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Attorneys for Plaintiff and the Class

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

TARA JOY, as a private attorney general and as
an individual and on behalf of all others similarly
situated,

Plaintiffs,

vs.

CONTROL AIR ENTERPRISES LLC, a
Delaware limited liability company; CONTROL
AIR CONDITIONING CORP., a California
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. 30-2020-01155488-CU-OE-CXC

[Hon. Lon F. Hurwitz, Department CX103]

**DECLARATION OF MARC H. PHELPS IN
SUPPORT OF PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: August 25, 2023
Time: 1:30 p.m.
Department: CX103

1 I, Marc H. Phelps, hereby declare:

2 1. I am an attorney duly licensed to practice law in all courts in the State of California and
3 am principal and founder of The Phelps Law Group, co-counsel for Plaintiff Tara Joy and the putative
4 class. I submit this declaration in support of Plaintiff's Motion for Final Approval of Class Action
5 Settlement.

6 2. I am admitted, in good standing, to practice as an attorney before this Court. I have never
7 been subject to discipline by the State Bar of California.

8 3. I am a 2004 graduate of The University of Southern California Law School. While in law
9 school, I was a participant in and an editor of the Interdisciplinary Law Journal. I served as a law clerk
10 for the Hon. Ronni MacLaren, and performed a summer associate job with the large, multinational firm
11 Paul, Hastings, Janofsky and Walker. I received a Bachelor's degree *magna cum laude* from Amherst
12 College in 1998.

13 4. From 2004-2008, I worked for Paul, Hastings, Janofsky and Walker as an associate in the
14 Los Angeles office's Labor and Employment Department. From 2008-2009, I worked for Bryan Cave as
15 an associate in the Santa Monica office's Litigation Department. In March 2009, I started The Phelps
16 Law Group, specializing in Plaintiffs' employment litigation.

17 5. Both as an employment defense and plaintiffs' attorney, I have achieved successful
18 outcomes for numerous clients. As a plaintiffs' attorney, I have achieved excellent results for multiple
19 clients seeking recovery for unpaid wages, meal and rest period premium pay, unreimbursed business
20 expenses, and inaccurate itemized pay statement claims in individual cases as well as in representative
21 actions brought pursuant to the Private Attorney Generals' Act and in class actions.

22 6. The Phelps Law Group has co-counseled with The Carter Law Firm on multiple wage and
23 hour class action cases and PAGA cases, and has co-counseled with Diversity Law Group P.C. as well.
24 The firm has successfully resolved a variety of wage and hour cases, including those that alleged
25 inaccurate itemized pay statement claims. *See e.g., Harchegani v. Cellco Partnership, Inc. dba Verizon*
26 *Wireless*, Case No. 37-2017-00019977 (2017) (inaccurate itemized pay statements); *Jones v.*
27 *Abercrombie & Fitch Trading Co., et. al.*, No. 2:15-cv-001050-JGB-E (Hon. Jesus G. Bernal) (failure to
28 pay reporting time pay/unpaid wages) (C.D. 2018); *Bui, et al. v. Sprint Corporation, et al.* Case No. 2:14-

CV-02461-TLN-AC (Hon. Troy L. Nunley) (E.D. 2016) (unpaid wages, failure to reimburse for business expenses); *Hernandez v. HRM Restaurant Management, Inc.*, Case No. 30-2012-00616819-CU-OE-CXC (2015) (failure to pay wages for hours worked); *Cerami, et. al. v. Metlife, Inc.*, Case No. 11-CV-00681-CJC (MLG) (2013) (failure to pay wages for hours worked due to misclassification of mortgage loan employees); *Plows, et al. v. Rockwell Collins, Inc.* Case No. SACV 10-1936 DOC (MANx) (2012) (failure to pay wages for hours worked due to misclassification of high tech employees); *Carney v. Hillstone Restaurant Group, Inc.*, Case No. CV10-2988 (2011) (failure to pay wages for hours worked, failure to reimburse for business expenses); *Kohlenberg v. Lululemon, Inc.*, Case No. 30-2009000255551 (2010) (same); *Rivero v. Schafer Ambulance*, Case No. BC 425838 (2011) (unpaid overtime); *Mercado et. al. v. Gate Gourmet, Inc.*, Case No. CV07-2305JHN (CWX) (2011) (meal and rest period premium pay claims); *Dunn v. The Kroger Company*, Case No. BC323252 (2012) (same); *Michael Raziano, et al. v. Albertson's LLC*. Case No. 19-CV-04373 JAK (ASx) (2021) (failure to pay wages for hours worked).

7. I have been appointed as class counsel, co-class counsel or PAGA counsel in these and other representative actions in state and federal courts in California, resulting in substantial monetary recoveries for thousands of California employees. My firm is currently prosecuting (along with other counsel) wage and hour class and PAGA actions in state and federal courts in California.

8. I am well-versed in the facts of this case and the law that applies to the claims asserted. In addition to my knowledge of applicable existing case law, statutes, and regulations, I spent time during the litigation researching cases involving these issues. My firm will continue to dedicate the necessary resources, both in terms of money and time, to properly, aggressively, and efficiently prosecute this case to its conclusion.

9. I worked a total of 49 hours on this case. This time, and the tasks performed, were reasonable and necessary to the prosecution of this case. My timesheet detailing these hours is attached to this declaration. My hourly rate is \$600, which is below or at the least commensurate with the rates charged by defense firms for an attorney with 17 years of experience. My rate has been approved by multiple state and federal courts in class actions and PAGA cases. Therefore, my total amount billed on this case is \$29,400. Co-counsel have concurrently filed declarations detailing their experience, litigation expenses, and estimated hours related to this case from the attorneys in their firms.

5 DocuSigned by:
6 *Marc Phelps* 7/30/2023
7 074B370661444F2...

MARC H. PHELPS

MARC H. PHELPS

EXHIBIT A

Joy v. Control Air Enterprises LLC, et. al.
Orange County Superior Court Case No. 30-2020-01155488-CU-OE-CXC
Attorney Time – Marc Phelps
Billing Rate: \$600 Per Hour

Date	Investigation and Factual Research	Time
7.9.20	Prepare intake questions for potential client; review and analyze responses; emails with co-counsel re: same; research qualifications and prepare list of potential best co-counsel for litigation; confer with potential co-counsel re: same; review corporate defendant background including website and business records	5.3
7.10.20	Legal research re: potential claims to be asserted; review viability of multiple claims and recent caselaw/articles	2.1
7.12.20	Legal research re: potential claims to be asserted	1.8
7.13.20	Email correspondence with potential client; prepare follow up questions and review responses to follow up questions	1.4
7.15.20	Prepare for and conduct telephone conference with potential client/factual investigation	.6
7.16.20	Email correspondence with co-counsel re: viability of claims	.1
7.17.20	Review payroll documents provided by potential client; review severance offer, letter of recommendation, photos and other evidence; email correspondence with potential client; request and review additional payroll documents	1.5
7.18.20	Prepare correspondence to client re: representation and terms/instructions	.5
7.20.20	Emails with co-counsel re: status of retainer	.1
7.26.20	Review additional evidence provided by client; emails re: same and additional investigation; prepare draft PAGA letter	1.9
7.30.20	Emails and telephone call with client re: terms of retainer/case process; emails with co-counsel re: same	.6
7.31.20	Emails with client re: additional evidence provided/review evidence; emails with co-counsel re: case facts	1.3
8.1.20	Emails with client re: additional evidence provided/review evidence; emails with co-counsel re case facts	.2
8.2.20	Emails with client re: additional evidence provided/review evidence	.2
8.4.20	Review LWDA filing confirmation	.1
8.13.20	Emails with client re: additional evidence provided/review evidence; prepare personnel file request letter; emails with team re: status	.5
8.18.20	Review judicial assignment; emails with team re: same; review draft complaint	.8
8.20.20	Review joint status report and confer re: same; research theory re: additional potential claim	1.2
9.3.20	Review cure letter; research re: additional violations on edited pay statements; emails with team re: same; email	.5

Joy v. Control Air Enterprises LLC, et. al.
Orange County Superior Court Case No. 30-2020-01155488-CU-OE-CXC
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	correspondence with client with follow up questions for additional facts	
9.4.20	Emails with client re: additional facts	.1
9.8.20	Emails with team re: additional facts obtained/analysis/strategy	.1
11.17.20	Review additional evidence/documents provided by client; emails re: same; follow up re: supplemental PAGA letter review/signature; circulate; review discovery to defendant	2.1
12.22.20	Review CELA responses re: strategy and opposing counsel background; emails	.5
1.13.21	Review background on mediators proposed by opposing counsel/websites and bios	.5
1.15.21	Emails re: mediators proposed	.1
1.27.21	Review proposed mediation dates/calendaring	.1
2.8.21	Review information packet from mediator Denton's office	.3
3.6.21	Provide status update to client; emails re: same; review splits/fees	.2
5.24.21	Emails re: mediation fees/payment	.1
6.16.21	Emails with team re: mediation	.1
6.20.21	Review claims and case file; review applicable/current cases; prepare for mediation	2.4
6.21.21	Review brief and further mediation preparation; attend mediation	6.7
6.22.21	Review mediator's proposal; communicate to client and discuss internally; email correspondence with co-counsel re: client's suggested additional terms/terms of acceptance; review emails with mediator re: same	1.3
6.25.21	Provide status update to client	.1
6.27.21	Review proposed email responding to mediators' proposal; emails re: same	.2
6.28.21	Emails with team re: strategy/mediator conversation	.4
6.29.21	Review email from mediator re: proposal terms of acceptance	.2
6.30.21	Review and revise memorandum of settlement prepared by defense; circulate	.3
7.1.21	Review further edits to MOS and emails re: same	.2
7.2.21	Emails re: MOS	.1
8.2.21	Obtain client signature to MOS	.1
8.10.21	Review notice of minute order	.1
8.15.21	Provide settlement agreement to client; explanation emails; confer re: same	.7
9.29.21	Review draft long form settlement agreement	.8
10.17.21	Emails with team re: case status	.1
10.21.21	Review defense edits to settlement agreement	.3

Joy v. Control Air Enterprises LLC, et. al.
Orange County Superior Court Case No. 30-2020-01155488-CU-OE-CXC
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10.27.21	Review evidence/documents provided by client	.2
11.2.21	Provide status update to client; emails with team re: status; review comments/revisions to agreement and correspondence re: same	.3
11.12.21	Prepare status update to client/emails	.1
1.24.22	Review joint status report	.1
2.2.22	Review finalized settlement agreement, review class notice	.7
2.10.22	Prepare status update to client/emails	.1
3.2.22	Emails with team re: timeline/status	.2
3.20.22	Prepare status update to client/emails	.3
4.13.22	Review amended proposed order and supplemental declaration	.3
5.3.22	Prepare status update to client/emails	.1
6.8.22	Prepare declaration in support of preliminary approval; finalize and sign; review/revise motion for preliminary approval; emails re: same	1.3
6.10.22	Review/revise client declaration and provide for signature; confer re: same; circulate	.8
6.13.22	Emails with team re: status conference and scheduling	.1
6.16.22	Review joint status report	.1
6.17.22	Emails with client re: status	.1
7.14.22	Emails with client re: status	.2
7.27.22	Emails with client re: status	.1
9.9.22	Review minute order re: continuance of dates	.1
10.14.22	Review notice of reassignment; research re: same; emails with client re: status; emails with co-counsel re: same	1
12.31.22	Emails with client re: status	.2
1.3.23	Emails with team re: status; client update	.1
1.20.22	Review court's ruling	.2
1.30.23	Emails with client re: status	.2
2.1.23	Prepare and email summary of court order re: revisions requested and additional information to be provided to client; respond to follow up questions	.6
5.3.23	Emails with client re: preliminary approval and timeline	.3
5.8.23	Review settlement agreement re: payment timeline; emails with client	.2
6.2.23	Emails with client re: status	.1
7.26.23	Review and revise draft client declaration in support of final approval; emails with team re same; provide to client for signature; emails with client re: same	1
7.28.23	Finalize timesheet and costs record for filing; prepare declaration in support of final approval	1
	Total	49.0