

1 DAVID G. SPIVAK (SBN 179684)
david@spivaklaw.com

2 MAYA CHEAITANI (SBN 335777)
maya@spivaklaw.com

3 THE SPIVAK LAW FIRM

4 8605 Santa Monica Bl

PMB 42554

5 West Hollywood, CA 90069

6 Telephone: (213) 725-9094

Facsimile: (213) 634-2485

7 Attorneys for Plaintiff(s),

8 TUAN HOANG, and all others similarly situated

9 (Additional attorneys for parties on following page)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF SANTA CLARA**

12 **(UNLIMITED JURISDICTION)**

13 TUAN HOANG, on behalf of himself and as an
14 "aggrieved employee" on behalf of other
15 "aggrieved employees" under the Labor Code
Private Attorneys General Act of 2004,

16 *Plaintiff,*

17 vs.

18
19 MDC VACUUM PRODUCTS LLC, a Delaware
20 limited liability company; and DOES 1–50,
inclusive,

21 *Defendants.*

Case No. 21CV376678

**DECLARATION OF TUAN HOANG
IN SUPPORT OF MOTION FOR
APPROVAL OF PAGA SETTLEMENT**

Hearing Date: April 26, 2023

Hearing Time: 1:30 p.m.

Hearing Dept.: 19, The Honorable
Theodore C. Zayner

Action filed: March 01, 2021



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles CA 90067

ADDITIONAL ATTORNEYS FOR PLAINTIFF(S)

WALTER L. HAINES (SBN 71075)
walter@uelglaw.com
UNITED EMPLOYEES LAW GROUP
4276 Katella Ave
Suite 301
Los Alamitos, CA 90720
Telephone: (562) 256-1047
Facsimile: (562) 256-1006

Attorneys for Plaintiff(s),
TUAN HOANG, and all others similarly situated



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles CA 90067

1 **DECLARATION OF TUAN HOANG IN SUPPORT OF MOTION FOR APPROVAL**
2 **OF PAGA SETTLEMENT**

3 I, TUAN HOANG, declares as follows:

4 1. I am a resident of the city of San Jose in the State of California and am over 18
5 years of age. I am the named Plaintiff in this action and am represented by David Spivak of The
6 Spivak Law Firm and Walter Haines of United Employees Law Group in this action. Except as
7 otherwise stated, I have personal knowledge of all matters set forth in this declaration and could
8 and would competently testify thereto if called upon to do so as a witness.

9 2. My employment with MDC Vacuum Products LLC began on or about January
10 9, 2017 and ended on September 1, 2020. I worked for MDC Vacuum Products LLC as an
11 expeditor employee.

12 3. I understand that this lawsuit is a Private Attorney General action, otherwise
13 known as a PAGA lawsuit. I understand that I am the Plaintiff and that MDC Vacuum Products
14 LLC is the Defendant. I understand that my name is on the cover of the lawsuit. I understand
15 that I am the representative of other MDC Vacuum Products LLC employees. As the
16 representative in this lawsuit, I have duties to the State of California and other employees like
17 me who didn't receive meal periods on time and rest periods in which we could leave the MDC
18 Vacuum Products LLC worksite. I also understand that my lawsuit is on behalf of the State of
19 California. I have fairly represented the other employees and the State throughout this lawsuit.

20 4. I was present for the mediation and I participated in it. The mediation ended with
21 a Settlement Agreement between me, on behalf of the State of California and the other
22 Aggrieved Employees of Defendant, and the Defendant. I understand that the Court will decide
23 whether to approve the Settlement if it is in the best interests of Defendant's other Aggrieved
24 Employees and the State. I don't have any disagreements with the other MDC Vacuum Products
25 LLC employees I represent. I am not aware of any reason why I can't make the best decisions
26 for them in this lawsuit.

27 5. I understand that my attorneys have asked the Court to pay me \$15,000.00 in
28 addition to my share of the Settlement money that the Court will divide among all the employees
whose rights were violated. I believe this amount is fair for the time I have spent and my



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles CA 90067



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles CA 90067

1 involvement in this lawsuit. I also believe it is fair because of the risk that the Court could order
2 me to pay MDC Vacuum Products LLC's court costs if I lose the case. Additionally, I believe
3 it is fair because I am giving up rights that the other hourly employees are not giving up to settle
4 this lawsuit.

5 6. As part of this Settlement, I am giving up my right to sue Defendant for anything.
6 I understand that if I had filed a personal lawsuit that did not involve the other employees or the
7 State of California, I probably could have settled the case with MDC Vacuum Products LLC
8 long ago for much more than \$15,000.00 in unpaid wages and monetary penalties. I think it is
9 fair that the Court pay me the \$15,000.00 award for these reasons and others I list below.

10 7. When I agreed to hire my attorneys to file this lawsuit, I also agreed that I would
11 be the representative of the other Aggrieved Employees and the State of California. In agreeing
12 to be their representative, I agreed that their interests in the lawsuit are as important as my
13 personal interests in suing MDC Vacuum Products LLC. I agreed that when deciding whether
14 or not to settle this lawsuit, I would do what is in the best interest of the other Aggrieved
15 Employees and the State. I also agreed to actively participate in the lawsuit by answering
16 questions and requests for documents and other evidence by my attorneys and MDC Vacuum
17 Products LLC's attorneys. I understand that this process is known as "discovery." I understand
18 that I also agreed to be interviewed under oath by the attorneys for MDC Vacuum Products
19 LLC. I understand that this process is known as a "deposition." As the representative of the other
20 Aggrieved Employees and the State of California, I have agreed to travel to the Court and to the
21 offices of the lawyers for MDC Vacuum Products LLC to testify about the case. I also
22 understand that there will only be a settlement of the lawsuit if the Court allows it. As the
23 representative of the other employees and the State of California, I have agreed to follow the
24 progress of the lawsuit. I have done this since I hired my attorneys by reading the court
25 documents they send me and by speaking with them over the phone. I understand that, even
26 though I agreed to perform these tasks and accept these responsibilities, the Court can choose
27 not to pay me any more money from the Settlement than the other MDC Vacuum Products LLC
28 employees will receive, even though they have not performed these tasks and accepted these

1 risks and responsibilities. I have spent over 49.15 hours of my time on activities related to this
2 lawsuit, including reading the court documents and speaking with my attorneys. Attached as
3 **Exhibit A** to this declaration is a true and correct copy of a list of the work I have done on this
4 case. It includes estimates of the amount of time I spent on each task. The work I have done on
5 this case includes hiring my attorneys, speaking with my attorneys on many occasions by phone,
6 explaining what my employment at MDC Vacuum Products LLC was like, explaining what my
7 employment at MDC Vacuum Products LLC had in common with other employees who worked
8 for MDC Vacuum Products LLC, helping my attorneys find witnesses, documents, and other
9 evidence, explaining my claims to my attorneys, attending a full day of mediation, and
10 communicating with my attorneys about the settlement agreement and related documents. I have
11 also carefully reviewed the Settlement agreement and other documents to make sure that the
12 Settlement and other work my attorneys performed are in the best interests of the employees I
13 represent and the State of California.

14 8. Because I filed this lawsuit, there is a public record at the Court showing my
15 name on the cover of the complaint for anyone to see. Any potential employer who finds the
16 lawsuit will know I sued a former employer. This could hurt my reputation. This could prevent
17 a potential employer from choosing to hire me. An award of \$15,000.00 is not equal to the harm
18 I would suffer if I can't find another job in the future.

19 9. Based on the time I have spent on the lawsuit, the risk I will have to pay MDC
20 Vacuum Products LLC court costs if I lose, the harm to my chances of getting jobs in the future,
21 and my agreement to give up any personal claims for unpaid wages and monetary penalties I
22 have against MDC Vacuum Products LLC, my request for an award of \$15,000.00 is fair and
23 reasonable.

24 ///

25 ///

26 ///

27 ///

28 ///



SPIVAK LAW
EMPLOYEE RIGHTS

Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles CA 90067

1 I declare under penalty of perjury of the laws of the State of California that the foregoing
2 is true and correct to the best of my knowledge.

3 Executed on 01 / 10 / 2023 in Tuan Hoang, California.

4
5 
6 TUAN HOANG,
7 Plaintiff and Declarant
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



26 SPIVAK LAW
27 EMPLOYEE RIGHTS

28 Mail:
8605 Santa Monica Bl
PMB 42554
West Hollywood, CA 90069
(213) 725-9094 Tel
(213) 634-2485 Fax
SpivakLaw.com

Office:
1801 Century Park East
25th Fl
Los Angeles CA 90067

EXHIBIT A

HOANG TIME LOG

Approximate Date	Please select one:	Hours
11/3/2020	Calls and/or texts with law firm	1.00
11/9/2020	Calls and/or texts with law firm	0.75
11/9/2020	Calls and/or texts with law firm	1.00
11/10/2020	Reviewing documents: Retainer/FAQ	1.50
11/18/2020	Reviewing documents: Retainer/FAQ	1.50
11/19/2020	Emails to/from law firm	0.50
11/24/2020	Calls and/or texts with law firm	0.17
11/25/2020	Calls and/or texts with law firm	0.25
12/2/2020	Calls and/or texts with law firm	0.75
12/8/2020	Calls and/or texts with law firm	0.17
12/17/2020	Calls and/or texts with law firm	1.25
12/20/2020	Contacting witness(es)	1.00
12/22/2020	Contacting witness(es)	1.50
12/22/2020	Contacting witness(es)	1.50
12/22/2020	Contacting witness(es)	1.00
12/28/2020	Reviewing documents: Complaint	1.00
1/28/2021	Reviewing documents: Other docs from law firm	0.08
2/2/2021	Reviewing documents: Other docs from law firm	0.08
3/1/2021	Reviewing documents: Complaint	2.00
3/4/2021	Reviewing documents: Other docs from law firm	0.50
3/18/2021	Contacting witness(es)	1.00
3/18/2021	Contacting witness(es)	1.00
3/22/2021	Calls and/or texts with law firm	1.00
4/6/2021	Reviewing documents: Other docs from law firm	0.33
4/6/2021	Reviewing documents: Other docs from law firm	1.50
4/16/2021	Reviewing documents: Other docs from law firm	0.08
4/20/2021	Gathering information and/or documents	0.17
4/30/2021	Emails to/from law firm	0.50
5/18/2021	Calls and/or texts with law firm	0.17
5/20/2021	Emails to/from law firm	0.08
5/28/2021	Emails to/from law firm	0.08
5/28/2021	Contacting witness(es)	1.00
5/28/2021	Emails to/from law firm	0.25
6/18/2021	Reviewing documents: Other docs from law firm	0.50

HOANG TIME LOG

6/21/2021	Calls and/or texts with law firm	0.42
6/21/2021	Reviewing documents: Other docs from law firm	0.25
6/21/2021	Gathering information and/or documents	0.17
6/22/2021	Reviewing documents: Other docs from law firm	0.50
6/23/2021	Reviewing documents: Complaint	1.75
6/28/2021	Emails to/from law firm	0.75
7/6/2021	Reviewing documents: Other docs from law firm	0.17
7/12/2021	Reviewing documents: Other docs from law firm	0.17
7/13/2021	Emails to/from law firm	0.08
7/13/2021	Reviewing documents: Other docs from law firm	0.17
8/26/2021	Calls and/or texts with law firm	0.42
8/26/2021	Gathering information and/or documents	0.42
9/13/2021	Calls and/or texts with law firm	0.17
9/20/2021	Emails to/from law firm	0.75
9/21/2021	Calls and/or texts with law firm	0.50
9/23/2021	Reviewing documents: Other docs from law firm	0.08
9/26/2021	Reviewing documents: Other docs from law firm	0.08
9/27/2021	Calls and/or texts with law firm	0.25
10/4/2021	Calls and/or texts with law firm	0.08
10/5/2021	Calls and/or texts with law firm	0.08
10/7/2021	Calls and/or texts with law firm	0.08
10/13/2021	Calls and/or texts with law firm	0.08
10/13/2021	Emails to/from law firm	0.08
11/5/2021	Emails to/from law firm	0.25
11/5/2021	Calls and/or texts with law firm	0.17
11/5/2021	Emails to/from law firm	0.08
11/9/2021	Calls and/or texts with law firm	0.33
11/16/2021	Calls and/or texts with law firm	0.17
11/19/2021	Reviewing documents: Other docs from law firm	0.17
11/29/2021	Emails to/from law firm	0.08
11/29/2021	Calls and/or texts with law firm	0.08
12/1/2021	Calls and/or texts with law firm	0.33
12/14/2021	Calls and/or texts with law firm	0.08
12/20/2021	Calls and/or texts with law firm	0.17
12/28/2021	Emails to/from law firm	0.08
12/28/2021	Calls and/or texts with law firm	0.25

HOANG TIME LOG

1/6/2022	Calls and/or texts with law firm	0.17
1/6/2022	Calls and/or texts with law firm	1.25
1/10/2022	Calls and/or texts with law firm	0.33
1/11/2022	Reviewing documents: Other docs from law firm	0.75
1/13/2022	Calls and/or texts with law firm	1.25
1/13/2022	Emails to/from law firm	0.17
1/14/2022	Mediation: participation time	5.17
1/28/2022	Reviewing documents: Other docs from law firm	0.25
2/2/2022	Reviewing documents: Other docs from law firm	0.25
2/17/2022	Emails to/from law firm	0.50
4/6/2022	Reviewing documents: Settlement Agreement	0.50
4/8/2022	Calls and/or texts with law firm	0.08
4/12/2022	Calls and/or texts with law firm	0.25
4/18/2022	Calls and/or texts with law firm	0.08
4/22/2022	Calls and/or texts with law firm	0.33
4/25/2022	Calls and/or texts with law firm	0.33
4/25/2022	Reviewing documents: Settlement Agreement	0.50
5/16/2022	Reviewing documents: Settlement Agreement	0.25
6/23/2022	Emails to/from law firm	0.17
6/23/2022	Emails to/from law firm	0.17
9/23/2022	Calls and/or texts with law firm	0.25
9/23/2022	Reviewing documents: Settlement Agreement	1.00
9/26/2022	Reviewing documents: Settlement Agreement	0.25
	TOTAL	49.15