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page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

DANIELA GARIBAY, individually, and on
behalf of other members of the general public
similarly situated,

Plaintiff,

vs.

PACIFIC STEEL GROUP, a California
corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No. CIVDS2011129

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

[Assigned to the Honorable Christian
Towns in Dept. S26]

Date: April 22, 2025
Time: 8:30 a.m.
Location: S26

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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 Hyun Legal, APC, one of the attorneys of
4 record for Plaintiff Darren Morris (“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
8 follows: I received my JD from Loyola Law School in 2002. I was named to the Dean’s Honor
9 List from 2000-2002. During law school, I was a Senior Research Editor for Loyola
10 International & Comparative Law Review. I was also a research assistant for Professor
11 Levenson, an extern at the U.S. District Court for the Honorable Audrey B. Collins, and a clerk
12 at the U.S. Attorney’s Office, Criminal Division. I also served as a summer law clerk at the
13 white-collar criminal defense firm, Lightfoot, Vandeveld, *et al.*, which became part of Crowell
14 & Moring LLP. Upon graduation from law school, I served as a research attorney in the Los
15 Angeles County Superior Court for the Hon. J. Stephen Czuleger, the Hon. Owen Lee Kwong,
16 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
18 senior associate at Seyfarth Shaw LLP, as well as DLA Piper LLP (US), and Morgan, Lewis &
19 Bockius LLP. I am currently a shareholder in the law firm Hyun Legal, APC.

20 4. My primary practice has been employment law throughout my entire private
21 career. I have handled a number of wage and hour matters including class actions and individual
22 actions, on behalf of plaintiffs and defendants. I have a practice that encompasses cases in the
23 Orange County Superior Courts, the Los Angeles County Superior Courts, the San Diego County
24 Superior Courts, the United States District Courts for the Southern, Central, Northern and
25 Eastern Districts 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
27 actions, including but not limited to: *Bradley v. Networkers Int’l, LLC*, 211 Cal. App. 4th
28 1129 (2012); *Chiu v. Citrix Systems, Inc.*, C.D. Cal. Case No. SACV11-01121 DOC (RNBx);

1 *Hodge v. Aon Insurance*, Los Angeles Sup. Ct. Case No. BC 265725; *Hoyng v. Aon Insurance*,
2 Los Angeles Sup. Ct. Case No. BC 377184; *Jimenez v. Allstate Ins. Co.*, C.D. Cal. Case No.
3 CV10-08486 JAK (FFMx); *Marino v. BP West Coast Products*, Los Angeles Sup. Ct. Case No.
4 BC 357987; *McEntee v. Ryland Homes*, Los Angeles Sup. Ct. Case No. BC 390868; *McKinstry*
5 *v. Accenture*, C.D. Cal. Case No. SACV11-1335 DOC (ANx); *Munoz v. Decron Properties*, Los
6 Angeles Sup. Ct. Case No. BC387644; and *Rodriguez v. BP West Coast Products*, Los Angeles
7 Sup. Ct. Case No. BC 350736. As defense counsel, I have taken over 50 class member and
8 individual/representative plaintiff depositions. I have drafted class certification and
9 decertification papers, including in *Bradley*, which was initially affirmed by the Court of Appeal,
10 but reversed pursuant to *Brinker v. Superior Court*, 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*
19 *Fargo Bank, N.A.*, Los Angeles Sup. Ct. Case No. BC502826; *Lao v. H&M Hennes & Mauritz*,
20 N.D. Cal. Case No. 5:16-cv-333 EJD; *Lee v. The Pep Boys Manny Moe & Jack of California*,
21 Los Angeles Sup. Ct. Case No. BC 496075; *Magadia v. Wal-Mart Assocs.*, N.D. Cal. Case No.
22 5:17-cv-00062-LHK; *Naranjo v. Bank of America, N.A.*, N.D. Cal. Case No. C 14-02748 LHK;
23 *Ortegon-Ramirez v. Cedar Fair*, Santa Clara Sup. Ct. Case No. 1-13-CV-254098; *Pace v.*
24 *PetSmart, Inc.*, C.D. Cal. Case No. SACV13-500 DOC; *Rodriguez v. NIKE Retail Services, Inc.*,
25 N.D. Cal. Case No. 5:14-CV-1508 BLF; *Stafford v. Brink's, Incorporated*, Case No. CV 14-
26 01352 MWF (PLAx) and *Vass v. Gardner Trucking*, San Joaquin Sup. Ct. Case No. 39-2013-
27 294819-CU-OE-STK. Additionally, in *Chavez*, Case No. 15-cv-03746-NC, *Dynabursky* Case
28 No. 8:12-cv-02210-JLS-RNB, *Pace*, Case No. SACV13-500 DOC, *Rodriguez*, Case No. 5:14-

CV-1508 BLF, *Stafford*, Case No. 14-01352 MWF (PLAx), *Gonzales*, Los Angeles Sup. Ct. Case No. BC502826, and *Magadia*, Case No. 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 prevailed. In *Magadia*, we obtained a \$102 million judgment for the class against Walmart, which was reversed on appeal by the Ninth Circuit. Moreover, I have been approved as class counsel in connection with numerous class settlements.

7. From the inception of the case, Plaintiff's counsel has zealously represented the interests of Plaintiff and the putative class. The settlement was obtained for the benefit of the class, as opposed to the individual Plaintiff. Based on my review of all the information, and based on my experience in wage and hour litigation, I believe this settlement to be fair, adequate, and reasonable. Although Plaintiff believes that a class can be certified, Plaintiff also believes in the fairness of the settlement that is based on factoring in the uncertainty and risks to Plaintiff involved in not prevailing on one or more of the causes of action or theories alleged in the operative First Amended Complaint, the possibility of non-certification and potential for appeals.

8. To date, I have incurred approximately 185.9 hours in connection with the litigation of this lawsuit. Attached as Exhibit A is a chart summarizing the amount of work I have incurred to date on this matter.

9. In addition to the hours above, I also anticipate spending an additional 10 hours through the completion of this case including conferring and reviewing e-mails and other written communications with counsel for Defendant, the Settlement Administrator, and Class Members regarding any post-final approval matters, including payments and related issues.

10. My current billing rate is at \$900.00 per hour. In cases approved in 2018 and 2019, the Santa Clara County Superior Court approved my hourly rate of \$700 in *Huertas v. Chevron Stations*, Santa Clara Super Ct. Case No. 17CV309996, and *Chavez v. Hugo Boss, Inc.*, Santa Clara Super. Ct Case No. 18CV322644. In 2019, the Honorable David Cunningham of the Los Angeles County Superior Court approved my hourly rate of \$700 in connection with awarding attorneys' fees after we prevailed on the certified class action in *Stafford*, Case No.

1 BC532260. Further, in 2017, the Honorable Phillip Gutierrez in *Brown v. CVS* noted as follows
2 when approving my hourly rate of \$650: “[t]he Court finds that, given the type of work
3 performed and the experience of counsel in this case, **Plaintiff's attorneys performed in the**
4 **upper quartile of similarly situated attorneys**, and so are entitled to fees in the top range of
5 that suggested by the Real Rate Report.” *Brown v. CVS Pharmacy, Inc.*, No. CV15-7631 PSG
6 (PJWX), 2017 WL 3494297, at *8 (C.D. Cal. Apr. 24, 2017) (emphasis added). Since 2023,
7 courts have approved my hourly rate of \$850.00, including in *Nava v. Channing House*, Santa
8 Clara County Superior Court Case No. 22CV398619, and *Kerbow v. Phillips & Jordan*, San
9 Bernardino County Superior Court Case No. CIVSB2108970. On January 1, 2025, I increased
10 my hourly rate to \$900. As such, the total of my firm’s attorney’s fees through final approval is
11 expected to be \$176,310.00 (195.9 hours × \$900 per hour).

12 11. I have incurred \$4,875.00 in costs, which consists of mediation fees paid to JAMS
13 for Deborah Saxe, Esq.

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

16 Executed on March 19, 2025, at Los Angeles, California.

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20 Dennis S. Hyun
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EXHIBIT “A”

Description of Task	Time
Review PAGA notice	1.5
Review client documents	2.5
Research and draft complaint	6.7
Review and revise requests for production	4.9
Review and revise special interrogatories	2.5
Draft first amended complaint	2.5
Draft stipulation to file first amended complaint	1.9
Review defendant's interrogatories	5.4
Review defendant's requests for admissions	2.5
Review defendant's requests for production	3.1
Draft responses to requests for production	7.4
Draft response to special interrogatories	6.4
Draft responses to requests for admissions	3.8
Draft responses to form interrogatories	4.5
Review defendant's discovery responses and production	7.5
Draft meet and confer re discovery	6.9
Review defense counsel's meet and confer letter	5.3
Draft response to defense counsel's meet and confer	5.9
Draft Belaire west notice	5.6
Draft cmc statement	1.6
Attend cmc	1.1
Draft joint cmc statement	1.5
Attend cmc	1.1
Draft joint prosecution agreement	3.6
Review and revise mediation brief	3.9
Attend mediation	8
Review damage analysis	4.2
Review defendant's documents and data production for mediation	5.6
Attend second mediation	8
Draft notice of deposition of persons most knowledgeable	5.1
Confer with mediator	0.7
Review and revise term sheet/memo of understanding	2.1
Review and revise joint stipulation for settlement	6.8
Review and revise class notice	3.2
Draft motion for preliminary approval	8.5
Draft declaration in support of preliminary	4.9
Draft stipulation to vacate trial readiness conference	2.9
Attend trial readiness conference	2.5
Draft notice of ruling at trial readiness conference	1.9
Draft stipulation to continue status conference	2.5
Review and revise class administrator declaration	5.4
Review and revise motion for final approval	3.5
Draft declaration in support of final	1.4
Communicate with administrator on class notices	3.5
Review weekly reports	2.9
	1.2

1.5

Total

185.9

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Attorneys for Plaintiffs Brandon Gay, Israil Berber, and Darren Morris

☐ **BY MAIL (ENCLOSED IN A SEALED ENVELOPE):** I deposited the envelope(s) for mailing in the ordinary course of business at Los Angeles, California. I am “readily familiar” with this firm’s practice of collection and processing correspondence for mailing. Under that practice, sealed envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

☒ **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known e-mail address or e-mail of record in this action.

☐ **BY PERSONAL SERVICE:** I delivered the document, enclosed in a sealed envelope, by hand to the offices of the addressee(s) named herein.

☐ **BY ELECTRONIC SERVICE:** I caused the document(s) to be transmitted electronically via One Legal eService to the individuals listed above, as they exist on that database. This will constitute service of the document(s).

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

Executed this **March 28, 2025**, at Los Angeles, California.

Stacy Winberg
Type or Print Name

/s/ *Stacy Winberg*
Signature