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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**

**DECLARATION OF MICHAEL D. SINGER
IN SUPPORT OF PLAINTIFF'S 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, Michael D. Singer, declare as follows:

2 1. I am a Partner with the law firm of Cohelan Khoury & Singer, co-counsel of record for
3 Plaintiff and the Settlement Class. I submit this Declaration in Support of Plaintiff's Motion for Order
4 Granting Final Approval of Class Action Settlement, Entering Judgment, and Awarding Attorneys'
5 Fees and Costs and Class Representative Service Payment. The following facts are within my personal
6 knowledge, and if called to testify, I could and would competently testify to them.

7 2. I am a 1984 Hastings graduate, admitted to the California State Bar in 1984 and the
8 Colorado State Bar in 2001. I have been admitted to practice before the following courts: U.S. Supreme
9 Court; Second, Third, and Ninth Circuit Court of Appeals; Southern, Central, Northern, and Eastern
10 Districts of California; and all California State Courts.

11 3. In 1981, Timothy D. Cohelan and Isam C. Khoury formed Cohelan & Khoury, a
12 Partnership of Professional Law Corporations, and within a few years began to focus on class actions.
13 I joined Cohelan & Khoury in 2000 and was named partner in 2003. In 2009, Cohelan & Khoury
14 became Cohelan Khoury & Singer. Our firm represents plaintiffs in complex, class and representative
15 action litigation, including wage and hour, labor and employment, antitrust, consumer protection,
16 construction defect and other public interest type class and representative actions.

17 4. I was admitted as a fellow to the College of Labor and Employment Attorneys in 2020,
18 and was named to the Daily Journal 2012, 2013, and 2018 list of Top California Labor and
19 Employment Attorneys. I, along with Isam Khoury, a founding Partner of the firm, and Partner Diana
20 M. Khoury, have also been selected by our peers based on ethics, experience and reputation as Super
21 Lawyers in Civil Litigation by the Southern California Super Lawyers Magazine for the years 2012
22 through the present.

23 5. Cohelan Khoury & Singer has been certified by the State Bar of California to provide
24 the Mandatory Continuing Legal Education activity entitled "Litigating California Class Actions" and
25 has conducted MCLE certified seminars on this topic. Senior Partner, Timothy D. Cohelan, is the
26 author of Cohelan on California Class Actions (1997-2022, updated annually), part of Thomson
27 Reuters Expert Series updated annually. I am a contributing author on the CEB publication California
28 Wage and Hour Law: Compliance and Litigation (2010-2022 updated annually), in which I wrote the

opening chapter overview on California Wage and Hour laws and the Private Attorneys General Act (PAGA) Claim chapter. I am also a contributing author to the CEB Practitioner (2020), including guidelines for oral argument and forms for PAGA litigation. I have served as a columnist for the California State Bar, Litigation Section on wage and hour litigation and have contributed articles on wage and hour and class action issues through the years to numerous California publications.

6. Prior to COVID, I typically lectured several times per year for continuing education courses on wage and hour and class action issues at events in San Diego, Orange County, Los Angeles, and San Francisco. For over twelve years, I served as wage and hour amicus co-chair and liaison for the California Employment Lawyers Association, drafting, reviewing, and coordinating amicus filings on wage and hour issues in the California Supreme Court and Courts of Appeal.

7. I have been engaged in the practice of labor and employment law since 2000, handling well over 300 wage and hour class and PAGA actions and several individual labor cases. I have litigated several types of employment actions, including complex ERISA employee welfare benefit plan cases, as well as wage and hour class actions before Federal and State Courts in California. In 2014, I tried a wage and hour class action involving claims for illegally deducted wages and unreimbursed expenses in the matter of *Dilts v Penske Logistics LLC, Inc.* and successfully appealed the trial court ruling in *Dilts* finding state laws preempted by the FAAAA for truck drivers.

8. I have participated in over 50 appellate cases and argued writs and appeals before several California District Courts of Appeal, successfully arguing the landmark *Vaquero* appeal for plaintiffs in the Second District Court of Appeal, *Vaquero v. Stoneledge Furniture, LLC* (2017) 9 Cal.App.5th 98 (requiring employers separately pay commission sales employees for rest periods). As co-lead counsel in *Brinker Restaurant Corp. v. Superior Court* [formerly reported at (2008) 165 Cal.App.4th 25], I argued before the Fourth District Court of Appeal in May 2008 on transfer from the California Supreme Court, and co-authored the briefing in the successful Supreme Court appeal. I've also argued federal appeals in the Second, Third, and Ninth Circuit Courts of Appeals. In addition, I have drafted numerous appellate briefs as the appellant, respondent, or amicus curiae in various employment class and individual actions. My firm has successfully tried multiple class cases, obtained appellate reversals of class certification denials (*Hicks v. Kaufman and Broad*, (2001) 89 Cal.App.4th

1 908), and certified multiple consumer and wage and hour class actions.

2 9. As a part of our overall firm philosophy lawyers perform community service and pro
3 bono work. Firm volunteer work includes service through the Legal Aid at Work, San Diego Volunteer
4 Lawyer Program, the San Diego County Bar Foundation, and Consumer Attorneys of San Diego. I
5 have served on the Legal Aid at Work Board of Directors since 2010. Mr. Cohelan served as the Chair
6 of the San Diego Volunteer Lawyers Program from 2015-2018, and currently sits on the Board as past
7 Chair. He completed 24 years of volunteer judicial service as a Judge Pro Tem of the San Diego
8 Superior Court. Partner Diana M. Khoury has been a member of the San Diego County Bar
9 Association, Consumer Attorneys of San Diego, and Consumer Attorneys of California, serving and
10 chairing various committees through the years for these organizations. From 2010 through 2015, Ms.
11 Khoury served on the Board of Directors for Consumer Attorneys of San Diego. Since 2014, Ms.
12 Khoury has actively served on the Board of Directors for the San Diego County Bar Foundation, the
13 501(c)(3) charitable arm of the San Diego County Bar Association providing access to justice to the
14 underserved and impoverished in the San Diego County region. Partner Jeff Geraci is a past recipient
15 of the Wiley W. Manuel Award for Pro Bon Service. Our firm's pro bono victories include a settlement
16 which prohibits the City of San Diego from targeting homeless people for illegal lodging tickets under
17 Penal Code Section 467(j). (*Spencer v. City of San Diego*, USDC Case No 04CV-2314 BEN (WMC).)
18 The *Spencer* settlement had the effect of increasing the number of available shelter beds in San Diego.

19 10. Cohelan Khoury & Singer has been certified Class Counsel in the following contested
20 proceedings: *Aguilar v. Atlantic Richfield, et al.*, San Diego County Superior Court Case No.
21 00700810; *Andino v. Kaiser Foundation Hospitals*, Alameda County Superior Court Case No.
22 RG11580548; *Arellano, et al. v. Container Connection of Southern California, Inc.*, Los Angeles
23 County Superior Court Case No. BC500675; *BANK OF AMERICA WAGE AND HOUR*
24 *EMPLOYMENT PRACTICES LITIGATION*, United States District Court, District of Kansas MDL
25 Case No. 2138 (FLSA Condition Certification); *Czuchaj v. Conair Corporation*, United States District
26 Court, Southern District of California Case No. 13CV1901; *Dilts, et al. v. Penske Logistics, L.L.C., et*
27 *al.*, United States District Court, Southern District of California Case No. 08CV0318; *Englert, et al.*
28 *v. AT&T Wireless Services, Inc., et al.*, Circuit Court of the Second Circuit, State of Hawaii Case No.

02-1-0074; *Evans v. Washington Mutual Bank*, Orange County Superior Court Case No. 02CC15415;
Filion v. Ethan Allen Retail Inc., United States District Court, Southern District of California Case
No. 05CV2340; *Gerard v. Les Schwab Tire Centers of California, Inc.*, Sacramento County Superior
Court Case No. 2007-30000003; *Grana, et al. v. PICO Enterprises, Inc. dba Phyle Inventory Control
Specialist and PICS L.A.S.C.* Case No. BC472891; *Gutierrez v. Save Mart Supermarkets* San Mateo
Superior Case No. CIV530955; *Wilcox v Albertsons*, San Diego County Superior Court Case No.
GIC833922; *Gonzalez, et al. v. Freedom Communications, Inc. d/b/a The Orange County Register*,
Orange County Superior Court Case No. 03CC08756; *Graham, et al. v. Overland Solutions, Inc.*,
United States District Court, Southern District of California Case No. 10CV0672 (FLSA Conditional
Certification); *Hicks v. Kaufman and Broad Home Corp.*, Los Angeles County Superior Court Case
No. B198414; *Hohnbaum, et al. v. Brinker Restaurant Corporation, et al.*, San Diego County Superior
Court Case No. GIC834348; *KEMP, et al. v. CSEA, et al.*, Circuit Court of the First Circuit, State of
Hawaii Case No. 98-3815-08; *LIBERTY MUTUAL OVERTIME CASES*, Los Angeles County Superior
Court Case No. JCCP 4234; *Mitchell, et al. v. Acosta, Inc., dba Acosta Sales and Marketing Company*,
United States District Court, Central District of California Case No.11CV07196 (FLSA Conditional
Certification); *Santana v. Rady Children's Hospital-San Diego*, San Diego County Superior Court
Case No. 37-2014-00022411; *Schaffer v. Rady Children's Hospital-San Diego*, San Diego County
Superior Court Case No. 337-2015-00022978; *Schneider, et al. v. Catholic Healthcare West*, San
Francisco County Superior Court Case No. CGC-10-506243; *Salucci v. Amada Senior Care, Inc.*,
Orange County Superior Court Case No. 37-2015-00778081; *Smith v. California Pizza Kitchen*, San
Diego County Superior Court Case No. 37-2008-00083992; STEROID HORMONE PRODUCT
CASES, Los Angeles County Superior Court Case No. JCCP 4363; *Stevenson Aibangbee v. Victoria
Apartments, et al.*, Los Angeles County Superior Court Case No. BC299498; *Swift v. Liebert Corp.*,
Orange County Superior Court Case No. 00CC04588; *Sylvia, et al. v. Wells Fargo Home Mortgage,
Inc.*, Orange County Superior Court Case No. 03CC05747; *Vaquero v. Ashley Furniture Industries,
Inc., et al.*, United States District Court, Central District of California Case No. 12CV8590; *Vaquero
v. Stoneledge Furniture LLC*, Los Angeles County Superior Court Case No. BC522676; *Vazquez v.
Kraft Heinz Foods Company*, Unites States District Court, Southern District of California Case No.

1 16-CV-02749; *Watson v. Raytheon Company*, United States District Court, Southern District of
2 California Case No. 10CV0634; and *Weigle v. FedEx Ground Package System, Inc.*, United States
3 District Court, Southern District of California Case No. 06CV1330, among others, as well as being
4 appointed Class Counsel in connection with well over 250 class action settlements.

5 11. As Class and PAGA Representative Counsel, Cohelan Khoury & Singer has actively
6 commenced, prosecuted and concluded numerous state and federal class and representative actions.
7 Since 2016, Cohelan Khoury & Singer has played a central role in the resolution of over 250 such
8 cases, including the following, which have received court approval: (a) *Arellano, et al. v. Container*
9 *Connection of Southern California, Inc.*, Los Angeles County Superior Court, Case No. BC500675,
10 Hon. Anne I. Jones; (b) *Castro v. Home Depot U.S.A., Inc.*, Los Angeles County Superior Court, Case
11 No. BC577885, Hon. Elihu M. Berle; (c) *Czuchaj v. Conair Corporation*, United States District Court,
12 Southern District of California, Case No. 13-CV-1901 BEN, Hon. Roger T. Benitez; (d) *Gardiner v.*
13 *TSYS*, United States District Court, Central District of California, Case No. 18-cv-00415, Hon. David
14 O. Carter; (e) *Grana v. PICO Enterprises, Inc.*, Los Angeles County Superior Court, Case No.
15 BC472891, Hon. Stephanie M. Bowick; (f) *Gutierrez v. Save Mart Supermarkets*, San Mateo County
16 Superior Court, Case No. CIV530955, Hon. Marie S. Weiner; (g) *Hernandez v. Workforce Enterprises*
17 *WFE, Inc.*, Los Angeles County Superior Court Case No. BC590913, Hon. Elihu M. Berle; (h) *Hicks*
18 *v. Poway Academy of Hair Design, Inc.*, San Diego County Superior Court, Case No. 2014-00026517,
19 Hon. Ronald L. Styn; (i) *Hubbard v. Caliber Home Loans, Inc.*, Orange County Superior Court, Case
20 No. 2018-01017838; (j) *Klein v. Loomis Armored US, LLC*, San Bernardino County Superior Court,
21 Case No. CIVDS1704547, Hon. David Cohn; (k) *Laureano v. The Art of Shaving*, Los Angeles County
22 Superior Court, Case No. BC550093, Hon. Amy D. Hogue; (l) *Lopez, et al. v. Management & Training*
23 *Corporation, et al.*, United States District Court, Southern District of California, Case No. 17-CV-
24 010624 JM, Hon. Jeffrey T. Miller; (m) *Magdaleno v. Shelly Automotive, LLC*, Orange County
25 Superior Court Case No. 2013-0043958, Hon. Kim. G. Dunning; (n) *McGrath, et al. v. Wyndham*
26 *Resort Development Corporation, et al.*, United States District Court, Southern District of California,
27 Case. No. 15-CV-1631 JM, Hon. Jeffrey T. Miller; (o) *Mena v. Wolfgang Puck Catering*, Los Angeles
28 County Superior Court Case No. BC582743, Hon. John Shepard Wiley, Jr.; (p) *Morales v. The Los*

1 *Angeles Country Club*, Los Angeles County Superior Court, Case No. BC566493, Hon. William F.
2 Highberger; (q) *Nijmeh v. Bon Appetit Management Company, Inc.*, Santa Clara County Superior
3 Court, Case No. 16CV294127, Hon. Thomas E. Kuhnle; (r) *Plascencia v. Aramark Services, Inc.*,
4 Santa Clara County Superior Court, Case No. 2015-1-CV-288310, Hon. Brian C. Walsh; (s) *Plimpton*
5 *v. Gordon Trucking, Inc.*, San Bernardino County Superior Court, Case No. CIV-DS-1511918, Hon.
6 Donald Alvarez; (t) *Raya v. Amazon*, USDC, Northern District of California, Case No. 15-CV-02005
7 MMC, Hon. Maxine M. Chesney; (u) *Rivas v. ESA Management*, USDC, Central District of California,
8 Case No. 14-CV-5767, Hon. Dale S. Fischer; (v) *Rodriguez v Healthcare Partner Medical Group,*
9 *Inc.*, Los Angeles County Superior Court, Case No. BC541313, Hon. Kenneth Freeman; (w) *Ryan v.*
10 *Dignity Health*, Sacramento County Superior Court Case No. 2013-00147371, Honorable Alan G.
11 Perkins; (x) *Santana v. Rady Children's Hospital-San Diego*, San Diego County Superior Court Case
12 No. 37-2014-00022411, Hon. Joel R. Wohlfeil; (y) *Schaffer v. Rady Children's Hospital-San Diego*,
13 San Diego County Superior Court Case No. 337-2015-00022978; Hon. Joel R. Wohlfeil; (z) *Schneider*
14 *v. Catholic Healthcare West*, San Francisco County Superior Court, Case No. CGC-10-506243, Hon.
15 Angela Bradstreet; (aa) *Schwartz v Bank of the West*, San Francisco County Superior Court, Case No.
16 CGC-14-538955, Hon. Harold E. Kahn; (bb) *Syed v. M.I. Swaco*, USDC, Eastern District of California,
17 Case No. 12-CV-01718 DAD, Hon. Dale A. Drozd; (cc) *Vaquero, et al. v. Stoneledge Furniture, LLC*,
18 Los Angeles County Superior Court Case No. BC522676, Hon. Elihu M. Berle; (dd) *Vazquez v. Kraft*
19 *Heinz Foods Company*, USDC, Southern District of California Case No. 16-CV-02749, Hon. William
20 Q. Hayes; (ee) *Walsh v. Cedars-Sinai Medical Center*, Los Angeles County Superior Court Case No.
21 BC487290, Hon. William F. Highberger; among others.

22 12. On May 17, 2021, Plaintiff filed a putative class action complaint against Q Tech
23 Corporation alleging: (1) failure to pay minimum wages (Labor Code §§ 1194, 1197, et seq. and the
24 applicable IWC Wage Order); (2) failure to pay overtime wages (Labor Code §§ 510, 1194, et seq.
25 and the applicable IWC Wage Order); (3) failure to provide timely, off-duty meal periods or
26 compensation in lieu thereof (Labor Code §§ 226.7, 512, and the applicable IWC Order); (4) failure
27 to provide or authorize paid 10-minute, off-duty rest periods or compensation in lieu thereof (Labor
28 Code § 226.7 and the applicable IWC Order); (5) failure to provide accurate wage statements (Labor

Code §§ 226, 1174); (6) failure to timely pay wages to terminated or resigned employees (Labor Code §§ 201, 202 and 203); (7) Violation of the Unfair Competition Law (Business & Professions Code §§ 17200, et seq.) On May 25, 2022, Plaintiff filed a separate action seeking recovery civil penalties under PAGA arising out of the same causes of action, as well as civil penalties for violations of Labor Code §§ 204, 1174, and 1198. These actions were deemed related by Court order on July 12, 2021, with the class complaint being designated as the lead case.

13. Plaintiff and Defendant attended a full day of mediation on December 13, 2021, with Steven J. Rottman. After a full day of arms'-length negotiations, the Parties reached an agreement, memorialized in the Settlement Agreement, the amended version of which the Court preliminarily approved.

14. The Parties agreed the Action may be settled for the Gross Settlement Amount of \$650,000 (GSA). The GSA includes, subject to Court approval: (a) attorneys' fees up to \$216,666.67; (b) actual costs of \$ 15,544.31; (c) Service Payment to Plaintiff up to \$5,000; (d) Settlement Administration expenses up to \$10,000; (e) PAGA Payment to the Labor Workforce and Development Agency ("LWDA") of \$56,250 (75% of the \$75,000 PAGA Penalty); and (f) PAGA Payment of \$18,750 to PAGA Members (25% of the PAGA Penalty).

15. A payment will be made to the estimated 147 PAGA members based on the number of pay periods worked during the PAGA period, regardless of whether they opt out of the Class Settlement.

16. After all Court-approved deductions from the GSA, the remaining sum, the Net Settlement Amount, estimated at \$327,789.02 will be distributed to Settlement Class Members (those Class Members who did not opt-out). Submission of a claim form is not required. Payments are allocated one-fifth to wages and four-fifths to interest and penalties. Form 1099 will be issued for interest and penalties and Form W-2 for wages.

17. On August 31, 2022, Plaintiff moved for Preliminary Approval and, per the Court's request, submitted supplemental briefing and an amended Settlement Agreement on October 28, 2022. The Court granted preliminary approval on November 21, 2022.

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1 18. The Order conditionally certified the Settlement Class, appointed Class Counsel and
2 the Class Representative, approved ILYM Group, Inc. (“ILYM”) as Settlement Administrator,
3 preliminarily approved the Settlement Agreement, and set March 22, 2023, for the Final Approval
4 Hearing.

5 19. Nothing has changed since the Court granted preliminary approval of the settlement to
6 negate the presumption of fairness. With the Class’s favorable reaction to the Settlement thus far, Class
7 Counsel remain convinced the Settlement is in the Class’s best interest based on detailed knowledge of
8 the issues presented and the negotiations. The length and risks of trial and the perils of litigation that
9 affect the value of the claims were all carefully weighed. The affirmative defenses asserted by
10 Defendant, the uncertainty of obtaining and maintaining certification, the prospect of an adverse
11 summary judgment ruling, the difficulties of complex litigation, the lengthy process of establishing
12 damages, and the risks and delays of appeals, were all carefully considered by Class Counsel in arriving
13 at the Settlement. In sum, the Settlement is fundamentally fair, adequate, and reasonable.

14 20. Class Counsel seeks a fee award of \$216,666.67, calculated as a percentage of the total
15 Settlement Amount for the successful prosecution and resolution of this action. For Class Counsel, the
16 fees here were wholly contingent in nature, and the case presented far more risk than the usual
17 contingent fee case. There was the prospect of the enormous cost inherent in class action litigation, as
18 well as a long battle with a corporate defendant. Class Counsel risked not only their time but also
19 money to ensure the successful litigation of this action on behalf of all Class Members.

20 21. Attached as **Exhibit 1** is a true and correct copy of the Consolidated Summary of Class
21 Counsel’s Time & Costs. Class Counsel Joseph Tojarieh’s Declaration detailing his lodestar is also
22 filed in support of this motion.

23 22. To produce the favorable results on behalf of the Class, Class Counsel has expended
24 over 110.6 hours and a lodestar of approximately \$62,132.00 through the date of this Motion (i.e.,
25 exclusive of the final approval motion and hearing and post-settlement administration activities); Class
26 Counsel requests a fee of \$216,666.67, which is a multiplier of approximately 3.49. This multiplier is
27 appropriate for several reasons.

28 ///

1 23. This multiplier is appropriate because this complex action involved specialized issues,
2 the fee award was contingent on the success of the action, which at all times posed a risk to Class
3 Counsel and whose outcome was uncertain, Class Counsel nevertheless achieved exceptional results
4 for Class Members, and Class Counsel's 1/3 contingency percentage is routinely accepted on the open
5 market. Class Counsel respectfully submit the remaining factors are Class Counsel's skill and
6 considerable wage and hour class action experience; the novelty and complexity of the issues regarding
7 the wage and hour claims at issue in this litigation; the significant risk of non-payment due to Class
8 Counsel's undertaking this litigation on a purely contingent basis nearly three years ago; and the lack
9 of any objections to date. Accordingly, Plaintiff respectfully requests that the Court award the
10 requested attorneys' fees and reimbursement of their litigation costs.

11 24. Class Counsel's hourly rates are fair and reasonable and have been approved by courts
12 in connection with class action and individual settlements. Class Counsel's skill and experience
13 support the hourly rates requested. These rates are in line with those approved in wage and hour class
14 action litigation in California and have been approved by numerous California state and federal courts.

15 25. As leading attorneys in the field, Class Counsel continually monitors prevailing market
16 rates of defense and plaintiff law firms and set the billing rates to follow those attorneys and staff of
17 comparable skill, qualifications, and experience. Other wage and hour attorneys working as Class
18 Counsel before California courts charge comparable if not higher rates. Attached as **Exhibit 2** is a true
19 and correct copy of the Laffey Matrix (accessed January 19, 2023, available at [matrix](https://laffeymatrix.com)
20 laffeymatrix.com).

21 26. Class Counsel's hours are fair and reasonable. Class Counsel has already spent over
22 110 hours litigating this case and bringing the settlement to fruition, with additional hours of at least
23 30 that Counsel expects to expend in drafting the motion at bar and supplementing it after the opt-out
24 period has expired, administering the Settlement, preparing for and attending the Final Approval
25 Hearing, and distributing the Settlement funds. Class Counsel requests that the Court find that these
26 hours were reasonably expended in this litigation.

27 27. Class Counsel seeks a benchmark adjustment to one-third of the common fund based
28 on: (1) substantial monetary Class recovery; (2) Class Counsel's zealous and successful prosecution

1 of this case; (3) Counsel's wage and hour class action experience and skill demonstrated; (4) novelty
2 and complexity of the issues in this litigation; (5) significant risk of non-payment due to purely
3 contingent representation, while incurring significant out-of-pocket costs for over two years; and (6)
4 lack of any objections, including to Counsel's fee request.

5 28. Class Counsel have significant wage and hour and class action experience.
6 Collectively, Class Counsel have decades of wage and hour class action experience litigating claims
7 at issue here. The hourly rate of \$900 for myself and Mr. Khoury and \$500 for Ms. De La Rosa are
8 fair and reasonable has been approved by courts in connection with other class action settlements.

9 29. The fee request is in line with awards in similar cases in California and nationwide,
10 consistent with market rates, and is reasonable. Since 2018, Cohelan Khoury & Singer has been
11 awarded one-third of a common fund, in many class and representative action settlements, including:

12 a) *McGrath v. Wyndham*, USDC Southern District of California, Case No. 15-CV-1631
13 JM (Hon. Jeffrey T. Miller fees of 33-1/3% of \$7,250,000 in pre-certification wage and hour class
action).

14 b) *Arellano v. Container Connection*, Los Angeles County Superior Court, Case No.
15 BC500675 (Hon. Ann I. Jones – approving attorneys' fees of 33-1/3% of \$1,625,000 in a certified
wage and hour class action).

16 c) *Nijmeh v. Bon Appetit*, Santa Clara County Superior Court, Case No. 16CV294127
17 (Hon. Thomas E. Kuhnle – approving attorneys' fees of 33-1/3% of \$1,350,000 in a pre-certification
wage and hour class action).

18 d) *Vaquero v. Stoneledge*, Los Angeles County Superior Court, Case No. BC522676
19 (Hon. Elihu M. Berle –attorneys' fees of 33-1/3% of \$3,900,000 in certified wage and hour class
action).

20 e) *Gutierrez v. Save Mart Supermarkets*, San Mateo County Superior Court, Case No
21 CIV530955 (Hon. Marie S. Weiner – approving attorneys' fees of 33-1/3% of \$5,000,000 in a certified
wage and hour class action);

22 f) *Hernandez v. Workforce Enterprises WFE, Inc.*, Los Angeles County Superior Court,
23 Case No. BC590913 (Hon. Elihu M. Berle – approving attorneys' fees of 33-1/3% of \$778,000 in a
pre-certification wage and hour class action).

24 g) *Ramos v. Home Depot U.S.A., Inc.*, Alameda County Superior Court, Case No.
25 RG15797737 (Hon. Ioana Petrou – approving attorneys' fees of 33-1/3% of \$2,600,000 in a PAGA
action).

26 h) *Klein v. Loomis*, San Bernardino Superior Court, Case No. CIVDS1704547 (Hon.
David Cohn –attorneys' fees of 33-1/3% of \$1,014,000, pre-certification wage and hour class action).

27 i) *Gutierrez v. Southern Counties Oil*, San Diego County Superior Court, Case No. 2017-
28 00040850 (Hon. Ronald F. Frazier – approving attorneys' fees of 33-1/3% of \$1,912,500 in a pre-
certification wage and hour class action).

1 j) *Lawson v. Staples*, Los Angeles County Superior Court, Case No. BC542237 (Hon.
2 Kenneth R. Freeman – approving attorneys’ fees of 33-1/3% of \$175,000 in a pre-certification wage
and hour class action).

3 k) *Hanson v. Leisure Sports, Inc.*, Contra Costa County Superior Court, Case No. MSC17-
4 00078 (Hon. Edward G. Weil – approving attorneys’ fees of 33-1/3% of \$600,000 in a pre-certification
wage and hour class action).

5 l) *Horton v. Neostrata Company Inc., et al.*, USDC Southern District of California, Case
6 No. 16-CV-2189 JLB (Hon. Anthony J. Battaglia – approving attorneys’ fees of 33-1/3% of \$355,000
in a pre-certification wage and hour class action).

7 m) *Schaffer v. Rady Children’s Hosptial – San Diego, et al.*, San Diego County Superior
8 Court, Case No. 2015-00022978 (Hon. Joel R. Wohlfeil – approving attorneys’ fees of 33-1/3% of
\$12,500,000 in a certified wage and hour class action).

9 n) *Hubbard v. Caliber Home Loans, Inc.*, Orange County Superior Court, Case No. 2018-
10 01017838 (Hon. Glenda Sanders – approving attorneys’ fees of 33-1/3% of \$175,000 settlement in a
PAGA action).

11 o) *Redin v. Accountabilities Professional Group, Et al.*, Orange County Superior Court,
12 Case No. 2017-00929734 (Hon. Glenda Sanders –attorneys’ fees of 33-1/3% of \$255,000 settlement
in Class action).

13 p) *White v. Sacramento Regional Transit District*, Sacramento County Superior Court,
14 Case No. 234-2018-00240461 (Hon. David D. Alba –attorneys’ fees of 33-1/3% of \$385,000
settlement in Class action).

15 q) *Burris v. Resort Vacations, Inc.*, Orange County Superior Court, Case No. 30-2018-
16 00997260 (Hon. Randall J. Sherman –attorneys’ fees of 33-1/3% of \$1,485,000 settlement in Class
action).

17 r) *Jimenez v. Reyes Holdings, LLC, et al.*, San Diego County Superior Court, Case No.
18 37-2019-00051577 (Hon. Joel R. Wohfeil –attorneys’ fees of 33-1/3% of \$650,000 settlement in Class
and Representative action).

19 s) *Santos, et al. v. National General Management Corp.*, San Bernardino County Superior
20 Court, Case No. CIVDS 1918865 (Hon. David Cohn –attorneys’ fees of 33-1/3% of \$680,000
settlement in PAGA action).

21 t) *Loreto v. General Dynamics Information Technology, Inc.*, USDC Southern District of
22 California, Case No. 3:19-cv-01366-GPC-MSB (Hon. Gonzalo P. Curiel –attorneys’ fees of 33-1/3%
of \$900,000 settlement in a pre-certification wage and hour class action).

23 u) *Romanov v. Amazon Services LLC.*, USDC Central District of California, Case No.
24 2:20-cv-02692-SB-KS (Hon. Stanley Blumenfeld, Jr. – approving attorneys’ fees of 33-1/3% of
\$700,000 settlement in a pre-certification wage and hour class action).

25 v) *Olson v. Wrike, Inc.*, Santa Clara County Superior Court, Case No. 20CV366599 (Hon.
26 Patricia M. Lucas – approving attorneys’ fees of 33-1/3% of \$2,000,000 settlement in a pre-
certification wage and hour class action).

27 w) *Gutierrez v. Kite Electric Incorporated*, Orange County Superior Court, Case No. 30-
28 2020-01133960 (Hon. Peter J. Wilson – approving attorneys’ fees of 33-1/3% of \$458,991 settlement
in a pre-certification wage and hour class action).

1 x) *Ramos Gonzalez v. Staff Pro, LLC, et al.*, San Diego County Superior Court, Case No.
2 37-2019-00044561 (Hon. Joel R. Wohfeil –attorneys’ fees of 33-1/3% of \$1,500,000 settlement in
Class and Representative action).

3 y) *Gutierrez v. Kite Electric Incorporated*, Orange County Superior Court, Case No. 30-
4 2020-01133960 (Hon. Peter J. Wilson – approving attorneys’ fees of 33-1/3% of \$458,991 settlement
in a pre-certification wage and hour class action).

5 z) *Dolan v. Abacus Data Systems, Inc.*, San Diego County Superior Court, Case No. 37-
6 2019-00051447 (Hon. Katherine Bacal –attorneys’ fees of 33-1/3% of \$600,000 settlement in Class
and Representative action).

7 aa) *Lopez, et al. v. Pacific Gas and Electric Company.*, San Francisco County Superior
8 Court, Case No. CGC-17-562970 (Hon. Richard B. Ulmer, Jr. –attorneys’ fees of 33-1/3% of \$350,000
settlement in Class and Representative action).

9 bb) *Popal v. Wells Fargo Bank, National Associate*, San Diego County Superior Court,
10 Case No. 37-2020-00038101 (Hon. Gregory W. Pollack –attorneys’ fees of 33-1/3% of \$3,000,000
11 settlement in Class and Representative action).

12 30. All of the work performed and to be performed by Class Counsel to secure the
13 Settlement was reasonable and necessary. This effort is reflected in the excellent result achieved for
14 the Class.

15 31. I anticipate that an additional 30 hours will be incurred to draft the Motion for Final
16 Approval, interact with the administrator regarding its declaration, resolve opt outs and disputed
17 claims, prepare for and attend the Final Approval Hearing, interact with defense counsel and the
18 administrator to approve settlement payment documents and mailing of settlement checks, respond to
19 Class Member inquiries, handle uncashed checks, etc.

20 32. I have reviewed the categories of time submitted and compiled areas with billings by
21 multiple attorneys and believe the hours set forth below by each attorney necessary towards the
22 prosecution and eventual settlement of this matter.

23 33. The request for reimbursement of costs is fair and reasonable. Class Counsel seeks
24 reimbursement of \$15,544.31 in litigation expenses. This is almost \$5,000.00 less than the cost
25 estimate that was preliminarily approved. These costs are all necessary to the litigation and are
26 approved in the Parties’ Settlement Agreement. As such, these requests should be approved. **Exhibit**
27 **3** is a true and correct copy of Cohelan Khoury & Singer’s Itemization of Costs.

28 ///

1 34. ILYM, Inc., the appointed Settlement Administrator, has capped its costs at \$10,000
2 for its work noticing the Class, and administering the Settlement. The Parties have no objection to this
3 payment, and no objections have been asserted by any Class member.

4 35. ILYM has, and will continue to, administer the Settlement following final approval
5 through the effective date of settlement by calculating Settlement Payments to all Participating Class
6 Members, printing and mailing settlement checks, reporting taxes, responding to inquiries, voiding
7 uncashed checks, and forwarding the sum represented by uncashed checks to the State Controller in
8 the names of Class Members.

9 36. ILYM has informed me that, to date, no objections or requests for exclusion have been
10 received. An updated declaration from an ILYM representative will be filed before the Final Approval
11 hearing with updated numbers on these issues.

12 37. On the same date this motion and exhibits are filed with the Court, they will be provided
13 to ILYM and the LWDA via its website. Attached as **Exhibit 4** is a true and correct copy of the LWDA
14 Confirmation of Receipt.

15 I declare under penalty of perjury under the laws of the State of California this declaration is
16 true and correct and signed January 20, 2023, in San Diego, California.

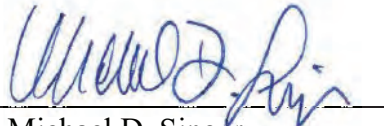
17
18 
19 Michael D. Singer

EXHIBIT 1

SUMMARY OF TIME AND COSTS
Tam v. Q Tech Corporation
L.A.S.C. Lead Case No. 21STCV18635
L.A.S.C. Related Case No. 21STCV19805

Total Attorneys' Hours: 110.6
Total Lodestar Fees: \$62,132.00
Total Costs: \$15,544.31

As of January 20, 2023

FIRM/ ATTORNEYS	YEAR ADMITTED	HOURS	HOURLY RATE	TOTAL
COHELAN KHOURY & SINGER				
Isam C. Khoury, Founding Partner	1974	18	\$900	\$ 16,200.00
Michael D. Singer, Managing Partner	1984	8.4	\$900	\$ 7,560.00
Kristina De La Rosa (Former Associate)	2011	46.7	\$500	\$ 23,350.00
Amber Worden, Certified Paralegal	N/A	6.4	\$200	\$ 1,280.00
Matthew Atlas, Paralegal	N/A	13.3	\$170	\$ 2,261.00
TOTAL:		92.8		\$ 50,651.00

FIRM / ATTORNEYS	YEAR ADMITTED	HOURS	HOURLY RATE	TOTAL
STONEBROOK LAW				
Joseph Tojarieh	2009	17.8	\$645	\$ 11,481.00
TOTAL:		17.8		\$ 11,481.00

Total Aggregate Hours: 110.6	Total Lodestar: \$62,132.00
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LITIGATION EXPENSES	
Cohelan Khoury & Singer	\$ 15,152.81
Stonebrook Law	\$ 391.50
TOTAL COSTS	\$ 15,544.31

EXHIBIT 2

LAFFEY MATRIX

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			Years Out of Law School *				
Year	Adjustmt Factor**	Paralegal/ Law Clerk	1-3	4-7	8-10	11-19	20 +
6/01/22- 5/31/23	1.085091	\$225	\$413	\$508	\$733	\$829	\$997
6/01/21- 5/31/22	1.006053	\$208	\$381	\$468	\$676	\$764	\$919
6/01/20- 5/31/21	1.015894	\$206	\$378	\$465	\$672	\$759	\$914
6/01/19- 5/31/20	1.0049	\$203	\$372	\$458	\$661	\$747	\$899
6/01/18- 5/31/19	1.0350	\$202	\$371	\$455	\$658	\$742	\$894
6/01/17- 5/31/18	1.0463	\$196	\$359	\$440	\$636	\$717	\$864
6/01/16- 5/31/17	1.0369	\$187	\$343	\$421	\$608	\$685	\$826
6/01/15- 5/31/16	1.0089	\$180	\$331	\$406	\$586	\$661	\$796
6/01/14- 5/31/15	1.0235	\$179	\$328	\$402	\$581	\$655	\$789
6/01/13- 5/31/14	1.0244	\$175	\$320	\$393	\$567	\$640	\$771
6/01/12- 5/31/13	1.0258	\$170	\$312	\$383	\$554	\$625	\$753
6/01/11- 5/31/12	1.0352	\$166	\$305	\$374	\$540	\$609	\$734
6/01/10- 5/31/11	1.0337	\$161	\$294	\$361	\$522	\$589	\$709
6/01/09- 5/31/10	1.0220	\$155	\$285	\$349	\$505	\$569	\$686
6/01/08- 5/31/09	1.0399	\$152	\$279	\$342	\$494	\$557	\$671
6/01/07-5/31/08	1.0516	\$146	\$268	\$329	\$475	\$536	\$645
6/01/06-5/31/07	1.0256	\$139	\$255	\$313	\$452	\$509	\$614
6/1/05-5/31/06	1.0427	\$136	\$249	\$305	\$441	\$497	\$598
6/1/04-5/31/05	1.0455	\$130	\$239	\$293	\$423	\$476	\$574
6/1/03-6/1/04	1.0507	\$124	\$228	\$280	\$405	\$456	\$549
6/1/02-5/31/03	1.0727	\$118	\$217	\$267	\$385	\$434	\$522
6/1/01-5/31/02	1.0407	\$110	\$203	\$249	\$359	\$404	\$487
6/1/00-5/31/01	1.0529	\$106	\$195	\$239	\$345	\$388	\$468
6/1/99-5/31/00	1.0491	\$101	\$185	\$227	\$328	\$369	\$444
6/1/98-5/31/99	1.0439	\$96	\$176	\$216	\$312	\$352	\$424
6/1/97-5/31/98	1.0419	\$92	\$169	\$207	\$299	\$337	\$406
6/1/96-5/31/97	1.0396	\$88	\$162	\$198	\$287	\$323	\$389
6/1/95-5/31/96	1.032	\$85	\$155	\$191	\$276	\$311	\$375
6/1/94-5/31/95	1.0237	\$82	\$151	\$185	\$267	\$301	\$363

The methodology of calculation and benchmarking for this Updated Laffey Matrix has been approved in a number of cases. See, e.g., *DL v. District of Columbia*, 267 F.Supp.3d 55, 69 (D.D.C. 2017)

* $\frac{1}{2}$ Years Out of Law School $\frac{1}{2}$ is calculated from June 1 of each year, when most law students graduate. $\frac{1}{2}$ 1-3" includes an attorney in his 1st, 2nd and 3rd years of practice, measured from date of graduation (June 1). $\frac{1}{2}$ 4-7" applies to attorneys in their 4th, 5th, 6th and 7th years of practice. An attorney who graduated in May 1996 would be in tier $\frac{1}{2}$ 1-3" from June 1, 1996 until May 31, 1999, would move into tier $\frac{1}{2}$ 4-7" on June 1, 1999, and tier $\frac{1}{2}$ 8-10" on June 1, 2003.

** The Adjustment Factor refers to the nation-wide Legal Services Component of the Consumer Price Index produced by the Bureau of Labor Statistics of the United States Department of Labor.

EXHIBIT 3

COHELAN KHOURY SINGER**Litigation Costs****Tam v. Q Tech Corporation****L.A.S.C. Lead Case No. 21STCV18635****L.A.S.C. Related Case No. 21STCV19805**

<u>Date</u>	<u>Payee</u>	<u>Details</u>	<u>Amount</u>
5/17/2021	Express Network	Summons; Complaint; Addendum	\$1,615.50
5/25/2021	Steven J. Rotman, PC	Mediation Fee 12/13/21	\$9,000.00
5/27/2021	Express Network	Notice of Related Cases	\$35.00
6/29/2021	Express Network	Proof of Service	\$35.00
7/15/2021	Express Network	Courtesy Copy	\$45.00
7/24/2021	LA Court Connect	KDLR 7/19/21 (SC)	\$15.00
7/28/2021	Express Network	Notice of Continuance	\$90.00
1/11/2021	Berger Consulting	Statistician	\$2,100.00
1/7/2022	One Legal	Stipulation	\$16.68
1/7//22	One Legal	Stipulation and Order	\$12.35
1/13/2022	LASC	Document Download	\$2.00
1/13/2022	One Legal	Notice	\$16.68
3/28/2022	One Legal	Stipulation and Order	\$37.78
3/29/2022	One Legal	Stipulation and Order	\$42.21
3/30/2022	One Legal	Notice; Proof of Service	\$17.19
4/7/2022	One Legal	Notice	\$17.19
4/12/2022	One Legal	Stipulation and Order	\$12.87
4/13/2022	One Legal	Stipulation and Order	\$37.78
5/10/2022	LASC	Document Download	\$6.20
6/3/2022	One Legal	Stipulation	\$12.87
6/6/2022	One Legal	Stipulation and Order	\$37.78
6/10/2022	LASC	Document Download	\$4.00
6/13/2022	One Legal	Notice	\$17.19
6/22/2022	One Legal	Motion; Declaration	\$12.87
6/22/2022	One Legal	Stipulation and Order; Dec.	\$37.78
6/22/2022	One Legal	Stipulation and Order; Dec.	\$55.59
6/22/2022	One Legal	Motion for Prelim. Approval	\$80.82
6/22/2022	One Legal	Moiton; Declaration	\$78.96
7/19/2022	One Legal	Amended Complaint; Dec.	\$54.31
7/19/2022	One Legal	Notice	\$56.37
7/19/2022	One Legal	Notice; Declaration	\$17.19
7/20/2022	One Legal	Notice	\$17.19
7/20/2022	One Legal	Amended Complaint; Dec.	\$17.19
8/9/2022	Case Anywhere	5/10/22-7/31/22	\$223.50
8/10/2022	One Legal	Notice; Proof of Service	\$17.19
8/17/2022	One Legal	Notice	\$17.19
9/1/2022	One Legal	Supplemental Brief	\$74.90
9/1/2022	One Legal	Brief; Declaration; Order	\$17.19
10/4/2022	One Legal	Notice; Proof of Service	\$17.19

COHELAN KHOURY SINGER

Litigation Costs

Tam v. Q Tech Corporation

L.A.S.C. Lead Case No. 21STCV18635

L.A.S.C. Related Case No. 21STCV19805

<u>Date</u>	<u>Payee</u>	<u>Details</u>	<u>Amount</u>
10/11/2022	One Legal	Notice	\$17.19
10/31/2022	One Legal	Supplemental Brief - Courtesy Copy	\$59.71
10/31/2022	One Legal	Brief; Declaration; Order	\$17.19
11/15/2022	Case Anywhere	8/1/22-10/31/22	\$219.00
11/18/2022	One Legal	Notice; Order; Proof of Service	\$17.19
11/18/2022	LASC	Document Download	\$2.00
11/18/2022	One Legal	Notice of Revised Class Action Sett.	\$52.25
	In House	Postage	\$6.26
	In House	Photocopies (230@.25)	\$57.50
<i>Est</i>	<i>One Legal</i>	<i>Final Approval Motion</i>	<i>\$80.82</i>
<i>Est</i>	<i>LASC</i>	<i>Document Download</i>	<i>\$2.00</i>
<i>Est</i>	<i>Case Anywhere</i>	<i>11/1-1/31/23</i>	<i>\$150.00</i>
<i>Est</i>	<i>Case Anywhere</i>	<i>2/1-4/30/23</i>	<i>\$150.00</i>
<i>Est</i>	<i>Case Anywhere</i>	<i>5/1-7/31/23</i>	<i>\$150.00</i>
<i>Est</i>	<i>Case Anywhere</i>	<i>8/1-10/31/22</i>	<i><u>\$150.00</u></i>
	Total:		\$15,152.81

EXHIBIT 4