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Representing Plaintiffs YOVANIK FLORES,
HUNG NGUYEN, and DIEGO BEDYOA
MORENO on behalf of themselves, all others
similarly situated, and on behalf of the general
public

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA**

YOVANIK FLORES, HUNG NGUYEN,
and DIEGO BEDOYA MORENO on
behalf of themselves, all others similarly
situated, and on behalf of the general
public,

Plaintiffs,

v.

HOME EXPRESS DELIVERY
SERVICE, LLC DBA TEMCO
LOGISTICS; and DOES 1-100,

Defendants.

Case No. RG21096517
(Related Case No. RG21100509)

**DECLARATION OF KANE MOON IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND PAGA ACTION SETTLEMENT,
CONDITIONAL CERTIFICATION,
APPROVAL OF CLASS NOTICE, SETTING
OF FINAL APPROVAL HEARING DATE**

Date: June 13, 2023
Time: 9:15 a.m.
Judge: Hon. Brad Seligman
Dept.: 23
Reservation ID: 062533213396

Filed: April 13, 2021
Trial: None Set

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1. I am an attorney at law duly licensed to practice as such before all the Courts of the State of California and am one of the attorneys of record for the named Plaintiffs Yovanik Flores, Hung Nguyen, and Diego Bedoya Moreno (“Plaintiffs”) and the putative Class.
2. I have personal knowledge of the matters set forth herein and could competently testify to the facts described herein.

3. I received a B.A. in History in 1998 from UCLA, and my J.D. from Loyola Marymount Law School in 2006. I became an Active Member of the State Bar of California in June 2007 and have been an Active Member in good standing continuously since then. I am a current member of the California Employment Lawyers Association (“CELA”), and I have been selected to Super Lawyers each year from 2019 to 2023.

5. For the past decade, I have built my practice to have an emphasis on employment and related civil litigation cases and have both prosecuted and defended employment-related litigation cases. I have been heavily, successfully, and continuously involved in active litigation and trial work, and have conducted bench and jury trials on behalf of both employees and employers in wage-and-hour cases. My current billing rate is \$725.00 per hour.

6. I am experienced in prosecuting and defending employment matters, particularly class actions as well as PAGA representative actions. My firm has focused a substantial percentage of its practice on wage, hour, and working conditions violations. In addition to the present case, I am also class counsel for other wage-and-hour class action lawsuits pending in various counties throughout California, including in state and federal courts. The following is a list of some of our recent class action settlements that have received preliminary and final approval: *Aparicio v. Lineage Logistics, LLC* (LASC No. BC722764) (class size approx. 155; lead counsel); *Black v. Mission Healthcare Servs., Inc.* (LASC No. 19STCV04602) (class size approx. 1,000; lead counsel); *Campa v. Bloomingdeals, Inc.*

(LASC No. BC700366) (class size approx. 1,500; lead counsel); *Garcia v. Comfy U.S.A. Apparel, Inc.* (LASC No. BC709630) (class size approx. 210; lead counsel); *Gomez v. H Mart Cos., Inc.* (LASC No. BC671525) (class size approx. 2,500; co-counsel); *Jones v. Citiguard, Inc.* (LASC No. BC664890) (class size approx. 587; lead counsel); *Jones v. Fitness Alliance, LLC* (Riverside Super. Court No. PSC1404079) (class size approx. 1,000; lead counsel); *Lagos v. ThyssenKrupp Elevator Corp.* (LASC No. BC682972) (\$750,000 for 79 class members; lead counsel); *Mark Brulee et al. v. DAL Global Servs., LLC* (C.D. Cal. Dec. 20, 2018, No. CV 17-6433 JVS(JCGx)) 2018 WL 6616659, at *10 (class size approx. 2,650; lead counsel) (in approving my \$650 hourly rate in that case, the Court found: “Class Counsel’s declarations show that the attorneys are experienced and successful litigators. Other courts have approved the attorneys’ current rates for the Moon & Yang, APC attorneys”); *Martinez v. Bail Hotline Bail Bonds, Inc.* (LASC No. BC700131) (class size approx. 173; lead counsel); *Montoya v. Golden 1 Credit Union* (Sacramento Super. Court No. 34-2018-00228252) (class size approx. 1,900; lead counsel); *Onofre v. Caitac Garment Processing, Inc.* (LASC No. BC702283) (class size approx. 750; lead counsel); *Rodriguez v. Rossmoyne, Inc.* (LASC No. BC699137) (class size approx. 220; lead counsel); *Sison v. Cha Hollywood Med. Ctr., L.P.* (LASC No. BC6441 29) (class size approx. 2,100; co-counsel); *Slaughter v. ACA Sec. Stems, LP* (LASC No. BC699137) (class size approx. 300; lead counsel); *Taylor v. Sherman’s Delicatessen & Bakery, LLC* (LASC No. BC722765) (class size approx. 515; lead counsel); *Vargas v. AMS Paving, Inc.* (LASC No. BC722767) (case size approx. 260; lead counsel); *Vertti v. Bagcraft Papercon III, LLC* (LASC No. 19STCV12729) (class size approx. 260; lead counsel); and *Wallick v. Campbell Soup Supply Co., LLC* (San Joaquin Super. Court No. STK-CV-UOE-2021-0000865) (class size 435; lead counsel).

ALLEN FEGHALI’S EXPERIENCE AND QUALIFICATIONS

7. Allen Feghali is a partner at Moon & Yang, APC. He received his B.A. in Global and International Studies in 2011 from UC Santa Barbara, and his J.D. from University of La Verne College of Law in 2014. Mr. Feghali became an Active Member of the State Bar of California in December 2014 and has been an Active Member in good standing continuously since then. Mr. Feghali is a current member of CELA, and was selected by Super Lawyers as a “Southern California Rising Star” in 2020–2023.

1 8. Mr. Feghali began working at Moon & Yang, APC in May 2015, and his practice focuses on
2 advocating for the rights of employees at the trial-court and appellate level. Prior to approximately June
3 2018, with the exception of a handful of cases, his practice focused on individual California Fair
4 Employment and Housing Act (“FEHA”) and wrongful termination claims, as well as individual wage-
5 and-hour claims. In June 2018, Mr. Feghali became heavily involved in the firm’s class action practice.

6 9. Mr. Feghali’s current billing rate is \$600.00 per hour. During Mr. Feghali’s tenure with Moon
7 & Yang, APC, he has played a critical role in obtaining outstanding results for employees who have
8 been wronged by their employers. Mr. Feghali’s litigation experience includes, but is not limited to:

9 (a) In March 2021, Mr. Feghali prepared the briefing in the matter of *Rivera, et al. v.*
10 *Clearpath Federal Credit Union* (LASC No. 19STCV33504), which resulted in a
11 certification order on all causes of action following contested briefing in a wage-and-
12 hour class action.

13 (b) Mr. Feghali prepared the briefing in a contested class certification motion in the matter
14 of *Dawson, et al. v. GoHealth, LLC, et al.* (No. CGC-19-577790), which was argued
15 and taken under submission by the Court on February 3, 2022.

16 (c) Mr. Feghali prepared the briefing in a contested class certification motion in the matter
17 of *Brown v. NTI-CA, Inc., et al.* (No. 21STCV04397), which is not currently scheduled
18 for hearing.

19 (d) Mr. Feghali was part of a team that prepared the briefing in a contested class
20 certification motion in the matter of *Thong, et al. v. Outlook Resources, Inc., et al.* (No.
21 19STCV44400), which was granted in part and denied in part in October 2022.

22 (e) Mr. Feghali prepared the briefing which resulted in a remand order in the matter of
23 *Andrade v. Rehrig Pacific Corp.* (C.D. Cal. April 22, 2020, No. CV 20-1448 FMP
24 (RAOx)) 2020 WL 1934954, where Defendant removed a wage-and-hour class alleging
25 that Plaintiff’s claims were pre-empted by the Labor Management Relations Act.

26 (f) Mr. Feghali briefed, argued, and won the matter of *Lee, et al. v. The Christian Herald,*
27 *U.S.A., Inc.* (Cal. Ct. App. Dec. 12, 2017, No. B266853) 2017 WL 6333905, at *1.
28 There, the Court of Appeal reversed a dismissal of an individual defendant following

1 the trial court's granting of a demurrer without leave to amend relating to alter ego
2 allegations.

3 (g) Mr. Feghali prepared the briefing which resulted in a remand order in the matter of
4 *Sotelo v. Belfor USA Group, Inc.* (C.D. Cal. March, 13, 2018, No. 2:17-cv-09056-
5 RSWL-MRWx) 2018 WL 1352910. Defendants there sought to remove the case based
6 on the inclusion of a "sham defendant," but the court agreed with Mr. Feghali's briefing
7 which argued that the individual defendant, who was alleged to have harassed the
8 plaintiff under FEHA, was a proper defendant.

9 (h) Mr. Feghali has been the lead counsel, or co-lead counsel, in individual cases that settled
10 for \$850,000.00, \$375,000.00, and \$250,000.00. In addition to the foregoing, Mr.
11 Feghali has resolved or assisted in the resolution of approximately 100 cases which has
12 resulted in millions of dollars of unpaid wages being returned to low-wage employees.

13 10. Since June 2018, Mr. Feghali's practice has shifted to almost exclusively representing
14 employees in wage-and-hour class and representative actions. His fee has been approved by Courts
15 throughout the state. He has participated as lead, or co-lead counsel, in the litigation and resolution of
16 over 100 wage-and-hour class actions, including obtaining preliminary and final approval of
17 settlements. A selection of settled cases wherein Mr. Feghali served as lead or co-lead class counsel
18 includes the following: *Barahona v. Methodist Hosp. of Cal.* (No. 20STCV09876) (\$5,000,000); *Stanley*
19 *Black & Decker Wage and Hour Cases* (No. JCCP5218) (\$3,500,000); *Vazquez v. St. Mar 2.0 Inc.* (37-
20 2021-00042702-CU-OE-CTL) (\$2,250,000); *Duncan v. Infineon Technologies Americas Corp.*
21 (21STCV16872) (\$2,500,000); *Aquino v. Coast King Packing, LLC* (21CV002448) (\$2,300,000);
22 *Martinez, et al. v. Curative LLC* (21STCV20778) (\$1,500,000); *Calderon v. Installed Building Products*
23 (37-2021-00035844-CU-OE-CTL) (\$1,500,000); *Majdoub v. Argent Hotel Mgmt.* (No. CGC-20-
24 582921) (\$1,800,000); *Fuentes v. Covid Clinic, Inc.* (No. CIVSB2106806) (\$1,526,317.57); *Rahman,*
25 *et al. v. Gate Gourmet, Inc.* (3:20-cv-03047) (\$3,850,000); *Pagoulatos v. Coast Hills Credit Union* (No.
26 20CV02801) (\$1,100,000); *Hammers v. Redwood Oil Co., Inc.* (SCV-269625) (\$1,180,000); *Cuadras*
27 *v. R.C. Wendt Painting, Inc.* (No. BC705964) (\$1,400,000); *Zaragoza v. The Roman Catholic Bishop of*
28 *Fresno* (22CV-00282) (\$1,500,000); *Garcia v. San Jose Water Co.* (22CV396328) (\$1,200,000);

1 *Garcia v. Tri-Valley Plastering, Inc.* (22CECG00591) (\$1,250,000); *Garcia v. Tapia Enter., Inc.*
2 (\$2,137,651 for 507 class members); *Cha v. Center Point, Inc.* (CIV2102081) (\$1,000,000); *Sison v.*
3 *Cha Hollywood Med. Ctr., L.P.* (No. BC644129) (2,137 class members); *Lagos v. ThyssenKrupp*
4 *Elevator Corp.* (No. BC682972) (\$750,000 for 79 class members); and *Montoya v. Golden 1 Credit*
5 *Union* (No. 34-2018-00228252) (\$1,250,000).

6 CHARLOTTE MIKAT-STEVEN'S' EXPERIENCE AND QUALIFICATIONS

7 11. Charlotte Mikat-Stevens is an associate attorney at Moon & Yang, APC. Ms. Mikat-Stevens
8 advocates for employees in both state and federal court in employment and related litigation. Since
9 joining Moon & Yang, her practice has focused on wage-and-hour class actions and PAGA
10 representative actions involving claims related to unpaid overtime and minimum wages, meal and rest
11 break violations, unreimbursed business expenses, improper wage statements, and unfair business
12 practices.

13 12. Ms. Mikat-Stevens received her B.As. in Anthropology and International Studies with honors
14 from Loyola University of Chicago, and her J.D. and Master of Environmental Law and Policy from
15 Vermont Law School ("VLS"). While in law school, Ms. Mikat-Stevens served as Note and Production
16 Editor for the Vermont Journal of Environmental Law, served with the VLS Environmental Law
17 Society, and worked as a student clinician for the Food and Agriculture and the Environmental and
18 Natural Resources Law Clinics at VLS. Following law school, Ms. Mikat-Stevens was selected for a
19 fellowship focused on the labor trafficking and forced labor of agricultural workers in the United States,
20 during which time she developed a toolkit for legal practitioners, and she also represented victims of
21 trafficking with civil and criminal cases. Before joining Moon & Yang, APC, Ms. Mikat-Stevens
22 represented farm workers with various employment law claims in administrative and civil courts,
23 including class actions, as well as in grievance and arbitration matters.

24 13. Ms. Mikat-Stevens became an Active Member of the State Bars of California and
25 Washington in 2019 and has been an Active Member in good standing of both Bars continuously since
26 then. She is also admitted to practice in the United States District Court for the Eastern Districts of
27 California and of Washington. Ms. Mikat-Stevens' current billing rate is \$375.00 per hour.

14. A selection of settled PAGA-only cases as well as class actions that have received preliminary and/or final settlement approval which Ms. Mikat-Stevens assisted in the resolution during her tenure with Moon & Yang, APC includes, without limitation, the following: *Garcia v. Tri-Valley Plastering, Inc.* (Fresno No. 22CECG00591) (\$1,250,000.00 for approx. 858 class members); *Gomez v. Arya Ice Cream Distributing Co., Inc.* (LASC No. 21STCV31170) (class size approx. 106; lead counsel); *Herrera v. Coastal Construction & Lumber Co.* (Santa Clara No. 22CV394683) (\$100,000.00 for approx. 197 aggrieved employees); *Olasoaga v. Burton Schnierow, D.D.S., Inc.* (LASC No. 21STCV39559) (\$632,400.00 for approx. 296 class members); *Valdez v. Heat Make Sense, Inc.* (Sacramento No. 34-2021-00296194) (\$120,000.00 for 13 class members); *Wallick v. Campbell Soup Supply Co., LLC* (San Joaquin No. STK-CV-UOE-2021-0000865) (\$950,000.00 for 435 class members); and *Zapien et al. v. Wendy's of the Pacific, Inc.* (Stanislaus No. CV-21-006838) (\$690,000.00 for approx. 2,559 class members).

MOON & YANG, APC'S EXPERIENCE AND QUALIFICATIONS

15. As demonstrated by the foregoing, my office is qualified to handle this litigation because we are experienced in litigating Labor Code and Wage Order violations in individual, class, and representative actions. The attorneys at my office have been appointed as lead or co-lead counsel in numerous wage-and-hour class actions in state and federal courts by way of motion for settlement approval. Including myself, Moon & Yang, APC is comprised of sixteen attorneys, all of whom are actively and continuously practicing employment litigation, representing almost entirely employee-plaintiffs, in both individual and class actions, in this Superior Court and other Superior Courts throughout the State, in the Courts of Appeal, and in various federal courts. The attorneys at my firm have a high level of knowledge and experience in areas of wage-and-hour class actions and labor and employment law generally.

16. Moon & Yang, APC has been engaged in the practice of employment and labor law for over a decade, and presently focuses exclusively on plaintiffs' employment law. The firm and its lawyers have tried both bench and jury trials (representing both plaintiffs and defendants) relating to employment matters. As noted above, Moon & Yang, APC has been appointed lead or co-lead class

1 counsel in federal and state courts in California. Also, the firm and its lawyers have successfully settled
2 hundreds of cases during that time, including wage-and-hour class actions.

3 17. The experience of myself and other attorneys of Moon & Yang, APC provided herein is
4 helpful in assessing the reasonableness of settlements, such as the one at issue here, and from this
5 experience we concluded that this litigation could not have been settled on better terms than provided
6 under the proposed Settlement Agreement.

7 18. I do not believe that I have any conflicts of interest with the Class or with the named
8 Plaintiffs, and I am not related to the named Plaintiffs. I respectfully submit that the attorneys of Moon
9 & Yang, APC, myself included, are well suited to act as Class Counsel in this action, and we have and
10 will continue to vigorously represent the interests of the Class.

11
12 I declare under penalty of perjury under the laws of the State of California and the United States
13 that the foregoing is true and correct.

14 Executed on May 18, 2023, at Los Angeles, California.

15 
16 _____
Kane Moon