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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. Glenda Sanders, Department CX101]

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

*[Filed concurrently with Notice of Motion and
 Motion for Preliminary Approval of Class Action
 Settlement; Declaration of Larry W. Lee;
 Declaration of Simon L. Yang; Declaration of
 Roger R. Carter; Declaration of Tara Joy;
 [Proposed] Order]*

Date: July 8, 2022
 Time: 1:30 p.m.
 Department: CX101

DECLARATION OF MARC H. PHELPS

I, Marc H. Phelps, declare as follows:

1. I am an individual over the age of 18. I am co-counsel in the above-reference action. I have personal knowledge of the facts set forth below, except as to those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could testify competently as to the matters stated in this declaration.

2. My firm and The Carter Law Firm were retained by Plaintiff, Tara Joy, to pursue claims against her former employers, Control Air Enterprises LLC and Control Air Conditioning Corp. After initial meetings and review of documents, Mr. Carter and I decided to associate the law firm of Diversity Law Group, P.C. to assist with prosecution of this case, with Larry W. Lee and Simon L. Yang being the lead attorneys. Plaintiff consented to the association.

3. I am admitted, in good standing, to practice as an attorney in the State of California, before this Court. I have never been subject to discipline by any state bar.

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

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

6. Both as an employment defense and plaintiffs' attorney, I have achieved successful outcomes for numerous clients. As a plaintiffs' attorney, I have achieved excellent results for multiple clients seeking recovery for pay stub violations. I have also litigated and settled numerous cases involving claims for a variety of wage and hour issues, including unpaid wages (including overtime), meal and rest period premium pay, and unreimbursed business expenses. These have been both

1 individual cases, representative actions brought pursuant to the Private Attorneys Generals' Act
2 ("PAGA"), and class action matters.

3 7. The Phelps Law Group has co-counseled with The Carter Law Firm on multiple wage
4 and hour class action and PAGA cases. It has also co-counseled with Diversity Law Group. The firm
5 has successfully resolved cases involving inaccurate pay statements as well as failure to pay wages for
6 hours worked, overtime, and failure to pay meal and rest period premium pay. *See e.g., Harchegani v.*
7 *Cellco Partnership, Inc. dba Verizon Wireless*, Case No. 37-2017-00019977 (2017) (inaccurate itemized
8 pay statements); *Jones v. Abercrombie & Fitch Trading Co., et. al.*, No. 2:15-cv-001050-JGB-E (Hon.
9 Jesus G. Bernal) (failure to pay reporting time pay/unpaid wages) (C.D. 2018); *Bui, et al. v. Sprint*
10 *Corporation, et al.* Case No. 2:14-CV-02461-TLN-AC (Hon. Troy L. Nunley) (E.D. 2016) (unpaid
11 wages, failure to reimburse for business expenses); *Hernandez v. HRM Restaurant Management, Inc.*,
12 Case No. 30-2012-00616819-CU-OE-CXC (2015) (failure to pay wages for hours worked); *Cerami, et.*
13 *al. v. Metlife, Inc.*, Case No. 11-CV-00681-CJC (MLG) (2013) (failure to pay wages for hours worked
14 due to misclassification of mortgage loan employees); *Plows, et al. v. Rockwell Collins, Inc.* Case No.
15 SACV 10-1936 DOC (MANx) (2012) (failure to pay wages for hours worked due to misclassification of
16 high tech employees); *Carney v. Hillstone Restaurant Group, Inc.*, Case No. CV10-2988 (2011) (failure
17 to pay wages for hours worked, failure to reimburse for business expenses); *Kohlenberg v. Lululemon,*
18 *Inc.*, Case No. 30-2009000255551 (2010) (same); *Rivero v. Schafer Ambulance*, Case No. BC 425838
19 (2011) (unpaid overtime); *Mercado et. al. v. Gate Gourmet, Inc.*, Case No. CV07-2305JHN (CWX)
20 (2011) (meal and rest period premium pay claims); *Dunn v. The Kroger Company*, Case No. BC323252
21 (2012) (same).

22 8. I have been appointed as class counsel or co-class counsel in multiple wage and hour
23 class actions in state and federal courts. Within the past eleven years, I have served as class counsel on
24 cases that have resulted in substantial monetary recoveries for thousands of California employees. My
25 firm is currently prosecuting (along with other counsel) multiple wage and hour class and PAGA actions
26 in state and federal courts throughout California.

27 9. I have litigated many cases involving the same issues raised in this case and am well-
28 versed in the law that applies to this case. I have a deep working knowledge of applicable case law,

1 statutes, and regulations relating to the claims alleged in this case. I keep track of and review trial court
2 and appellate decisions on relevant issues as they are released.

3 10. I am well-versed in the facts of this case and the law that applies to the claims asserted. In
4 addition to my knowledge of applicable existing case law, statutes, and regulations, I spent considerable
5 effort during the litigation researching other cases involving these issues. Based on this research and
6 knowledge of the law, along with my extensive experience in wage and hour class actions, I believe that
7 the settlement in this case is fair and appropriate given all factors involved.

8 11. My firm will continue to dedicate the necessary resources, both in terms of money and
9 time, to properly, aggressively, and efficiently prosecute this case on behalf of the putative class.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing is
11 true and correct. Executed this 8th day of June 2022, at Newport Beach, California.

12 DocuSigned by:
13 *Marc Phelps*
074B370661444F2...

14 _____
Marc H. Phelps