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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**

**PLAINTIFF'S SUPPLEMENTAL BRIEF IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT, ATTORNEYS' FEES
AND COSTS, AND CLASS
REPRESENTATIVE SERVICE 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. INTRODUCTION**

2 As fully briefed in Plaintiff's Motion For Final Approval Of Class Action and PAGA
3 Settlement, Attorneys' Fees and Costs, and Class Representative Service Payment filed with this Court
4 on January 20, 2023, Plaintiff Sunny K. Tam seeks final approval of a \$650,000 non-reversionary wage
5 and hour class action and Private Attorneys General Act (PAGA) Settlement on behalf of 179 non-
6 exempt, hourly-paid employees of Defendant Q Tech Corporation (Defendant) (180 less the single
7 employee who requested exclusion) who worked in California at any time during the time period of
8 May 17, 2017, to March 13, 2022. Supplemental Declaration of Michel D. Singer, ("Supp. Singer
9 Decl."), ¶3. In addition, Plaintiff requests the Court approve the application of Class Counsel for an
10 award of \$216,666.67 for their attorneys' fees and \$15,658.84 in litigation expenses, a \$5,000 Service
11 Payment to Class Representative, and \$10,000 in fees and expense to the Court-appointed Settlement
12 Administrator ILYM Group, Inc. *Id.* at ¶4.

13 **II. THE CLASS' FINAL RESPONSE TO THE SETTLEMENT**

14 On December 21, 2022, the Court-approved the Notice Packet, both in English and Spanish,
15 was mailed, via U.S First Class Mail, to 180 Class Members informing them of their rights and benefits
16 under the Settlement, the number of credited settlement workweeks and how to dispute those
17 workweeks, the estimated settlement payment, and the right to request exclusion or file a written
18 objection to the Settlement by February 21, 2023. Supplemental Declaration of Makenna Snow on
19 behalf of ILYM Group, Inc., ("Supp. ILYM Decl."), ¶3, Exh A.

20 Support for the Settlement is strong. As of the closure of the February 21, 2023 Class Response
21 Deadline and submission of this supplemental filing, there are no objections and only a single class
22 member requested exclusion from the Settlement. Supp Singer. Decl. ¶5; Supp. ILYM Decl. ¶¶6, 7.

23 Plaintiff has achieved an excellent result in this litigation, embodied in the proposed Settlement
24 which provides substantial benefits to the Class. The Pontificating Settlement Class Members will
25 receive an estimated average gross payment of \$1,820.41, with the estimated highest gross payment
26 being \$2,963.46. Plaintiff's estimated individual settlement amount is \$2,220.79. Supp Singer. Decl.
27 ¶6; Supp. Supp. ILYM Decl. ¶¶10, 12.

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1 **III. FINAL APPROVAL SHOULD BE GRANTED**

2 As set out more fully at pages 3-6 of Plaintiffs' Memorandum of Points and Authorities in
3 Support of Motion for Final Approval of Class Action and PAGA Settlement filed January 20, 2023,
4 Nothing has changed since Preliminary Approval to negate the presumption of fairness and Class
5 Counsel remains convinced the Settlement is in the Class' best interest.

6 The Court determined the first three Dunk factors were met when it granted preliminary
7 approval: (1) the settlement was reached through arm's-length bargaining; (2) investigation and
8 discovery allowed counsel and the court to act intelligently; and, (3) counsel was experienced in similar
9 litigation. The fourth factor could not be known until the Class had notice and an opportunity to
10 respond. *Dunk v. Ford Motor Co.*, 48 Cal. App. 4th 1794, 1801-1802 (1996).

11 The fourth *Dunk* factor was established when the Class, after receiving notice, and having an
12 opportunity to respond, overwhelmingly approved the Settlement with a 99.44% participation rate and
13 zero objections. Supp. Supp Singer. Decl. ¶5; Supp. ILYM Decl. ¶¶7, 8.

14 **IV. LITIGATION EXPENSES**

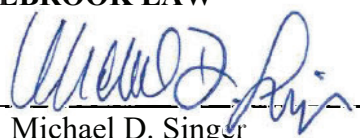
15 The Settlement allows Class Counsel to recover \$20,000 in costs. At the time of the January 20,
16 2023 filing of the Motion for Final Approval of Class Action Settlement, class counsel sought
17 reimbursement of \$15,544.31 in litigation expenses. Since then, Cohelan Khoury & Singer has incurred
18 additional costs of \$114.53 attributed to filing the January 20, 2023 Motion. Class Counsel seeks
19 reimbursement of \$15,658.84 in litigation expenses. These costs were reasonable and necessary. Supp.
20 Singer Decl. ¶7, Exh. 1 – Costs.

21 **V. CONCLUSION**

22 Plaintiff respectfully requests the Court enter an order granting Plaintiff's Motion for Final
23 Approval and Entering Judgment, and approve the Class Representative Service Payment, Class
24 Counsel's attorneys' fees and litigation costs, and the administrator's expenses.

25 **COHELAN KHOURY & SINGER**
26 **STONEBROOK LAW**

27 Dated: March 10, 2023

28 By: 
Michael D. Singer
Counsel for Plaintiff Sunny Tam