I have prepared showing the estimates of time I spent on various work
14 performed in this case.

15 9. My counsel have advised me that because my employment ended
16 before the close of the Class Period, there are absent class members who will have
17 worked more workweeks during the Class Period than I have and, as a result, receive
18 larger shares in the recovery. While this is a risk that I assumed when I brought the
19 lawsuit, it seems unfair to limit my recovery to the amount of an absent class
20 member.

21 10. Further, my counsel have advised me of the possibility that, if the case
22 was lost, I could have been ordered to pay Defendants' costs and even attorneys'
23 fees in this case, which could have been thousands of dollars by the end.

24 11. Because I filed this lawsuit, there is a public record at the Court
25 showing that I brought a class action complaint for unpaid wages and other causes
26 of action against my former employer. The Class Representative Service Award to
27 me of \$20,000.00 is not equal to the harm to my future career prospects that this
28 case may cause me.



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12. Based on the time, risk, stigma, loss of benefits and income and outcome of this case, I believe that the requested Class Representative Service Award for me is fair and reasonable. As such, I respectfully request that the Court grant the requested Class Representative Service Award of \$20,000.00.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on 11 / 03 / 2021 in Colton, California.



ERIC AYALA,
Declarant



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EXHIBIT A

Approximate Date	Activity	Hours
8/15/2019	Calls and/or texts with law firm	0.08
8/15/2019	Search for pay stub documents	2.50
8/19/2019	Search for any related documents	8.00
9/9/2019	Searching emails fro related documents	10.00
10/11/2019	Contacted multiple witnesses	2.50
11/14/2019	Calls and/or texts with law firm	0.25
11/15/2019	Calls and/or texts with law firm	0.83
11/22/2019	Calls and/or texts with law firm	0.25
11/27/2019	Reviewing documents: Complaint	1.00
11/27/2019	Calls and/or texts with law firm	0.25
12/2/2019	Calls and/or texts with law firm	0.17
12/2/2019	Reviewing documents: Retainer/FAQ	1.00
12/3/2019	Reviewing documents: Other docs from law firm	0.17
12/6/2019	Calls and/or texts with law firm	0.50
12/6/2019	Reviewing documents: Retainer/FAQ	2.00
12/11/2019	Calls and/or texts with law firm	0.33
12/16/2019	Reviewing documents: Complaint	1.00
12/23/2019	Emails to/from law firm	0.17
1/15/2020	Spoke with witness in person regarding case and to contact Spivak Law firm.	0.45
2/6/2020	Calls and/or texts with law firm	0.25
2/20/2020	Reviewing documents: Other docs from law firm	1.00
2/24/2020	Emails to/from law firm	0.17
2/26/2020	Calls and/or texts with law firm	1.17
2/27/2020	Calls and/or texts with law firm	0.17
3/9/2020	Calls and/or texts with law firm	0.17
3/11/2020	Reviewing documents: Other docs from law firm	1.00
3/11/2020	Calls and/or texts with law firm	0.17
3/11/2020	Calls and/or texts with law firm	1.00
3/13/2020	Calls and/or texts with law firm	0.08
3/31/2020	Calls and/or texts with law firm	0.33
3/31/2020	Calls and/or texts with law firm	0.17
4/1/2020	Calls and/or texts with law firm	0.08
4/1/2020	Calls and/or texts with law firm	0.33
4/8/2020	Reviewing documents: Other docs from law firm	1.00

Approximate Date	Activity	Hours
4/8/2020	Reviewing documents: Other docs from law firm	0.33
4/8/2020	Emails to/from law firm	0.25
4/13/2020	Reviewing documents: Complaint	0.75
4/15/2020	Calls and/or texts with law firm	0.25
4/27/2020	Reviewing documents: Other docs from law firm	0.25
4/30/2020	Reviewing documents: Retainer/FAQ	0.75
6/4/2020	Emails to/from law firm	0.33
6/4/2020	Calls and/or texts with law firm	0.17
6/8/2020	Emails to/from law firm	0.17
6/16/2020	Reviewing documents: Other docs from law firm	1.00
6/23/2020	Calls and/or texts with law firm	0.33
6/23/2020	Reviewing documents: Other docs from law firm	4.00
7/3/2020	Emails to/from law firm	0.75
7/4/2020	Emails to/from law firm	1.00
7/5/2020	Emails to/from law firm	0.50
7/8/2020	Calls and/or texts with law firm	0.42
7/28/2020	Calls and/or texts with law firm	0.33
7/29/2020	Calls and/or texts with law firm	0.33
8/13/2020	Calls and/or texts with law firm	0.25
8/28/2020	Reviewing documents: Other docs from law firm	0.75
8/30/2020	Emails to/from law firm	1.00
8/30/2020	Reviewing documents: Other docs from law firm	0.75
8/31/2020	Emails to/from law firm	0.50
9/11/2020	Calls and/or texts with law firm	0.42
9/15/2020	Calls and/or texts with law firm	0.17
10/13/2020	Calls and/or texts with law firm	0.17
10/14/2020	Calls and/or texts with law firm	0.25
10/15/2020	Calls and/or texts with law firm	0.17
10/15/2020	Reviewing documents: Other docs from law firm	0.75
10/19/2020	Calls and/or texts with law firm	0.33
10/19/2020	Emails to/from law firm	0.50
10/29/2020	Emails to/from law firm	0.75
10/30/2020	Deposition: preparation with attorneys	7.00
11/2/2020	Emails to/from law firm	0.50
11/2/2020	Calls and/or texts with law firm	0.17

Approximate Date	Activity	Hours
11/2/2020	Attempt to obtain mobile records from provider.	1.25
11/2/2020	Calls and/or texts with law firm	0.50
11/3/2020	Deposition: providing testimony	7.00
11/5/2020	Calls and/or texts with law firm	0.17
11/11/2020	Calls and/or texts with law firm	0.33
11/17/2020	Emails to/from law firm	0.50
11/19/2020	Reviewing documents: Other docs from law firm	4.00
12/8/2020	Emails to/from law firm	0.50
12/14/2020	Calls and/or texts with law firm	0.50
12/15/2020	Calls and/or texts with law firm	0.17
12/16/2020	Emails to/from law firm	1.00
12/16/2020	Calls and/or texts with law firm	3.00
12/16/2020	Calls and/or texts with law firm	0.50
12/17/2020	Calls and/or texts with law firm	0.25
12/17/2020	Calls and/or texts with law firm	0.25
12/17/2020	Reviewing documents: Other docs from law firm	1.00
12/17/2020	Emails to/from law firm	0.75
12/18/2020	Calls and/or texts with law firm	0.25
12/18/2020	Reviewing documents: Other docs from law firm	0.50
12/21/2020	Reviewing documents: Other docs from law firm	0.75
12/21/2020	Calls and/or texts with law firm	0.50
12/23/2020	Reviewing documents: Other docs from law firm	1.00
12/29/2020	Reviewing documents: Other docs from law firm	0.50
12/31/2020	Emails to/from law firm	0.25
12/31/2020	Calls and/or texts with law firm	0.25
1/3/2021	Reviewing documents: Other docs from law firm	0.17
1/4/2021	Calls and/or texts with law firm	0.50
1/4/2021	Calls and/or texts with law firm	0.50
1/6/2021	Calls and/or texts with law firm	1.00
1/6/2021	Calls and/or texts with law firm	0.50
1/7/2021	Reviewing documents: Other docs from law firm	0.25
1/11/2021	Calls and/or texts with law firm	0.75
1/12/2021	Calls and/or texts with law firm	0.25
1/13/2021	Calls and/or texts with law firm	0.50
1/13/2021	Reviewing documents: Other docs from law firm	0.50

Approximate Date	Activity	Hours
1/14/2021	Reviewing documents: Other docs from law firm	4.00
2/2/2021	Reviewing documents: Other docs from law firm	1.00
2/3/2021	Reviewing documents: Other docs from law firm	0.25
3/17/2021	Reviewing documents: Other docs from law firm	2.00
4/2/2021	Calls and/or texts with law firm	0.17
4/2/2021	Reviewing documents: Other docs from law firm	0.50
4/7/2021	Emails to/from law firm	0.50
4/8/2021	Emails to/from law firm	0.25
4/12/2021	Reviewing documents: Other docs from law firm	1.50
4/13/2021	Emails to/from law firm	0.25
4/14/2021	Reviewing documents: Other docs from law firm	1.50
4/14/2021	Reviewing documents: Other docs from law firm	4.00
4/14/2021	Reviewing documents: Other docs from law firm	2.50
4/14/2021	Reviewing documents: Other docs from law firm	2.00
4/22/2021	Calls and/or texts with law firm	0.25
4/23/2021	Emails to/from law firm	0.75
4/26/2021	Calls and/or texts with law firm	0.08
4/26/2021	Emails to/from law firm	0.17
6/23/2021	Reviewing documents: Settlement Agreement	1.00
6/23/2021	Emails to/from law firm	1.00
6/23/2021	Calls and/or texts with law firm	0.25
6/24/2021	Emails to/from law firm	0.33
6/25/2021	Reviewing documents: Other docs from law firm	0.33
7/1/2021	Emails to/from law firm	0.17
7/2/2021	Reviewing documents: Other docs from law firm	1.50
8/24/2021	Reviewing documents: Other docs from law firm	0.75
11/3/2021	Calls and/or texts with law firm	0.17
	TOTAL	122.64