

DIVERSITY LAW GROUP, P.C.
Larry W. Lee (State Bar No. 228175)
lwlee@diversitylaw.com
Simon L. Yang (State Bar No. 260286)
sly@diversitylaw.com
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile (213) 488-6554

POLARIS LAW GROUP
William L. Marder (State Bar No. 170131)
bill@polarislawgroup.com
501 San Benito Street, Suite 200
Hollister, California 95023
Telephone: (831) 531-4214
Facsimile: (831) 634-0333

Attorneys for Plaintiff Correa and the Class

[Additional Counsel on Next Page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

MATTHEW CORREA, ALEXANDER
HERNANDEZ, and JOHN MARTIN GARCIA, as
individuals and on behalf of all others similarly
situated, and as private attorney generals,

Plaintiffs,

vs.

FEDEX SUPPLY CHAIN, INC., a Delaware
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. CIVDS2023369

[Assigned to Hon. David Cohn]

**DECLARATION OF SIMON L. YANG IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: August 12, 2022

Time: 10:00 a.m.

Department: S-26

Complaint Filed: October 27, 2020

1 MICHAEL R. CROSNER (SBN 41294)
mike@crosnerlegal.com
2 ZACHARY M. CROSNER (SBN 272295)
zach@crosnerlegal.com
3 BLAKE R. JONES (SBN 211221)
blake@crosnerlegal.com
4 JAMIE K. SERB (SBN 289601)
jamie@crosnerlegal.com
5 CROSNER LEGAL, PC
9440 Santa Monica Blvd., Ste. 301
6 Beverly Hills, CA 90210
Tel: (310) 496-5818
7 Fax: (310) 510-6429

8 Attorneys for Plaintiffs Hernandez and Garcia and the Class
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1 I, Simon L. Yang, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and, with the law firm
3 Diversity Law Group, P.C., am counsel of record for Plaintiff, Matthew Correa. I make this declaration
4 on the basis of my own personal knowledge, except as to those matters stated on information and belief
5 and, as to those matters, I believe them to be true. If called as a witness, I could testify competently as to
6 the facts stated in this declaration.

7 2. Along with the filing of the motion for preliminary approval of the settlement in this
8 matter, my regular practice would be to direct my office staff to similarly upload a copy of the motion
9 papers to the LWDA in compliance with Section 2699(1)(2) and (4). Similarly, upon approval of a
10 settlement in this matter, my regular practice would be to direct my office staff to similarly upload a
11 copy of the Court's judgment, papers, or other orders awarding civil penalties under PAGA.

12 3. Although I am confident that litigation of the claims would result in a classwide judgment
13 against Defendant, I recognize the inherent risks in litigation, including the specific risks that class
14 certification could be denied, liability could not be established at trial, or the applicable law could
15 change. I recognize that the settlement resulting from extensive arm's length negotiations between the
16 Parties is fair, reasonable, and adequate for each participating Class Member, given the inherent risks of
17 litigation, as well as the potential for appeals and the costs of pursuing litigation.

18 4. I am one of the primary attorneys on this matter. My qualifications are as follows: After
19 completing my undergraduate education at The Wharton School at the University of Pennsylvania in
20 2004 with concentrations in Management and Human Resources, I continued studying labor and
21 employment issues by enrolling in post-graduate education at the School of Labor and Employment
22 Relations at the University of Illinois. I determined before enrolling in law school that I wanted to
23 practice labor and employment law in California. I thus received my J.D. from UCLA School of Law in
24 2008. During law school, I spent the summer of 2006 with the National Labor Relations Board, Region
25 21, and the summer of 2007 with the law firm of Seyfarth Shaw LLP in 2007.

26 5. Upon graduating from law school in 2008, I practiced labor and employment law at
27 Seyfarth Shaw LLP, a well-regarded labor and employment firm. I was elevated to partner in 2019. My
28 practice focused on wage and hour class, collective, and representative actions, with a particular

1 emphasis on matters involving the Labor Code Private Attorneys General Act of 2004 (“PAGA”).
2 During my time with Seyfarth Shaw LLP, I was a primary attorney on numerous wage and hour class,
3 collective, and representative actions that resulted in published opinions, including for example, *Ehret v.*
4 *WinCo Foods, LLC*, 26 Cal. App. 6th 1 (2018) (affirming summary judgment in PAGA action based on
5 absence of meal period violations in light of collectively bargained waiver of meal periods on shifts of
6 not more than six hours), and *Ruelas v. Costco Wholesale Corporation*, 67 F. Supp. 3d 1137 (C.D. Cal.
7 Sept. 8, 2014) (obtaining dismissal of wage statement allegations in PAGA representative action). I was
8 also able to obtain experience litigating representative claims or wage and hour matters through trial and
9 appeal. *E.g.*, *Velazquez v. Costco Wholesale Corporation*, 603 Fed. App’x 584 (9th Cir. Mar. 25, 2015)
10 (reversing award of waiting-time penalties based on lack of evidence supporting any willful failure to
11 pay wages); *Ward v. Costco Wholesale Corporation*, 552 Fed. App’x 631 (9th Cir. Jan. 9, 2014)
12 (affirming bench-trial judgment in favor of defendant against named plaintiff and 18 opt-in plaintiffs in
13 collective action with involving deductions from final paychecks). I also litigated class certification on
14 numerous matters. *E.g.*, *Martinez v. Guess?, Inc.*, Los Angeles Superior Court Case No. BC 498326
15 (denial of class certification on behalf of retail employees alleging off-the-clock work).

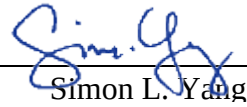
16 6. Based on my experience in wage and hour class, collective, and representative actions, I
17 have been interviewed and quoted in articles published in the Northern California Record about
18 legislative efforts to reform PAGA. I also have published articles on myriad topics relevant to wage and
19 hour class and representative action litigation, including for example articles on California kin care
20 requirements in *Employee Relations Law Journal* (Vol. 36, No. 2), the extraterritorial application of
21 California employment laws in *The Recorder* (134RD Year No. 28), and California meal and rest break
22 laws in *California Transportation News*, a publication of the California Construction Trucking
23 Association.

24 7. In 2020 I left Seyfarth Shaw LLP and joined my current firm, Diversity Law Group, P.C.,
25 which also focuses primarily on employment law. I have handled a number of wage and hour class and
26 representative actions and continue litigating such matters in numerous Superior Courts and District
27 Courts. From matters with both Seyfarth Shaw LLP and Diversity Law Group, P.C., I have successfully
28 mediated the resolution of dozens of wage and hour class, collective, and representative actions. I have

1 obtained class certification and been appointed class counsel. No court has ever found me to be
2 inadequate class counsel.

3 8. My co-counsel and I will adequately represent the Class Members in this action.
4 Plaintiff's Counsel have and will zealously represent Plaintiff and the Class and pursue this lawsuit to its
5 conclusion. I have no conflicts with the Class.

6 I declare under penalty of perjury under the laws of the State of California that the foregoing is
7 true and correct. Executed this 18th day of July 2022, at Pasadena, California.

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9 
Simon L. Yang