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Attorneys for Plaintiff and the Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

DEISY SALAS, KRISTAL CARMONA,
ISRAEL LINTHROP, ALICIA KRUEGER-
AGUIRRE, individually, and on behalf of other
members of the general public similarly situated
and on behalf of other aggrieved employees
pursuant to the California Private Attorneys
General Act;

Plaintiffs,

vs.

J & S RESTAURANTS, INC., a California
corporation; TOPP END ENTERPRISES, INC., a
California corporation; RED FLASH, INC., a
California corporation; VALENCIA TPP, a
general partnership; YEASTIE BOYS, a general
partnership; and DOES 1 through 100,
inclusive,

Defendants.

THEODORE CHRISTOPHER MILLER,
NOLAN MALONE, individually, and on behalf
of other members of the general public similarly
situated;

Plaintiffs,

Lead Case No.: 56-2019-00526959-CU-
OE-VTA (*Salas* Action)
(*Consolidated with 56-2020-00546726-
CU-OE-VTA*)

[Assigned to the Hon. Honorable
Henry J. Walsh, Dept. 42]

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

CLASS ACTION

Date: April 4, 2022
Time: 8:30 a.m.
Department: 42

Salas Complaint Filed: March 29, 2019
Salas FAC: August 2, 2019
Salas SAC: November 7, 2019
Salas TAC: October 29, 2020
Miller Complaint Filed: August 5, 2019
Miller FAC: September 29, 2019
Jury Trial Date: None Set

1 vs.

2 VENTURA COUNTY RESTAURANT
3 SERVICES INC. DBA TOPPERS PIZZA
4 PLACE, a California corporation; and DOES 1
through 100, inclusive,

5 Defendants.
6

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 Hyun Legal, APC, one of the attorneys of record for
4 Plaintiffs Theodore Christopher Miller and Nolan Malone (collectively, "Plaintiffs"), in the above-
5 entitled action.

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

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

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

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

1 Angeles Sup. Ct. Case No. BC 265725; *Hoyng v. Aon Insurance*, Los Angeles Sup. Ct. Case No. BC
2 377184; *Jimenez v. Allstate Ins. Co.*, C.D. Cal. Case No. CV10-08486 JAK (FFMx); *Marino v. BP West*
3 *Coast Products*, Los Angeles Sup. Ct. Case No. BC 357987; *McEntee v. Ryland Homes*, Los Angeles
4 Sup. Ct. Case No. BC 390868; *McKinstry v. Accenture*, C.D. Cal. Case No. SACV11-1335 DOC (ANx);
5 *Munoz v. Decron Properties*, Los Angeles Sup. Ct. Case No. BC387644; and *Rodriguez v. BP West*
6 *Coast Products*, Los Angeles Sup. Ct. Case No. BC 350736. As defense counsel, I have taken over 50
7 class member and individual/representative plaintiff depositions. I have drafted class certification and
8 decertification papers, including in *Bradley*, which was initially affirmed by the Court of Appeal, but
9 reversed pursuant to *Brinker v. Superior Court*, 53 Cal. 4th 1003 (2012).

10 6. Currently, I am and/or was lead plaintiff's counsel in the following wage and hour class
11 or representative actions: *Asad v. Chevron Stations, Inc.*, Los Angeles Sup. Ct. Case No. BC470198;
12 *Barrera v. Home Depot (USA), Inc.*, N.D. Cal. Case No.: C 12 5199 LHK (HRL); *Bararsani v. Coldwell*
13 *Banker*, Los Angeles Sup. Ct. Case No. BC495767; *Barreras v. Michaels Stores, Inc.*, N.D. Cal. Case
14 No. C12-04474 PJH; *Brown v. CVS Pharmacy, Inc.*, C.D. Cal. Case No. 2:15-cv-07631-PSG-PJW;
15 *Chatman v. RMI Int'l, Inc.*, Los Angeles Sup. Ct. Case No. BC 495755; *Chavez v. Converse, Inc.*, N.D.
16 Cal. Case No. 15-cv-03746-NC; *Dynabursky v. AlliedBarton, LLC, et al.*, C.D. Cal. Case No. 8:12-cv-
17 02210-JLS-RNB; *Gonzales v. Wells Fargo Bank, N.A.*, Los Angeles Sup. Ct. Case No. BC502826; *Lao*
18 *v. H&M Hennes & Mauritz*, N.D. Cal. Case No. 5:16-cv-333 EJD; *Lee v. The Pep Boys Manny Moe &*
19 *Jack of California*, Los Angeles Sup. Ct. Case No. BC 496075; *Magadia v. Wal-Mart Assocs.*, N.D. Cal.
20 Case No. 5:17-cv-00062-LHK; *Naranjo v. Bank of America, N.A.*, N.D. Cal. Case No. C 14-02748
21 LHK; *Ortegon-Ramirez v. Cedar Fair*, Santa Clara Sup. Ct. Case No. 1-13-CV-254098; *Pace v.*
22 *PetSmart, Inc.*, C.D. Cal. Case No. SACV13-500 DOC; *Rodriguez v. NIKE Retail Services, Inc.*, N.D.
23 Cal. Case No. 5:14-CV-1508 BLF; *Stafford v. Brink's, Incorporated*, Case No. CV 14-01352 MWF
24 (PLAx) and *Vass v. Gardner Trucking*, San Joaquin Sup. Ct. Case No. 39-2013-294819-CU-OE-STK.
25 Additionally, in *Chavez*, Case No. 15-cv-03746-NC, *Dynabursky* Case No. 8:12-cv-02210-JLS-RNB,
26 *Pace*, Case No. SACV13-500 DOC, *Rodriguez*, Case No. 5:14-CV-1508 BLF, *Stafford*, Case No. 14-
27 01352 MWF (PLAx), *Gonzales*, Los Angeles Sup. Ct. Case No. BC502826, and *Magadia*, Case No.
28 5:17-cv-00062-LHK, I was certified as class counsel pursuant to the plaintiff's motion for class
certification. Further, in *Stafford* and *Magadia*, we tried these certified class claims via bench trial and

1 prevailed. *Magadia*, however, was reversed by the Ninth Circuit. Moreover, I have been approved as
2 class counsel in connection with numerous class settlements.

3 7. Based on their own independent investigation and evaluation, the Parties and their
4 respective counsel are of the opinion that settlement for the consideration and on the terms set forth in the
5 Class Action Settlement Agreement is fair, reasonable, and adequate and is in the best interests of the
6 Class and Defendants in light of all known facts and circumstances and the expenses and risks inherent in
7 litigation. Plaintiffs believe that they could prevail on the merits; however, Plaintiffs also believe in the
8 fairness of the settlement that is based on factoring in the uncertainty and risks to Plaintiffs involved in
9 not prevailing on one or more of the causes of action or theories alleged in the Complaint and in the
10 possibility of losing at trial or on summary judgment.

11 8. My current billing rate is at \$750.00 per hour. Courts have approved my hourly rate of
12 \$650 since 2014. In cases approved in 2018 and 2019, the Santa Clara County Superior Court approved
13 my hourly rate of \$750 in *Hernandez v. Wells Fargo Bank*, Santa Clara Sup. Ct. Case No. 16CV299319,
14 and \$700 in *Huertas v. Chevron Stations*, Santa Clara Sup. Ct. Case No. 17CV309996, and *Chavez v.*
15 *Hugo Boss, Inc.*, Santa Clara Sup. Ct Case No. 18CV322644. In 2019, the Honorable David Cunningham
16 of the Los Angeles County Superior Court approved my hourly rate of \$700 in connection with awarding
17 attorneys' fees after we prevailed on the certified class action in *Stafford*, Case No. BC532260. In 2020,
18 Judges Davila and Beeler of the United States District Court, Northern District of California, approved
19 my hourly rate of \$750 in *Ramirez v. Walgreen*, N.D. Cal. Case No. 18-cv-03921-EJD (Dkt. No. 34), and
20 in *Reilly v. Recreational Equipment, Inc.*, N.D. Cal. Case No. 3:18-cv-07385-LB (Dkt. No. 61),
21 respectively, as well as the Santa Clara County Superior Court in *Hernandez v. Wells Fargo Bank*, Santa
22 Clara Sup. Ct. Case No. 16CV299319. Moreover, in *Brown*, C.D. Cal. Case No. 2:15-cv-07631-PSG-
23 PJW, *Pace*, Case No. SACV13-500 DOC, *Barrera* N.D. Cal. Case No.: C 12 5199 LHK (HRL), *Naranjo*,
24 N.D. Cal. Case No. C 14-02748 LHK, *Ortegon-Ramirez*, Case No. 1-13-CV-254098, and *Vass*, Case No.
25 39-2013-294819-CU-OE-STK, the Courts in those cases found my fee request as reasonable, which was
26 supported by a lodestar based on my hourly rate of \$650. Further, Judge Gutierrez in *Brown v. CVS* noted
27 as follows when approving my hourly rate of \$650: "[t]he Court finds that, given the type of work
28 performed and the experience of counsel in this case, **Plaintiff's attorneys performed in the upper**

1 **quartile of similarly situated attorneys**, and so are entitled to fees in the top range of that suggested by
2 the Real Rate Report.” *Brown v. CVS Pharmacy, Inc.*, No. CV15-7631 PSG (PJWX), 2017 WL 3494297,
3 at *8 (C.D. Cal. Apr. 24, 2017) (emphasis added). I have incurred a total of 115.5 hours to date. I
4 anticipate spending an additional 10 hours through final approval and post-approval, including conferring
5 with class members, defense counsel and the administrator, appearing on the hearing of the Motion for
6 Approval, and administering the settlement through the compliance hearing and entry of an amended
7 judgment. As such, the total of my firm's attorney's fees through the approval hearing is expected to be
8 \$94,125.00 (125.5 hours x \$750). A true and correct copy of the breakdown of my hours is attached
9 hereto as Exhibit “A.” I was retained based upon a contingency fee arrangement wherein Plaintiff’s
10 counsel agreed to advance all costs and receive no fee unless a recovery was accomplished. Specifically,
11 had Plaintiff failed to prevail on these cases, counsel for Plaintiff would have spent a significant amount
12 of time, money and other resources without any benefit or return. In addition, had Plaintiff also failed to
13 prevail in the present cases, Defendants would have been able to seek costs in connection with their
14 defense of the case.

15 9. I have incurred \$2,607.38 in costs, which consists of \$1,997.38 in expert fees for the
16 damage analysis, one Court Call appearance for \$94.00 and \$516.00 in filing fees.

17 I declare under penalty of perjury under the laws of the State of California and the United States
18 that the foregoing is true and correct.

19 Executed on March 9, 2022, at Los Angeles, California.

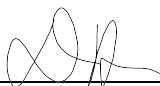
20 
21 _____
22 Dennis S. Hyun

EXHIBIT “A”

Description of Task	Time
Review client documents	2.5
Research claims and defenses	3.5
Revise PAGA letter	2.8
Revise complaint	7.4
Confer with defense counsel	0.5
Draft joint cmc statement	2.5
Draft first amended complaint	6.6
Review and revise stipulation to transfer venue	3.5
Review and revise protective order	4.8
Revise first set of special interrogatories	4.5
Revise first set of requests for production	5.9
Review documents sent by defendant	6.4
Draft data request	2.5
Review data	2.8
Confer with expert	1.5
Review expert analysis	4.9
Attend mediation	9.5
Revise settlement agreement	8.5
Revise motion for preliminary approval	5.6
Draft declaration iso preliminary	4.5
Revise proposed order	2.3
Revise motion for final approval	5.9
Draft declaration iso final approval	4.5
Draft proposed judgment	4.6
Review class reports	1.5
Confer with administrator on settlement	2.5
Confer with class members	3.5
Total	115.5