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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 SUNNY K. TAM IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS' FEES AND
COSTS, AND CLASS REPRESENTATIVE
INCENTIVE PAYMENT**

Hearing Information

Date: March 22, 2023

Time: 9:00 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 named Plaintiff in the above-captioned lawsuit. I am also a representative of
3 the State of California's Labor and Workforce Development Agency seeking civil penalties for Labor
4 Code violations. I have personal knowledge of all matters stated in this declaration, and could
5 competently testify if call as a witness, except as to the matters stated upon information and belief, and
6 as to those matters, I believe them to be true.

7 2. I submit this declaration is support of the Motion for Order Granting Final Approval of
8 Class Action Settlement, Entering Judgment, and Awarding Attorneys' Fees and Costs and Class
9 Representative Service Payment in this case, as well as my requested \$5,000 Class Representative
10 Service Payment.

11 3. I have and will continue to adequately represent the interest of all other similarly
12 employed Class Members. I am informed the proposed Class includes around 185 current and former
13 non-exempt, hourly-paid employees of Defendant who worked in California at any time during the time
14 period of May 17, 2017, to March 13, 2022.

15 4. I formerly worked for Q Tech Corporation in the position of an Adjust and Seal Operator
16 as a non-exempt employee. I worked for more than 22 years from January 1998 to November 2, 2020.
17 After my employment with Q Tech Corporation ended, I searched for attorneys to talk to about my
18 work experiences and labor violations I believe I suffered during my employment. Overall, I felt like
19 Q Tech Corporation did not treat us right. I reached out to attorneys to try to right the wrongs and
20 learned that the issues I experienced gave rise to legal claims for unpaid wages, meal and rest break
21 premiums, and related violations of the labor code. I thought it was important to correct these things
22 not only for myself, but the other employees too. Specifically, I agreed to bring this case as a Class
23 and PAGA action to challenges Q Tech Corporation's policies and practices that resulted in unpaid
24 wages for rounding time, the incorrect payment of overtime wages, and the denial of meal and rest
25 breaks (and non-payment of premiums for missed breaks).

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

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

7 7. I understood that I could have had the option to pursue only the claims I had as an
8 individual. However, I believed it was important to stand up for all the other employees of Q Tech
9 Corporation if they had suffered the same violations.

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

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

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

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

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1 12. To help prepare for mediation, I spoke with my attorneys and provided information and
2 answers to their questions. Although I was unable to attend the mediation, I made myself available by
3 telephone to answer any questions my attorneys had of me. I consented to the settlement and reviewed
4 and signed the memorandum of understand and the settlement agreement memorializing the settlement.
5 After settlement was reached, I continued to be in touch with my attorneys, monitoring the status of the
6 settlement. I have been in touch with my attorneys since the settlement, submitted a declaration in
7 support of the preliminary approval motion, and am working with my attorneys on this declaration in
8 support of the final approval motion.

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

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

25 15. I have reviewed the proposed settlement, and based on my involvement with the lawsuit,
26 and experiences as an employee of Q Tech Corporation, I believe the proposed settlement obtained on
27 behalf of the current and former employees, as well as the State, is a good result. I am proud of obtaining
28 a settlement that will allow each employee of Q Tech Corporation to be paid money as a result of my

1 brining attention to Q-Tech's practices.

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

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

10 18. Pursuant to the Settlement Agreement, I am applying for a service award of \$5,000. I
11 believe the requested award is fair and reasonable in light of the work I have performed on behalf of
12 the class and the risks I have taken to pursue this matter.

13 19. I am not related to any attorney working on the case, I am not aware of any interests I
14 have adverse to the interests of the other Class Members, and I do not have any conflicts that would
15 keep me from adequately representing the Class. I have been and remain committed to prosecuting this
16 case vigorously on behalf of the Class.

17 I declare under penalty of perjury under the laws of the State of California that the matters
18 stated in this Declaration are true and correct and that it was executed by me on 1/18/2023, in
19 Bell Gardens, California.

20 

21 _____
Sunny K. Tam