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7 behalf of all others similarly situated

8 *Additional counsel listed on following pages.**

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF SAN DIEGO**

11 DONNIE SANCHEZ BARRAGAN, ARACELI
BARRAGAN, JEREMEY BURCHAM, LISA
12 DAVEY, VIRGIE FLORES and JANELLY
SANDOVAL individually and on behalf of all
13 others similarly situated,

14 Plaintiffs,

15 v.

16 HOME DEPOT USA, INC., a Delaware
Corporation, and DOES 1 through 50, inclusive,

17 Defendants.
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Case No. 37-2019-00056110-CU-MC-CTL

**DECLARATION OF DENNIS S. HYUN IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

**[Declarations of Noam Glick, Larry W. Lee,
Craig Nicholas, James R. Hawkins, William
L. Marder, Armond M. Jackson, and
Plaintiffs Filed Concurrently Herewith]**

Date: December 8, 2023

Time: 9:00 a.m.

Dept.: C-67

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1 I, DENNIS S. HYUN, hereby declare and state as follows:

2 1. I am an attorney at law duly admitted to practice before all courts in the State of
3 California and am a member of the law firm of the Diversity Law Group, P.C., one of the attorneys
4 of record for Plaintiff Janelly Sandoval (“Plaintiff”) in the above-entitled action.

5 2. I have personal knowledge of the matters set forth herein, and if called upon as a
6 witness to testify thereto, I could and would competently do so.

7 3. I am one of the primary attorneys on this matter. My qualifications are as follows: I
8 received my JD from Loyola Law School in 2002. I was named to the Dean’s Honor List from
9 2000-2002. During law school, I was a Senior Research Editor for Loyola International &
10 Comparative Law Review. I was also a research assistant for Professor Levenson, an extern at the
11 U.S. District Court for the Honorable Audrey B. Collins, and a clerk at the U.S. Attorney’s Office,
12 Criminal Division. I also served as a summer law clerk at the white-collar criminal defense firm,
13 Lightfoot, Vandavelde, *et al.*, which became part of Crowell & Moring LLP. Upon graduation from
14 law school, I served as a research attorney in the Los Angeles County Superior Court for the Hon. J.
15 Stephen Czuleger, the Hon. Owen Lee Kwong, the Hon. Laurie D. Zelon, and the Hon. Joanne B.
16 O’Donnell. After my clerkship ended, I practiced as a labor and employment associate for the next
17 8 years, including most recently as a senior associate at Seyfarth Shaw LLP, as well as an associate
18 at DLA Piper LLP (US) and Morgan, Lewis & Bockius LLP. I am currently a shareholder in the
19 law firm Hyun Legal, APC.

20 4. My primary practice has been employment law throughout my entire private career.
21 I have handled a number of wage and hour matters including class actions and individual actions,
22 on behalf of plaintiffs and defendants. I have a practice that encompasses cases in the Orange
23 County Superior Courts, the Los Angeles County Superior Courts, the San Diego County Superior
24 Courts, the United States District Courts for the Southern, Central, Northern and Eastern Districts
25 of California, the California Court of Appeal, and the Ninth Circuit.

26 5. I have served as Class Defense Counsel in a number of wage and hour class actions,
27 including but not limited to: *Bradley v. Networkers Int’l, LLC*, 211 Cal. App. 4th 1129 (2012); *Chiu*
28 *v. Citrix Systems, Inc.*, C.D. Cal. Case No. SACV11-01121 DOC (RNBx); *Hodge v. Aon Insurance*,

1 Los Angeles Sup. Ct. Case No. BC 265725; *Hoyng v. Aon Insurance*, Los Angeles Sup. Ct. Case
2 No. BC377184; *Jimenez v. Allstate Ins. Co.*, C.D. Cal. Case No. CV10-08486 JAK (FFMx);
3 *Marino v. BP West Coast Products*, Los Angeles Sup. Ct. Case No. BC 357987; *McEntee v. Ryland*
4 *Homes*, Los Angeles Sup. Ct. Case No. BC 390868; *McKinstry v. Accenture*, C.D. Cal. Case No.
5 SACV11-1335 DOC (ANx); *Munoz v. Decron Properties*, Los Angeles Sup. Ct. Case No.
6 BC387644; and *Rodriguez v. BP West Coast Products*, Los Angeles Sup. Ct. Case No. BC 350736.
7 As defense counsel, I have taken over 50 class member and individual/representative plaintiff
8 depositions. I have drafted class certification and decertification papers, including in *Bradley*, which
9 was initially affirmed by the Court of Appeal, but reversed pursuant to *Brinker v. Superior Court*,
10 53 Cal. 4th 1003 (2012).

11 6. Currently, I am and/or was lead plaintiff's counsel in the following wage and hour
12 class or representative actions: *Asad v. Chevron Stations, Inc.*, Los Angeles Sup. Ct. Case No.
13 BC470198; *Barrera v. Home Depot (USA), Inc.*, N.D. Cal. Case No.: C 12 5199 LHK (HRL);
14 *Bararsani v. Coldwell Banker*, Los Angeles Sup. Ct. Case No. BC495767; *Barreras v. Michaels*
15 *Stores, Inc.*, N.D. Cal. Case No. C12-04474 PJH; *Brown v. CVS Pharmacy, Inc.*, C.D. Cal. Case
16 No. 2:15-cv-07631-PSG-PJW; *Chatman v. RMI Int'l, Inc.*, Los Angeles Sup. Ct. Case No. BC
17 495755; *Chavez v. Converse, Inc.*, N.D. Cal. Case No. 15-cv-03746-NC; *Dynabursky v.*
18 *AlliedBarton, LLC, et al.*, C.D. Cal. Case No. 8:12-cv-02210-JLS-RNB; *Gonzales v. Wells Fargo*
19 *Bank, N.A.*, Los Angeles Sup. Ct. Case No. BC502826; *Lao v. H&M Hennes & Mauritz*, N.D. Cal.
20 Case No. 5:16-cv-333 EJD; *Lee v. The Pep Boys Manny Moe & Jack of California*, Los Angeles
21 Sup. Ct. Case No. BC 496075; *Magadia v. Wal-Mart Assocs.*, N.D. Cal. Case No. 5:17-cv- 00062-
22 LHK; *Naranjo v. Bank of America, N.A.*, N.D. Cal. Case No. C 14-02748 LHK; *Ortegon-Ramirez*
23 *v. Cedar Fair*, Santa Clara Sup. Ct. Case No. 1-13-CV-254098; *Pace v. PetSmart, Inc.*, C.D. Cal.
24 Case No. SACV13-500 DOC; *Rodriguez v. NIKE Retail Services, Inc.*, N.D. Cal. Case No. 5:14-
25 CV-1508 BLF; *Stafford v. Brink's, Incorporated*, Los Angeles County Superior Case No.
26 BC532260 and *Vass v. Gardner Trucking*, San Joaquin Sup. Ct. Case No. 39-2013-294819-CU-OE-
27 STK. Additionally, in *Chavez*, Case No. 15-cv-03746-NC, *Dynabursky* Case No. 8:12-cv-02210-
28 JLS-RNB, *Pace*, Case No. SACV13-500 DOC, *Rodriguez*, Case No. 5:14-CV-1508 BLF, *Stafford*,

1 Case No. BC532260, *Gonzales*, Los Angeles Sup. Ct. Case No. BC502826, and *Magadia*, Case No.
2 5:17-cv-00062-LHK, I was certified as class counsel pursuant to the plaintiff's motion for class
3 certification. Further, in *Stafford* and *Magadia*, we tried these certified class claims via bench trial
4 and prevailed. In *Magadia*, we obtained a \$102 million judgment for the class against Walmart at
5 the district court level, which was reversed by the Ninth Circuit. Moreover, I have been approved as
6 class counsel in connection with numerous class settlements.

7 7. I support the settlement as fair, reasonable and adequate, and in the best interest of
8 the Class Members as a whole. Each side has apprised the other of their respective factual
9 contentions, legal theories and defenses, resulting in extensive arms' length negotiations taking
10 place among the Parties. Although, Plaintiff's attorneys are certain that they can prevail on class
11 certification, as well as on the merits, they recognize the inherent risks in drawn-out litigation,
12 including that Plaintiff could fail to establish liability. Based on their own independent investigation
13 and evaluation, the Parties and their respective counsel are of the opinion that the Settlement for the
14 consideration and on the terms set forth in the Class Action Settlement Agreement are fair,
15 reasonable, and adequate and the settlement is in the best interests of the Class and Defendant in
16 light of all known circumstances and the expenses and risks inherent in litigation.

17 8. On January 31, 2020, Plaintiff Janelly Sandoval filed a putative class action alleging
18 claims for: (1) alleged failure to pay all wages in connection with its issuance of pay cards for final
19 wages (Lab. Code §§ 201-203), and (2) failure to provide accurate itemized wage statements (Lab.
20 Code § 226). Following removal to federal court, Sandoval filed a FAC on April 30, 2020. On
21 June 1, 2020, Sandoval filed a separate representative Private Attorneys General Act (the "PAGA")
22 action in the Riverside County Superior Court, alleging the same claims alleged in the Sandoval
23 Class Action, but under PAGA. In the *Sandoval* Class Action, Sandoval was deposed. The Parties
24 propounded formal sets of discovery and exchanged documents. The Parties' counsel further
25 engaged in numerous meet and confer correspondence.

26 9. Plaintiff Sandoval asserted a standalone wage statement claim based on an hourly
27 item of pay called "Premium OT," for which Defendants failed to list the hourly rate. However,
28 there are only 91 wage statements at issue for this claim, which amounts to \$22,750 in PAGA

1 penalties and \$4,550.00 in 226(e) penalties, for a total of \$27,300.00. However, this Court may
2 have rejected this theory because employees could perform simple arithmetic to calculate said
3 claim. Plaintiff Sandoval also sought waiting time penalties based on Defendant's issuance of
4 paycards to terminated employees, which Sandoval alleges forced employees to incur fees and,
5 thus, not have access to all of their final wages. This Court may, however, have ruled in
6 Defendant's favor on this claim, as Defendant contends that it would have prevailed on said claim
7 by providing a blank check which employees could cash to access their final pay.

8 10. To date, I have incurred approximately 341.8 hours in connection with the litigation
9 of this lawsuit. Subject to and without waiving the attorney-client privilege and work-product
10 doctrine, a breakdown of these hours is reflected in the spreadsheet attached as Exhibit "A."

11 11. I also anticipate spending an additional 10 hours through the final approval hearing,
12 including on matters such as preparing the Motion for Final Approval, review, research and reply to
13 any objections filed to the Class Action Settlement, further conferring with class members
14 regarding the case status, as well as post-final approval, including communicating with class
15 members and administering the settlement. Class Counsel has also received a number of calls
16 during the settlement administration process from Class Members with questions about the case and
17 the current settlement, all of which have been responded to by Counsel.

18 12. My current billing rate is at \$850.00 per hour. In cases approved in 2018 and 2019,
19 the Santa Clara County Superior Court approved my hourly rate of \$700 in *Huertas v. Chevron*
20 *Stations*, Santa Clara Sup. Ct. Case No. 17CV309996, and *Chavez v. Hugo Boss, Inc.*, Santa Clara
21 Sup. Ct Case No. 18CV322644. In 2019, the Honorable David Cunningham of the Los Angeles
22 County Superior Court approved my hourly rate of \$700 in connection with awarding attorneys'
23 fees after we prevailed on the certified class action in *Stafford*, Case No. BC532260. Since 2020,
24 courts have approved my hourly rate of \$750.00, including in *Ricks v. ConAm Mgmt. Corp.*, San
25 Diego County Superior Court Case No. 37-2020-00001430-CU-OE-CTL, *Hernandez v. Wells*
26 *Fargo Bank*, Santa Clara County Superior Court Case No. 16CV299319, *Chavez v. Converse, Inc.*,
27 N.D. Cal. Case No. 15-cv-03746-NC, and *Lao v. H&M Hennes & Mauritz*, N.D. Cal. Case No.
28 5:16-cv-333 EJD. Further, in 2017, Judge Gutierrez in *Brown v. CVS* noted as follows when

1 approving my hourly rate of \$650: “[t]he Court finds that, given the type of work performed and the
2 experience of counsel in this case, **Plaintiff's attorneys performed in the upper quartile of**
3 **similarly situated attorneys**, and so are entitled to fees in the top range of that suggested by the
4 Real Rate Report.” *Brown v. CVS Pharmacy, Inc.*, No. CV15-7631 PSG (PJWX), 2017 WL
5 3494297, at *8 (C.D. Cal. Apr. 24, 2017) (emphasis added). As such, the total of my firm’s
6 attorney’s fees through final approval is expected to be \$299,030.00 (351.8 hours x \$850).

7 13. I have incurred \$1,194.90 in costs, consisting of purchasing Plaintiff’s deposition
8 transcript.

9 14. I do not have any personal or financial relationship with Homer Fund or Refugee
10 Net.

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

13 Executed on November 7, 2023, at Los Angeles, California.

14 

15 _____
Dennis S. Hyun

EXHIBIT “A”

Description of Time	Amount
Review client documents	4.5
Review and revise PAGA letter on paystubs	1.6
Draft Complaint	6.8
Draft PAGA letter on paycards	3.5
Review court's standing and scheduling orders	1.6
Meet and confer with counsel	0.6
Draft FRCP 26 report	4.9
Draft first set of interrogatories	5.8
Draft first set of requests for production	8.2
Draft first amended complaint	4.2
Draft stipulation to file first amended complaint	5.1
Draft initial disclosures	3.8
Draft PAGA complaint	5.3
Draft second set of requests for prpduction	4.5
Review defendant's discovery responses and document production	8.5
Draft meet and confer email	4.8
Draft notice of 30b6 witness deposition	6.7
Meet and confer with defense on discovery	2.5
Draft joint cmc statement	4.9
Review and revise protective order	6.4
Draft stipulation to continue class certification and proposed orer	6.8
Draft declaration to support continuance	4.5
Draft declaration re OSC	4.9
Appear at case management conference	1.5
Draft second set of interrogatories	4.6
Draft notice of deposition of percipient witnesses	3.5
Draft second meet and confer email on discovery	5.4
Review demurrer to PAGA complaint	5.7
Research and draft opposition to demurrer	9.5
Review reply in support of demurrer	6.5
Appear and argue demurrer	1.5
Review and revise joint prosecution agreement	4.5
Prepare client for deposition	4.5
Appear and defend client deposition	8
Draft motion to compel discovery (joint stipulation)	8.5
Review court order on transfer	0.4
Draft notice of non-opposition	0.6
Draft cmc statement	5.4
Attend cmc	1.5
Draft mediation brief	8.6
Attend mediation	8
Draft interrogatories for PAGA	7.4
Draft requests for production for PAGA	8.2
Draft cmc statement	4.3
Draft early neutral evaluation brief	5.7
Draft motion to excuse plaintiff from ENE	2.5
Draft meet and confer email on PAGA discovery	6.8

Review discovery responses and documents in PAGA	7.5
Review defendant's motion to consolidate	5.4
Draft limited opposition to motion to consolidate	2.5
Review reply in support of motion to consolidate	3.2
Draft joint motion to continue class certification	5.2
Draft mediation brief #2	5.4
Attend mediation #2	8
Review and revise joint motion to stay	2.9
Review and revise settlement agreement	8.4
Draft motion for preliminary approval	9.5
Draft declaration in support of motion for prelim	7.5
Draft client declaration	4.5
Review and revise class notice	8.4
Review tentative ruling	0.5
Confer with administrator	2.3
Review administrator reports	2.5
Confer with class members	10
Review objections by class members	2.5
Draft declaration for final approval	4.5
Review and revise motion for final approval	7.6
	Total
	341.8