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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

ADRIANA HUERTA and MARIA SANCHEZ on behalf of themselves and all others similarly situated

Plaintiffs,

vs.

PRO-TECH DESIGN & MANUFACTURING, INC. a California corporation, and DOES 1 through 50, inclusive,

Defendants.

Case No.: 19STCV36380

Assigned For All Purposes To:
Judge: Lawrence P. Riff
Dept.: 7

DECLARATION OF S. PHILLIP SONG PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

DECLARATION OF PHILLIP SONG

I, Phillip Song, declare as follows:

1. I am an attorney licensed to practice law in the State of California. I am an attorney at Lavi & Ebrahimian, LLP and am co-counsel for Plaintiffs Adriana Huera, Maria Sanchez, and Estephany Avalos (collectively, the "Plaintiffs"), Aggrieved Employees, and the State of California as private attorney general. Based on my assignment to this case and familiarity with the file in this matter; I have personal knowledge of the matters stated herein and if called and sworn as a witness, I would and could competently testify under oath thereto. I am a member in good standing of all State and Federal District Courts of California. I am submitting this declaration in support of the Parties' Motion for Preliminary Approval of Class Action and PAGA Settlement Agreement.

2. The attorneys at our office are experienced and qualified to evaluate the PAGA claims and to evaluate settlement versus trial on a fully informed basis, and to evaluate the viability of the defenses.

3. I have almost exclusively practiced in the area of labor and employment law since being licensed in California. I graduated from the University of Houston Law Center in Houston, Texas. I have been admitted to practice law in Texas, since 2013. I am presently admitted to practice in all state courts of California (admitted in 2019), and before all federal district courts in California. The focus of my practice is currently on class actions, wage-and-hour law, and employment law. I have worked on numerous class action cases that have been granted final approval, including *Paez et al. v. C&R Restaurant Group, LP*, Kern County Superior Court Case No. BCV-18-103181-SDS; *Baker v. Central Coast Home Health, Inc*., San Luis Obispo County Superior Court Case No. 17CV-0219; *Martinez v. Community Playgrounds, Inc*., Solano County Superior Court Case No. FCS53879; *Duval v. Pacific States Petroleum, Inc*., Sacramento County Superior Court Case No. 34-2018-00231934; *Flores v. Wilmar Oils & Fats (Stockton), LLC*, San Joaquin County Superior Court Case No. STK-CV-UOE-2018-0012758; *Garcia v. Continental Intermodal Group L.P. dba CIG Logistics*, Kern County Superior Court Case No. BCV-19-102776; *Tourchette adv. Finelite, Inc*., Alameda County Superior Court Case No. RG19022885; *Touch v. Presidio Components, Inc*., Kern County Superior Court Case No. BCV-20-101005; *Johnston v. Environmental Logistics, Inc*.,

Kern County Superior Court Case No. BCV-18-100865-DRL; *Lewis v. Environmental Waste Minimization, Inc*., Kern County Superior Court Case No. BCV-19-102248-SDS; *Priess v. Fiore Management LLC dba Canndescent*, Kern County Superior Court Case No. BCV-20-100930; *Alcantar v. Bay Equity LLC*, Marin County Superior Court Case No. CIV1903376; *Spier v. Gibbs International, Inc*., Kern County Superior Court Case No. BCV-19-101774-DRL; *Borghi v. Goldco Direct LLC dba Goldco Precious Metals*, Ventura County Superior Court Case No. 56-2019-00533053-CU-OE-VTA. I have also received preliminary approval in various courts throughout the state of California, including *Williams v. Aetna, Inc., et al*., Alameda County Superior Court Case No. RG19004083; *Singh v. Ryzen*, Alameda County Superior Court Case No. RG19039158; *Hoshaw v. Sutherland Healthcare*, Los Angeles County Superior Court Case No. 19STCV33165; *Hart v. Zazzle, Inc*., San Mateo County Superior Court Case No. 20-CIV-01321; and *Stacy v. Branded Group, Inc*,. Kern County Superior Court Case No. BCV-20-102005.

4. I am also familiar with the practice of the partner assigned to this case, Mr. Joseph Lavi. Mr. Lavi graduated from law school in 2000 and has been practicing ever since. Mr. Lavi has handled numerous cases in all aspects of employment and labor law, including state and federal class actions, wrongful termination, discrimination, harassment, and retaliation cases. Mr. Lavi has tried labor and employment cases in California state and federal courts. Additionally, Mr. Lavi has argued before various Court of Appeals, on employment issues such as validity of Arbitration Agreements, Application of Res Judicata in class action cases as well as other employment issues. Mr. Lavi has also been a panelist and/or speaker for various Employment Law Continuing Legal Education Panels on issues of employment law trials, how to proceed and conduct trials as well as proving and winning punitive damages. Mr. Lavi has been named a Southern California Super Lawyer in the area of Plaintiff's class action employment litigation from 2011-2021. Mr. Lavi has settled numerous wage and hour class actions and he is currently Plaintiff's counsel in numerous others. Some of the class actions that Mr. Lavi has handled against employers on wage and hour issues and have been approved as class counsel consisted of Kaiser Permanente which settled for $6,510,000.00; Hustler Casino which settled for $980,000.00; Chevron Stations Inc., which settled

for $4,500,000.00; Commerce Casino which settled for $1,575,000.00; BP West Cost Products, which settled for $4,000,000.00; Kaiser Permanente which settled for $3,600,000.00, Fuddruckers (as lead counsel) which settled for $900,000.00; Movado Retail Group, Inc. (as lead counsel) which settled for $728,000.00, Chuck-E-Cheese's (as lead counsel) which settled for $1,900,000.00; Aero-Electric Connector, Inc. (as lead counsel) which settled for $1,500,000.00; Clougherty Packing, LLC (as lead counsel) which settled for $4,250,000.00; and Gruma Corporation (as lead counsel) which Defendant's petition to the United States Supreme Court in the matter was denied and the matter settled for $2,300,000.00. There are numerous other class actions that Mr. Lavi has settled as well as pending ones. He has been approved as class counsel by both federal and state courts. Mr. Lavi, myself, and the other attorneys at Lavi & Ebrahimian who are available to assist us in this case, if needed, are fully capable of adequately and fairly representing Plaintiffs and the proposed class in this matter. Lavi & Ebrahimian, LLP, has been appointed Class Counsel in over fifty contested proceedings including the following:

a. *Ischak v. Kaiser Foundation Hospitals, Inc.*, Los Angeles Superior Court Case No. BC343535;

b. *Santana v. El Pollo Loco, Inc.*, Los Angeles Superior Court Case No. BC369846;

c. *Edlin, et al. v. Fuddruckers, Inc.*, United States District Court, Central District of California, Case No. CV-07-3678-ABC;

d. *Chavez, et al. vs. CEC Entertainment, Inc. d/b/a Chukee-Cheeses*, Los Angeles Superior Court Case No. BC380996;

e. *Bustamante, et al. v. Teamone Employment Specialists*, Los Angeles Superior Court Case No. BC383266;

f. *Cervantes, et al. v. Kaiser Foundation Hospitals, Inc.*, Alameda Superior Court Case No. RG 0265835;

g. *Seng Savang v. Club One Casino*; Fresno Superior Court Case No. 05CECG02189;

h. *Norman, et al. v. Movado Retail Group, Inc.*, United States District Court, Central District of California, Case No. CV08-06691 SVW (PLA)

i. *Shand v. G.A.L.A., Inc. dba Giorgio Armani*, Los Angeles Superior Court Case No. BC342588;

g. *Solis v. Plycraft Industries, Inc.*, Los Angeles Superior Court Case No. BC374816;

h. *Campos v. HWB Carwash, Inc.*, Los Angeles Superior Court Case No. BC378990;

i. *Acosta, et al. v. Texwood Industries*, United States District Court, Central District of California, Case No. CV07-3237-DDP (PLAX);

h. *Arevalo v. Gruma Corporation*, Los Angeles Superior Court Case No. BC410322;

j. *Burrola v. American Promotional Events*, Los Angeles Superior Court Case No. BC412315;

k. *Cortez v. Trader Distribution Services*, Los Angeles Superior Court Case No. BC397208;

l. *Cueva v. Allied Industries, Inc.*, Los Angeles Superior Court Case No. BC399431;

m. *Del Toro v. Petco Animal Supplies, Inc.*, San Diego Superior Court Case No. 37-2009-00103626-CU-OE-CTL;

n. *Garcia v. Home Cooking, Inc.*, Los Angeles Superior Court Case No. BC451148;

o. *Alcantar v. Amerimax Building Products, Inc.*, United States District Court, Central District of California, Case No. CV 10-8916 DDP (CWx);

p. *Arancivias v. Clougherty Packaging, LLC dba Farmer John*, Los Angeles Superior Court Case No. BC432406;

q. *Barajas v. Menzies Aviation, Inc.,* United States District Court, Central District of California, Case No CV-10-02315-JEM;

r. *Barrera v. BHFC Operating, LLC dba Bottega Louie,* Los Angeles Superior Court Case No. BC462603;

s. *Camacho v. American Textile Maintenance Co.,* Los Angeles Superior Court Case No. BC452570;

t. *Cortes v. Monsanto Company*, Ventura Superior Court Case No. 56-2010-00366952-CU-OE-VTA;

u. *Escobar v. Aero-Electric Connector, Inc.,* Los Angeles Superior Court Case No. BC421009;

v. *Gomez v. Bacara Resort & Spa,* Santa Barbara Superior Court Case No. 1341987;

w. *Gonzalez v. Ashley Furniture Industries, Inc.*, Los Angeles Superior Court Case No. BC425708

x. *Gonzalez v. Burrtec Waste Industries, Inc.*, Los Angeles Superior Court Case No. BC436879;

y. *Gutierrez v. Visterra Credit Union*, Riverside Superior Court Case No. RIC10020183;

z. *Hernandez v. Kruse & Son, Inc.*, Los Angeles Superior Court Case No. BC411849;

aa. *Lopez v. Tecno Industrial Engineering*, Los Angeles Superior Court Case No. BC411134;

bb. *Lowanga v. Continental Currency Services, Inc*., Orange County Superior Court Case No. 30-2011-0044011-CU-OE-CXC;

cc. *Aguilar v. PLS Financial Services, Inc.,* United States District Court, Central District of California, Case No. CV 10-0415 ODW (FMOx)

dd. *Lozada v. Classic Party Rentals, Inc.*, Los Angeles Superior Court Case No. BC443792;

ee. *Madrid v. OPI Products, Inc.*, Los Angeles Superior Court Case No. BC451489;

ff. *Martinez v. J. Fletcher Creamer & Son, Inc.*, United States District Court Case No. CV 10-0968-PSG-FMOX;

gg. *Martinez v. Administaff Companies II, L.P.*, Los Angeles Superior Court Case No. BC425799;

hh. *Martinez v. Morgans Hotel Group Management, LLC*, Los Angeles Superior Court Case No. BC446744;

jj. *Sanchez v. La Brea Bakery, Inc.*, Los Angeles Superior Court Case No. BC456420;

ii. *Montenegro v. Ruggeri Marble and Granite, Inc.*, United States District Court, Central District of California, Case No. CV-10-00711 JFW (PLAx);

kk. *Reed v. 99 Cents Only Stores*, Los Angeles Superior Court Case No. BC436793;

ll. *Santos v. Noble Management Group-California, LLC*, United States District Court, Central District of California, Case No. CV 10-2594 DSF (VBKx)

mm. *Taylor v. U.S. Healthworks Holding Company, Inc.*, Orange County Superior Court Case No. 30-2011-00473505;

nn. *Valencia Diaz v. Gene Wheeler Farms, Inc.*, Los Angeles Superior Court Case No. BC436235;

oo. *Zad-Behtooie v. Valley Village*, Los Angeles Superior Court Case No. BC451490;

pp. *Bell v. Aidells Sausage Company, Inc.*, Alameda Superior Court Case No. RG10523946;

qq. *Negrete v. Cenveo, Inc.*, United States District Court, Central District of California, Case No. CV 11-09543 DSF (MRWx);

rr. *Bejar v. Exopack-Ontario, Inc.*, Orange County Superior Court Case No. 30-2011-00518396-CU-OE-CXC;

ss. *Aguilar v. PLS Financial Services, Inc.*, United States District Court, Central District of California, Case No. CV 10-0415 ODW (FMOx);

tt. *Sparks v. Larry Flynt dba Hustler Casino*, Los Angeles Superior Court Case No. BC320172;

uu. *Morris v. Chevron Stations, Inc.*, Los Angeles Superior Court Case No. BC361380;

vv. *Marino v. BP West Coast Products, LLC*, Los Angeles Superior Court Case No. BC357987.

5. Although Plaintiffs Huerta and Sanchez do not allege a claim under Lab. Code § 2802, Plaintiff Avalos brought a claim for expense reimbursement, based on allegations that she and other Class Members were required to use their personal cell phones, and purchase their own tools in the execution of their job duties without reimbursement. Defendant disputes this allegation and contends that Class Members were not required to use their personal phones and that it is against Defendant's policies and practices to do so. Defendant further contends that Class Members were never required to purchase any equipment in the performance of their job duties. After further review and analysis, Plaintiff Avalos determined that her claim for Lab. Code § 2802 was not viable on a class wide basis given the predominance of the individualized inquiry as to whether and to what extent each class member used their personal phones and/or purchased any tools in the performance of their job duties. For example, Plaintiffs Huerta and Sanchez did not have to use their personal phones or purchase any tools in the performance of their job duties. As such, this claim was provided a value of $0 for purposes of settlement.

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6. The attorneys at our law firm and I have performed substantial work and diligently investigated and prosecuted this case to a successful conclusion. Plaintiffs' Counsel believe this settlement to be fair, reasonable, and adequate.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct this 13th day of April 2023, at Beverly Hills, California.

S. Phillip Song