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13 Attorneys for PLAINTIFFS and the CLASS

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 FOR THE COUNTY OF STANISLAUS

16 BRANDON HAWKINS and BRIAN
17 CANADY, individually and on behalf of all
18 others similarly situated,

19 Plaintiff,

20 vs.

21 ONTEL SECURITY SERVICES, INC., a
22 California corporation; and DOES 1 through 50,
23 inclusive,

24 Defendants.

Case No. CV-20-005404

Consolidated with Case No. CV-21-002299

**DECLARATION OF DENNIS S. HYUN
IN SUPPORT OF PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: April 11, 2025

Time: 8:30 a.m.

Dept.: 23

1 I, DENNIS S. HYUN, hereby declare and state as follows:

2 1. I have personal knowledge of the facts contained in this declaration, and if called as a
3 witness, could and would testify as to their accuracy.

4 2. I am an attorney admitted to practice in the State of California and I am a shareholder in
5 Hyun Legal, APC. I am one of the lawyers responsible for representing Plaintiffs Brandon Hawkins and
6 Brian Canady (collectively, "Plaintiffs") in the above-captioned matter.

7 3. I am one of the primary attorneys on this matter. My qualifications are as follows: I
8 received my JD from Loyola Law School in 2002. I was named to the Dean's Honor List from 2000-
9 2002. During law school, I was a Senior Research Editor for Loyola International & Comparative Law
10 Review. I was also a research assistant for Professor Levenson, an extern at the U.S. District Court for
11 the Honorable Audrey B. Collins, and a clerk at the U.S. Attorney's Office, Criminal Division. I also
12 served as a summer law clerk at the white-collar criminal defense firm, Lightfoot, Vandeveld, *et al.*,
13 which became part of Crowell & Moring LLP. Upon graduation from law school, I served as a research
14 attorney in the Los Angeles County Superior Court for the Hon. J. Stephen Czuleger, the Hon. Owen
15 Lee Kwong, the Hon. Laurie D. Zelon, and the Hon. Joanne B. O'Donnell. After my clerkship ended, I
16 practiced as a labor and employment associate for the next 8 years, including most recently as a senior
17 associate at Seyfarth Shaw LLP, as well as DLA Piper LLP (US), and Morgan, Lewis & Bockius LLP. I
18 am currently a shareholder in the law firm Hyun Legal, APC.

19 4. My primary practice has been employment law throughout my entire private career. I
20 have handled a number of wage and hour matters including class actions and individual actions, on
21 behalf of plaintiffs and defendants. I have a practice that encompasses cases in the Orange County
22 Superior Courts, the Los Angeles County Superior Courts, the San Diego County Superior Courts, the
23 United States District Courts for the Southern, Central, Northern and Eastern Districts of California, the
24 California Court of Appeal, and the Ninth Circuit.

25 5. I have served as Class Defense Counsel in a number of wage and hour class actions,
26 including but not limited to: *Bradley v. Networkers Int'l, LLC*, 211 Cal. App. 4th 1129 (2012); *Chiu v.*
27 *Citrix Systems, Inc.*, C.D. Cal. Case No. SACV11-01121 DOC (RNBx); *Hodge v. Aon Insurance*, Los
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1 Angeles Sup. Ct. Case No. BC 265725; *Hoyng v. Aon Insurance*, Los Angeles Sup. Ct. Case No. BC
2 377184; *Jimenez v. Allstate Ins. Co.*, C.D. Cal. Case No. CV10-08486 JAK (FFMx); *Marino v. BP West*
3 *Coast Products*, Los Angeles Sup. Ct. Case No. BC 357987; *McEntee v. Ryland Homes*, Los Angeles
4 Sup. Ct. Case No. BC 390868; *McKinstry v. Accenture*, C.D. Cal. Case No. SACV11-1335 DOC (ANx);
5 *Munoz v. Decron Properties*, Los Angeles Sup. Ct. Case No. BC387644; and *Rodriguez v. BP West*
6 *Coast Products*, Los Angeles Sup. Ct. Case No. BC 350736. As defense counsel, I have taken over 50
7 class member and individual/representative plaintiff depositions. I have drafted class certification and
8 decertification papers, including in *Bradley*, which was initially affirmed by the Court of Appeal, but
9 reversed pursuant to *Brinker v. Superior Court*, 53 Cal. 4th 1003 (2012).

10 6. Currently, I am and/or was lead plaintiff's counsel in the following wage and hour class
11 or representative actions: *Asad v. Chevron Stations, Inc.*, Los Angeles Sup. Ct. Case No. BC470198;
12 *Barrera v. Home Depot (USA), Inc.*, N.D. Cal. Case No.: C 12 5199 LHK (HRL); *Bararsani v. Coldwell*
13 *Banker*, Los Angeles Sup. Ct. Case No. BC495767; *Barreras v. Michaels Stores, Inc.*, N.D. Cal. Case
14 No. C12-04474 PJH; *Brown v. CVS Pharmacy, Inc.*, C.D. Cal. Case No. 2:15-cv-07631-PSG-PJW;
15 *Chatman v. RMI Int'l, Inc.*, Los Angeles Sup. Ct. Case No. BC 495755; *Chavez v. Converse, Inc.*, N.D.
16 Cal. Case No. 15-cv-03746-NC; *Dynabursky v. AlliedBarton, LLC, et al.*, C.D. Cal. Case No. 8:12-cv-
17 02210-JLS-RNB; *Gonzales v. Wells Fargo Bank, N.A.*, Los Angeles Sup. Ct. Case No. BC502826; *Lao*
18 *v. H&M Hennes & Mauritz*, N.D. Cal. Case No. 5:16-cv-333 EJD; *Lee v. The Pep Boys Manny Moe &*
19 *Jack of California*, Los Angeles Sup. Ct. Case No. BC 496075; *Magadia v. Wal-Mart Assocs.*, N.D. Cal.
20 Case No. 5:17-cv-00062-LHK; *Naranjo v. Bank of America, N.A.*, N.D. Cal. Case No. C 14-02748
21 LHK; *Ortegon-Ramirez v. Cedar Fair*, Santa Clara Sup. Ct. Case No. 1-13-CV-254098; *Pace v.*
22 *PetSmart, Inc.*, C.D. Cal. Case No. SACV13-500 DOC; *Rodriguez v. NIKE Retail Services, Inc.*, N.D.
23 Cal. Case No. 5:14-CV-1508 BLF; *Stafford v. Brink's, Incorporated*, Case No. CV 14-01352 MWF
24 (PLAx) and *Vass v. Gardner Trucking*, San Joaquin Sup. Ct. Case No. 39-2013-294819-CU-OE-STK.
25 Additionally, in *Chavez*, Case No. 15-cv-03746-NC, *Dynabursky* Case No. 8:12-cv-02210-JLS-RNB,
26 *Pace*, Case No. SACV13-500 DOC, *Rodriguez*, Case No. 5:14-CV-1508 BLF, *Stafford*, Case No. 14-
27 01352 MWF (PLAx), *Gonzales*, Los Angeles Sup. Ct. Case No. BC502826, and *Magadia*, Case No.

1 5:17-cv-00062-LHK, I was certified as class counsel pursuant to the plaintiff's motion for class
2 certification. Further, in *Stafford* and *Magadia*, we tried these certified class claims via bench trial and
3 prevailed. In *Magadia*, we obtained a \$102 million judgment for the class against Walmart, which was
4 reversed on appeal by the Ninth Circuit. Moreover, I have been approved as class counsel in connection
5 with numerous class settlements.

6 7. Since the filing of this case, Plaintiffs and Defendant Ontel Security Services, Inc.
7 ("Defendant") (Plaintiffs and Defendants collectively, the "Parties") conducted formal discovery,
8 including written discovery and document production. On January 13, 2021, Plaintiffs Hawkins and
9 Canady served their First Set of Requests for Production of Documents and Special Interrogatories. then
10 engaged in informal discovery and investigation, including the production of documents and class
11 payroll data, from which Plaintiffs' counsel conducted a damage analysis. Class counsel engaged in
12 numerous written and verbal communications with opposing counsel to obtain sufficient class data in
13 order to evaluate that class claims at issue. Plaintiffs' counsel also retained an economic expert to
14 review Defendant's financial condition as well. Thereafter, the Parties completed private mediation
15 with the Hon. Daniel Buckley (ret.), on August 21, 2023. However, notwithstanding a full day of
16 negotiations, the Parties could not settle. The Parties engaged in weeks of continued negotiations
17 through Judge Buckley, at the conclusion of which the Parties accepted Judge Buckley's proposal and
18 entered into this Settlement. Defendant represented that the class includes approximately 700
19 Settlement Class members.

20 8. Plaintiffs' counsel calculated maximum exposure as follows:

- 21 • Minimum Wages: \$287,399.83
- 22 • Overtime: \$431,099.75
- 23 • Meal Periods: \$1,149,599.32
- 24 • Rest Periods: \$1,149,599.32
- 25 • Business Expenses: \$193,405.00
- 26 • 203 Penalties: \$1,537,118.40
- 27 • 226 Penalties: \$1,759,650.00

- Total: \$6,507,871.62

Plaintiffs believe a 50% discount as to the minimum and overtime wage and meal and rest period claims should be applied, as Defendant maintains lawful compensation and meal and rest period policies. Thus, the actual realistic exposure for these claims is \$1,508,849.11. After reaching the settlement in principle, the California Supreme Court held that an employer's good faith belief of its affirmative defenses may preclude a finding of knowing and intentional conduct to support Section 226 penalties. *Naranjo v. Spectrum Security Serv.*, 15 Cal. 5th 1056 (2024). As such, Plaintiffs' counsel believe a 75% discount is warranted for these penalties, which results in a realistic exposure of \$824,192.10. Plaintiffs' counsel calculated total PAGA penalties at \$7,831,500.00. Again, PAGA penalties are also subject to defenses and reduction. Defendant would also argue for a reduction of any PAGA penalties, as the Court has the discretion to reduce PAGA penalties to ensure that they are not "unjust, arbitrary and oppressive, or confiscatory." *See* Lab. Code § 2699(e). Plaintiffs believe a 75% reduction in PAGA penalties is warranted for a realistic exposure of \$1,957,875.00. Thus, the \$750,000.00 Maximum Settlement Amount equates to about 17% of the realistic total exposure of \$4,290,916.21.

9. From the inception of the case, Plaintiff's counsel has zealously represented the interests of Plaintiff and the putative class. The settlement was obtained for the benefit of the class, as opposed to the individual Plaintiff. Based on my review of all the information, and based on my experience in wage and hour litigation, I believe this settlement to be fair, adequate, and reasonable. Although Plaintiff believes that a class can be certified, Plaintiff also believes in the fairness of the settlement that is based on factoring in the uncertainty and risks to Plaintiff involved in not prevailing on one or more of the causes of action or theories alleged in the operative First Amended Complaint, the possibility of non-certification and potential for appeals.

10. Neither Plaintiffs, nor Plaintiffs' counsel have any personal or financial relationship with Legal Aid at Work.

11. To date, I have incurred approximately 211.1 hours in connection with the litigation of this lawsuit. Attached as Exhibit A is a chart summarizing the amount of work I have incurred to date on

1 this matter.

2 12. In addition to the hours above, I also anticipate spending an additional 10 hours through
3 the completion of this case including conferring and reviewing e-mails and other written
4 communications with counsel for Defendant, the Settlement Administrator, and Class Members
5 regarding any post-final approval matters, including payments and related issues.

6 13. My current billing rate is at \$900.00 per hour. In cases approved in 2018 and 2019, the
7 Santa Clara County Superior Court approved my hourly rate of \$700 in *Huertas v. Chevron Stations*,
8 Santa Clara Super Ct. Case No. 17CV309996, and *Chavez v. Hugo Boss, Inc.*, Santa Clara Super. Ct
9 Case No. 18CV322644. In 2019, the Honorable David Cunningham of the Los Angeles County
10 Superior Court approved my hourly rate of \$700 in connection with awarding attorneys' fees after we
11 prevailed on the certified class action in *Stafford*, Case No. BC532260. Further, in 2017, the Honorable
12 Phillip Gutierrez in *Brown v. CVS* noted as follows when approving my hourly rate of \$650: "[t]he Court
13 finds that, given the type of work performed and the experience of counsel in this case, **Plaintiff's**
14 **attorneys performed in the upper quartile of similarly situated attorneys**, and so are entitled to fees
15 in the top range of that suggested by the Real Rate Report." *Brown v. CVS Pharmacy, Inc.*, No. CV15-
16 7631 PSG (PJWX), 2017 WL 3494297, at *8 (C.D. Cal. Apr. 24, 2017) (emphasis added). Since 2023,
17 courts have approved my hourly rate of \$850.00, including in *Nava v. Channing House*, Santa Clara
18 County Superior Court Case No. 22CV398619, and *Kerbow v. Phillips & Jordan*, San Bernardino
19 County Superior Court Case No. CIVSB2108970. On January 1, 2025, I increased my hourly rate to
20 \$900. As such, the total of my firm's attorney's fees through final approval is expected to be
21 \$198,990.00.00 (221.1 hours × \$900 per hour).

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1 14. I have incurred \$848.80 in costs, which consists of nine Vcourt appearance fees for a
2 total of \$398.80, and \$450 in expert fees paid to South Bay Tax Services to review Defendant's financial
3 documents and data regarding Defendant's financial condition.

4 I declare under penalty of perjury under the laws of the State of California that the foregoing is
5 true and correct.

6 Executed on March 10, 2025, at Los Angeles, California.

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Dennis S. Hyun

EXHIBIT “A”

Description of Task	Time
Review Hawkins PAGA notice	1.5
Draft retainer agreement for Hawkins	3.2
Review Hawkins client documents	2.9
Review Canady PAGA notice	2.4
Review Canady client documents	2.4
Research and draft complaint	6.7
Draft cmc statement	1.1
Appear at CMC	0.5
Draft requests for production	5.4
Draft special interrogatories	4.6
Review defendant's interrogatories	1.6
Draft Hawkins responses to form interrogatories	7.4
Draft Canady's responses to form interrogatories	5.8
Draft Hawkins' responses to requests for production	7.3
Draft Canady's responses to requests for production	6.8
Draft Hawkins' response to special interrogatories	7.5
Draft Canady's responses to special interrogatories	6.9
Review defendant's discovery responses and production	8.5
Draft meet and confer re discovery	5.9
Review defense counsel's meet and confer letter	3.2
Draft response to defense counsel's meet and confer	4.8
Draft Hawkins' supplemental responses to form rogs	3.9
Draft Canady's supplemental responses to form rogs	4.2
Draft Hawkins' supplemental responses to requests for production	4.5
Draft Canady's supplemental responses to requests for production	3.5
Draft Hawkins' supplemental responses to special interrogatories	5.6
Draft Canady's supplemental responses to special interrogatories	4.7
Draft Belaire west notice	3.5
Draft cmc statement	0.7
Attend cmc	1.1
Draft joint cmc statement	2.3
Attend cmc	1.2
Draft first amended complaint	3.5
Confer with co-plaintiff counsel	0.4
Draft joint prosecution agreement	2.4
Confer with expert Econone on mediation	0.5
Draft mediation brief	7.5
Attend mediation	8
Review damage analysis	2.4
Review defendant's documents and data production for mediation	7.5
Confer with mediator	0.5
Review and revise memorandum of understanding	1.6
Review and revise joint stipulation for settlement	7.5
Review and revise class notice	4.9
Draft motion for preliminary approval	8.5
Draft declaration in support of preliminary	5.4

Draft client declarations in support of preliminary	3.5
Review and revise class administrator declaration	1.4
Review and revise motion for final approval	4.9
Draft declaration in support of final	3.5
Draft client declarations in support of final	2.9
Communicate with administrator on class notices	1.2
Review weekly reports	1.5
Total	
	211.1