

COHELAN KHOURY & SINGER

Isam C. Khoury (SBN 58759)
ikhoury@ckslaw.com
Michael D. Singer (SBN 115301)
msinger@ckslaw.com
Kristina De La Rosa (SBN 279821)
kdelarosa@ckslaw.com
Rosemary C. Khoury (SBN 331307)
rkhoury@ckslaw.com
605 C Street, Suite 200
San Diego, CA 92101
Telephone: (619) 595-3001/Facsimile: (619) 595-3000

STONEBROOK LAW

Joseph Tojarieh (SBN 265492)
jft@stonebrooklaw.com
10250 Constellation Boulevard, Suite 100
Los Angeles, CA 90067
Telephone: (310) 553-5533, ext. 1001/Facsimile: (310) 553-5536

Attorneys for Plaintiff Sunny K. Tam, on behalf of himself
and other similarly-situated employees

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SUNNY K. TAM, on behalf of himself and
other similarly-situated employees
Plaintiff,

v.

Q TECH CORPORATION, a California
Corporation; and DOES 1 Through 10,
inclusive,

Defendants.

Lead Case No. 21STCV18635
Related Case No. 21STCV19805
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Elihu M. Berle
Department SS6

**CLASS ACTION AND REPRESENTATIVE
ACTION**

**DECLARATION OF PLAINTIFF SUNNY K.
TAM IN SUPPORT OF PROPOSED CLASS
ACTION SETTLEMENT AND CLASS
REPRESENTATIVE SERVICE AWARD**

Hearing Information

Date: August 12, 2022
Time: 11:00 a.m.
Dept: SS-6
Judge: Hon. Elihu M. Berle

Complaint filed: May 17, 2021
Trial date: Not Set

1 I, Sunny K. Tam, declare as follows:

2 1. I am the sole named plaintiff in this action. I have personal knowledge of all
3 matters stated in this declaration and could competently testify as to these matters if called as a
4 witness, except as to the matters stated upon information and belief, and as to those matters, I
5 believe them to be true. I submit this declaration in support of the Motion for Preliminary
6 Approval of Class Action and PAGA Settlement in my case and my request for a \$5,000 Class
7 Representative Service Award.

8 2. I formerly worked for Q Tech Corporation in the position of an Adjust and Seal
9 Operator as a non-exempt employee. I worked for more than 22 years from January 1998 to
10 November 2, 2020.

11 3. Toward the end of my employment, I started to suspect something was wrong. I
12 was fired for what felt like no reason and wondered if I was fired due my race or age since I had
13 been a good employee for so long.

14 4. After my employment with Q Tech Corporation ended, I searched for attorneys to
15 talk to about my work experiences and labor violations I believe I suffered during my
16 employment. Overall, I felt like Q Tech Corporation did not treat us right. I reached out to
17 attorneys to try to right the wrongs and learned that the issues I experienced gave rise to legal
18 claims for unpaid wages, meal and rest break premiums, and related violations of the labor code.
19 I thought it was important to correct these things not only for myself, but the other employees
20 too. Specifically, I agreed to bring this case as a Class and PAGA action to challenges Q Tech
21 Corporation's policies and practices that resulted in unpaid wages for rounding time, the incorrect
22 payment of overtime wages, and the denial of meal and rest breaks (and non-payment of
23 premiums for missed breaks).

24 5. I understand that my duties as a PAGA representative meant that I was standing
25 in the shoes of the state to assist in enforcement of the Labor Code. As a PAGA representative, I
26 understood that I needed to put the interest of the state and other affected employees before my
27 own personal interest.

28 ///

1 6. Similarly, as a Class Representative, I also understood that I was representing
2 other class members who suffered the same legal violations I had. I understood that I needed to
3 adequately and fairly treat the class members, meaning I should consider the interests of the class
4 members just as I would consider my own, if not more. My class representative duties also meant
5 communicating with attorneys whenever it was needed, taking extra steps to understand the
6 prosecution of the lawsuit. I believe I fulfilled my duties at every step of the way.

7 7. I am not related to any attorney working on the case, I am not aware of any
8 interests I have that are averse to the interests of the proposed aggrieved employees or class
9 members, and I do not have any conflicts that would keep me from adequately representing the
10 aggrieved employees or class. I understood that I could have had the option to pursue only the
11 claims I had as an individual. However, I believed it was important to stand up for all the other
12 employees of Q Tech Corporation if they had suffered the same violations.

13 8. I have been and remain committed to prosecuting this case vigorously on behalf
14 of all individuals covered by the settlement. I decided to become a representative and named
15 plaintiff in this case, and I agreed to do so, in order to represent the other employees who were
16 affected by Q Tech Corporation illegal practices and experienced similar violations as me.

17 9. On March 4, 2021, after detailed discussions with my attorneys concerning my
18 work experiences, I understand a letter was sent to the California Labor and Workforce
19 Development Agency informing them that I, through my attorneys, would be filing a lawsuit
20 against Q Tech for violations of the Labor Code and would seek civil penalties. With the
21 assistance of my attorneys, I filed my class action lawsuit on May 17, 2021 and PAGA lawsuit
22 on May 25, 2021, respectively in Los Angeles County Superior Court.

23 10. Since the time I first contacted my attorneys, I have spoken at length with my
24 attorneys, provided documents and records in my possession, and signed authorizations so that
25 my attorneys could request additional employment and payroll records. We exchanged emails
26 and had telephone calls about the case from the beginning all the way through to this settlement
27 request. I constantly checked in with my attorneys to check the status of the case and see if
28 anything was needed of me.

1 11. As part of the litigation process, I was informed that Q Tech Corporation had the
2 right to take my deposition, and that the preparation and deposition itself could take multiple
3 days. However, this did not happen because we agreed to attend mediation, which was successful.

4 12. To help prepare for mediation, I spoke with my attorneys and provided
5 information and answers to their questions. Although I was unable to attend the mediation, I made
6 myself available by telephone to answer any questions my attorneys had of me. I consented to the
7 settlement and reviewed and signed the memorandum of understand and the settlement agreement
8 memorializing the settlement. After settlement was reached, I continued to be in touch with my
9 attorneys, monitoring the status of the settlement.

10 13. Overall, I estimate that I spent more than 25-30 hours prosecuting this case. My
11 involvement in this case includes: (1) searching for and finding an attorney to handle this case;
12 (2) initiating my case and being an active participant throughout; (3) numerous conferences with
13 my attorneys; (4) searching for and providing information and documents to my attorneys; (5)
14 providing information for mediation and making myself available by phone the day of mediation;
15 (6) consenting to the Settlement, and then reviewing and signing the Memorandum of Understand
16 and the Settlement Agreement; (7) facing the potential loss of job opportunities for having filed
17 a lawsuit against a former employer; and (8) the substantial time I spent on this case, both before
18 and after it was filed is time lost from pursuing other interests, and being with friends and family.

19 14. Although I am proud to have my name on this lawsuit and feel vindicated by this
20 settlement, this lawsuit has been a source of stress in terms of time, effort and risk. When I decided
21 to file this lawsuit, I was aware that this action is public record and that the lawsuit could continue
22 for several years and would require my participation, attention, and determination the entire time.
23 Despite this, I decided to serve as the named plaintiff because it was the right thing to do and I
24 wanted to help be part of the solution for all of my other co-workers who I knew suffered the
25 same treatment I experienced.

26 15. I have reviewed the proposed settlement, and based on my involvement with the
27 lawsuit, and experiences as an employee of Q Tech Corporation, I believe the proposed settlement
28 obtained on behalf of the current and former employees, as well as the State, is a good result. I

1 am proud of obtaining a settlement that will allow each employee of Q Tech Corporation to be
2 paid money as a result of my bringing attention to Q-Tech's practices. I am informed that the
3 average amount each employee will receive is around \$1,800. I believe this is fair and reasonable
4 in light of the strengths of our claims, and the defenses that I both heard from Defendant and
5 which I discussed with my attorneys.

6 16. As part of the settlement, I provided Q Tech Corporation, with a general release
7 of any and all claims relating to my employment, excluding only claims for wrongful termination
8 and employment. I understand this release is broader than the release applicable to other non-
9 representative class members.

10 17. I understand that I may be entitled to a payment for my role as a named plaintiff
11 and my work related to the case. I further understand that this additional payment is not
12 guaranteed and is subject to Court approval. My opinion about the fairness and adequacy of the
13 settlement in the case is not based on this potential payment.

14 18. Pursuant to the Settlement Agreement, I am applying for a service award of
15 \$5,000. I believe the requested award is fair and reasonable in light of the work I have performed
16 on behalf of

17 I declare under the penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct and that this declaration is executed on 6/20/2022 in
19 Bell Gardens, California.

20 
21 Sunny K. Tam _____
22
23
24
25
26
27
28